

WILSONVILLE CITY HALL DEVELOPMENT REVIEW BOARD PANEL A

MONDAY, JUNE 9, 2014 - 6:30 P.M.

I. Call To Order:

II. Chairman's Remarks:

III. Roll Call:

Mary Fierros Bower Lenka Keith Simon Springall Ken Ruud
Kristin Akervall
Council Liaison Julie Fitzgerald

IV. Citizen's Input:

V. City Council Liaison's Report:

VI. Consent Agenda:

A. Approval of minutes of May 12, 2014 DRB Panel A meeting

Documents: May 12 2014 Minutes.pdf

B. Resolution No. 280

Charbonneau Village Center Condominium Replat: SFA Design Group, LLC for Charbonneau Village Center Condominium - owner/applicant. The applicant is requesting approval of a Tentative Condominium Replat for Charbonneau Village Center Condominium. The site is includes Tax Lots 8000-80009, 8000B and 8000C, and 8010A-8010F in Section 24CD, T3S-R1W, Clackamas County, Oregon. Staff: Michael Wheeler

Case Files: DB13-0058 - Tentative Condominium Re-Plat

Documents: Staff Report.pdf, Exhibit B1.pdf, Exhibit B2.pdf

VII. Public Hearing:

A. Resolution No. 281

Artistic Auto Body Building Expansion: SFA Design Group, LLC- applicant for Terry Mostul - owner. The applicant is requesting approval of an amendment to a Stage I Preliminary Plan, Stage II Final Plan, Waiver to reduce building setbacks and Site Design Review for approximately 4,995 square foot building expansion to the Artistic Auto Body building, including related site improvements. The site is located at 27975 SW Parkway Avenue on Tax Lots 701, 702 and 703 of Section 11, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds

Case Files: DB14-0017 - Revised Stage I Preliminary Plan

DB14-0018 - Stage II Final Plan

DB14-0019 - Setback Waiver DB14-0020 - Site Design Review

Documents: Staff Report.Exhibits.pdf, Exhibit B1.pdf, Exhibit B2.pdf

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B. Resolution No. 282

Chrylser, Dodge, Jeep and Ram Dealership: Findlay Automotive Group - applicant. The applicant is requesting approval of a Modified Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan and Master Sign Plan Revision for a Chrysler Dodge Jeep Ram Dealership within an existing building including related site improvements. The site is located at 25600 SW Parkway Center Drive on Tax Lots 1507 and 1508 of Section 1, T3S, R1W, Washington County, Oregon. Staff: Blaise Edmonds

Case Files: DB14-0036 - Revised Stage I Preliminary Plan

DB14-0037 - Stage II Final Plan DB14-0038 - Site Design Review DB14-0039 - Master Sign Plan Revision DB14-0040 - Type C Tree Plan

Documents: Chrysler SR.Exhibits.pdf, Exhibit B1.pdf, Exhibit B2.pdf, Exhibit B3.pdf

C. Resolution No. 283

Building W3 at I-5 Corporate Park: VLMK Consulting Engineers - representative for Jack Martin, Martin Real Estate Development - owner/applicant. The applicant is requesting approval of a Revised Stage I Preliminary Plan, Stage II Final Plan, Waiver and Site Design Review for development of a 2-story 34,500 square foot industrial manufacturing/office building. The subject property is located on Tax Lot 1200 of Section 11D, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB14-0041 - Revised Stage I Preliminary Plan

DB14-0042 - Stage II Final Plan

DB14-0044 - Waiver

DB14-0043 - Site Design Review

Documents: W3 SR.Exhibits.pdf, Additional B Exhibits.pdf

VIII. Board Member Communications:

A. Results of the May 29, 2014 DRB Panel B meeting

Documents: DRB-B May 29 2014 Results.pdf

IX. Staff Communications

X. Adjournment

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting.

- Qualified sign language interpreters for persons with speech or hearing impairments.
- Qualified bilingual interpreters.
- To obtain such services, please call the Planning Assistant at 503 682-4960

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 9, 2014 6:30 PM

VI. Consent Agenda:

A. Approval of minutes from May 12, 2014 DRB Panel A meeting

Wilsonville City Hall 29799 SW Town Center Loop East Wilsonville, Oregon

Development Review Board – Panel A Minutes–May 12, 2014 6:30 PM

I. Call to Order

Chair Mary Fierros Bower called the meeting to order at 6:30 p.m.

II. Chair's Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Mary Fierros Bower, Lenka Keith and Kristin Akervall. Ken Ruud, Simon

Springall and Councilor Liaison Julie Fitzgerald were absent.

Staff present: Blaise Edmonds, Chris Neamtzu, Barbara Jacobson, Steve Adams, and Daniel Pauly

VI. Citizens' Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. City Council Liaison Report No liaison report was given due to Councilor Fitzgerald's absence.

VI. Consent Agenda:

A. Approval of minutes of April 14, 2014 DRB Panel A meeting

Lenka Keith moved to approve the April 14, 2014 DRB Panel A meeting minutes as presented. Kristin Akervall seconded the motion, which passed unanimously.

VII. Public Hearing:

A. Resolution No. 277. Calais at Villebois (PDP-3 North): Stacy Connery, AICP, Pacific Community Design, Inc. – representative for Fred Gast, Polygon NW Companyapplicant. The applicant is requesting approval of an Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Village (V), an Amendment to SAP North, a Preliminary Development Plan for SAP-North PDP-3, Tentative Subdivision Plat, Type C Tree Plan, Final Development Plan for linear greens and parks and SRIR review for an 84-lot single family subdivision in Villebois and associated improvements. The subject site is located on Tax Lots 1200, 1202, 1205 and 2995 of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB14-0009 – Annexation

DB14-0010 – Zone Map Amendment to Village (V)

DB14-0011 – PDP 3North - Preliminary Development Plan

DB14-0013 – SAP Amendment

DB14-0014 – Tentative Subdivision Plat

DB14-0015 – Final Development Plan for linear greens and parks

DB14-0016 – Type C Tree Plan SI14-0003 – SRIR Review

The DRB action on the Annexation and Zone Map Amendment is a recommendation to

the City Council.

Chair Fierros Bower called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit.

Kristin Akervall stated that she lives in Villebois but would participate in the hearing.

No board member participation was challenged by any member of the audience.

Daniel Pauly, Associate Planner, announced that the criteria applicable to the application were stated on pages 2 and 3 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Pauly presented the Staff report via PowerPoint, reviewing the project location and the proposed applications with these key comments:

- Annexation. The shaded area on Slide 5 was proposed for annexation into the city. The area was
 within the Urban Growth Boundary (UGB) and already had a Comprehensive Plan designation
 similar to the rest of Villebois. The City had obtained signatures of all property owners and electors
 within the area necessary for the annexation, which allowed for a quasi-judicial process through the
 City without an election, as defined in the Development Code.
- The Zone Map Amendment. The area had a Comprehensive Plan designation of Residential-Village, which was the Comprehensive Plan designation designed for Villebois with the only zoning option being the Village Zone.
- Specific Area Plan (SAP) North Amendment. The proposal involved more than just Phase 3 North, but extended into changes involving SAP-North as well. He briefly reviewed the approval history of SAP-North, noting that in the initial 2007 approval of SAP-North, much was uncertain about what the remainder of the SAP would be, specifically, with regard to the property purchased to serve as a school site. To enable development of Phase 1, the 2007 approval divided the SAP into two areas with Area 1 being Phase 1, and the remainder being Area 2. All the SAP elements were approved for Area 1, but only certain elements were clearly approved for the entire SAP including the Pattern Book and Community Elements Book. (Slide 11)
 - During the application for Phase 2 North (DB13-0022) last year, no rationale was found as to why all SAP elements were not approved for Phase 2 North, as it was not affected by any uncertainties surrounding the school. For the purpose of that 2007 approval, the area highlighted in yellow on Slide 12 was considered Area 1B, meaning all SAP elements were adopted leaving all other planning and details outside of the city to a future application, which was now being considered. In addition to addressing Phase 3 North tonight, the goal was to remove uncertainty in the record about the approval status of some of the other components across the entire SAP.
 - The Applicant had the option to purchase the subject properties contiguous to the western portion of Phase 2 North, which were labeled Phase 3 North in the Applicant's proposal, and all the SAP elements were being requested for adoption for Phase 3 as well. The Applicant and City agreed to a broader SAP amendment to address any uncertainties that still existed for future phases. The amendment only involved formalizing the adoption of SAP elements, rather than changes to any land use decision, realizing that when these properties were brought forward for development in the future, a SAP refinement or amendment would be needed to address the last pieces; for example, no site access currently existed to perform a tree inventory or historic resource study.
 - A small triangular area on Slide 13 was shown as a future phase because Staff had been unable to identify the property owner to secure necessary consents and permissions to allow

- for its inclusion in the annexation. As explained in Exhibit C6 by Steve Adams, the Development Agreement, which would be adopted by Council in the draft, proposed that the City would pursue this property for required improvements to Grahams Ferry Rd. No homes were proposed for this area of the Master Plan, so the improvements would include fencing, roads and sidewalks as nothing else was expected under the current zoning.
- As allowed by the Development Code, the SAP Amendment request also included a number of Master Plan refinements or changes, all of which met the threshold requirements described in the Development Code.
 - Street network refinements included removing the previously planned connection of SW Palermo St to Grahams Ferry Rd in order to retain a wetland. Instead, SW Oslo St to the north would be the connection to Grahams Ferry Rd. The internal streets were also realigned due to the layout of residential lots planned by the developer.
 - Parks and open space refinements included the addition of a pocket park on the northeast corner of the site, park amenities in Open Space 2 along the south side of the property, open space at the southwest portion of the property related to the preserved wetland, and a number of other small linear greens throughout the development.
 - Utilities and stormwater refinements included realigning the utilities to match the proposed street network, as well as stormwater facilities based on site conditions and more detailed engineering work.
 - Land use and density refinements involved increasing the number of Large lots, adding Medium lots, and decreasing the number of Standard and Small lots, resulting in an overall reduction of 17 units from the calculations of the blocks based on the densities in the Master Plan. The placement pattern had Larger or Standard lots along the edges with a mix of housing types in the interior, resulting in denser product as one moved towards the center away from the intersection of Grahams Ferry Rd and Tooze Rd, which was consistent with other areas of Villebois and shown in the Master Plan.
- Preliminary Development Plan (PDP). Within the refinement to the Master Plan, a total of 84 units
 were proposed, including 23 Large, 3 Standard, 26 Medium and 32 Small lots. About two acres of the
 site were comprised of parks and open space, in addition to the large forest preserve to the south that
 would provide trail connections from the development. He noted that two regional parks were also
 located just to the south and east.
 - He displayed a number of preliminary front elevations proposed on the different lots.
 - With regard to traffic and circulation, required improvements for Tooze Rd and Grahams Ferry Rd were planned within the timeframe allowed by the Development Code. The Applicant was working with the City to determine cost sharing and other details.
 - In terms of circulation, providing internal road connections to the south prior to or concurrently with the development was required and involved Palermo St to the west and Ravenna Loop to the southeast. If Ravenna Loop was built as previously approved in Phase 2 North, a gap would still exist, so as part of the Development Agreement, the proposed off-site street improvements on property currently owned by the City planned to be sold for future development to provide the needed road connections. Having the road connections already completed would add value to the adjacent property.
- The proposed Tentative Subdivision Plat was consistent with the proposed PDP with lot sizes consistent with the dimensions allowed in the Pattern Book. A Future Development Tract would be combined with land from a future phase to create a buildable lot.
- Type C Tree Plan. A total of 41 trees were inventoried, and the majority of trees being retained on site were located on the one-acre Taber property. A number of trees not inventoried were being preserved in the wooded wetland located at the southwest corner of the development area. Overall, seven trees were being retained. A vast majority of the trees were being removed due to their condition rather than construction.

- Only one sentinel Oregon White Oak had existed on site and was planned to be within the pocket park, but it had since failed and would be removed. The Applicant was required to plant a specimen shade tree in its place to become a focal point at that corner.
- He identified the trees proposed for retention and removal, noting the persevered trees which
 included Douglas fir, Ponderosa Pine, Western Red Cedar and Ginkgo trees. His key additional
 comments included:
 - A condition required the sidewalk to meander around the three trees being retained along a future portion of SW Tooze Rd in front of the Taber property.
- One notable tree designated for retention was a 25-inch Douglas Fir rated as Excellent that was located in the middle of a block. Given the tree's location and because the tree would be a focal point of the subdivision, a tree maintenance easement was required so the homeowners association (HOA) could access the tree to care and maintain it for the neighborhood.
 - A number of trees were likely to be removed and final decisions would be made as construction
 occurred. Staff encouraged that many of the trees located on the east side of the Taber's property
 be retained unless no other option existed. In addition, Staff strongly encouraged trees that one of
 the two trees near the current Tabor home be retained. Due to the potential of a home being
 placed on the lot, both trees could not be retained.
 - A notable tree proposed for removal was a 61-inch diameter Giant Sequoia tree in Excellent condition that sat in the middle of a street that could not be sufficiently realigned to avoid the tree without significantly changing the layout of the subdivision. Staff had reviewed the Applicant's ideas and did not see a clear design alternative to removing the tree without vastly changing the design of what would otherwise be a practical design for the subdivision.
- Final Development Plan for Parks and Open Space. In addition to the preserved wooded wetland, the pocket park located at the northwest corner of the site would be a nice open space providing a view of the intersection, a play area and the large shade tree. When Phase 2 North was approved as part of the Final Development Plan, the design of the park amenities at the northern edge of the forested area was delayed until the current phase, so all the amenities could be coordinated with this phase. The impacts to the Significant Resource Overlay Zone (SROZ) were expected, given the inclusion of nature play, a bench and some amenities leading into the forested area.
- The Significant Resource Impact Report (SRIR) Review identified the resources that would be impacted and the Applicant was providing the required mitigation so no issues existed.
- He corrected the Location section on Page 1 of the Staff report by adding Tax Lot 2995, which was identified on the Public Hearing Notice but had been excluded on the Staff report.

Ms. Akervall confirmed Phase 2 North was proposed with the same conditions and expectations as Phase 1 North, and that Phase 3 North would also have the same conditions and expectations as those prior phases because all the phases would use the same Pattern Book and Community Elements Book with approval. She asked about the entrance from Grahams Ferry Rd onto Oslo St.

Mr. Pauly replied the Oslo St entrance would have the same treatment as other similar entrances, such as Surrey St and Grenoble St further south and would follow the Master Signage and Wayfinding Plan as far as the fencing and signage at the entrance.

Ms. Akervall asked about the fence around the pocket park area, for example.

Mr. Pauly replied the fence material would follow the Pattern Book. Staff encouraged that it match the fencing currently along Grahams Ferry Rd, which provided a limited view with half brick along the bottom and half iron looking material.

Chair Fierros Bower asked if garages entrances to the residences were from the rear of the lot.

Mr. Pauly explained the garage entrances on the Medium and Small lots had alley-loaded access and the Standard and Large lots were front-loaded products. He noted Exhibit B6 was the revised Street Tree Plan, adding the Applicant was asked to ensure the street trees were placed in a manner that allowed for the curb cuts for the front-loaded products.

Chair Fierros Bower called for the Applicant's testimony.

Alaina Robertson, Polygon Northwest, 109 E 13th St, Vancouver, WA, 98660, thanked Staff for the thorough presentation and the DRB for hearing the Applicant's testimony tonight. She displayed a comparison of the Villebois Master Plan to the proposal and provided the following key comments:

- Polygon was fortunate to be part of such a wonderful community and had been able to build its
 product mix in Villebois, beginning with some of its smaller product in 2011. This particular plat
 gave the Applicant an opportunity to provide the larger lots that the City, neighbors and residents of
 Villebois had been looking for as development expanded toward the outer boundaries of the Master
 Plan
- As mentioned, the Applicant did reduce the density in this area from what the original Master Plan showed for the SAP, which meant larger lots and homes and more pocket parks and open spaces, which were integral to the overall Villebois Village Master Plan as well. She noted the home elevations were available for review to see how they fell in line with the Pattern Book.
 - The Applicant would continue making improvements to some of the trails in the open space to the south approved as part of Phase 2 North, while also continuing the cleanup that had begun on the south side of the property with the Phase 2 North build out.
- She displayed the overall site plan showing a mix of the different plan types, which would be a mix of alley and front-loaded products. Similar to the Applicant's other products at Villebois, the development would consist of different floor plans. In the Small and Medium designation, a wider alley-loaded product would be built, resulting in an increase to the size of the homes.
 - The Applicant planned to keep the pocket park in the northwest corner to add more amenities to the area for Polygon's homeowners and the greater Villebois neighborhood. As recommended by Staff, the Applicant would pursue adding a large shade tree, which would be a bonus for their homeowners who appreciated such amenities. Falling in line with the preservation of other trees in the area made the decision an easy one.
- She briefly reviewed the conceptual elevations, noting the alley-loaded styles had rear garage access in keeping with the Pattern Book. The Medium elevations were newer floor plans for Polygon, which meant increased stone and brickwork, as seen in some the larger product in Villebois, as well as the ability to introduce some wider home plans. This would also be an alley-loaded, Medium product.
 - The front-loaded product consisted more of the traditional style, larger, wider homes. The Applicant was now able to introduce different elevation types than in previous proposals because their lots had been smaller previously.
- She added that many of the subject elevations were slightly reminiscent of the larger product on the Living Enrichment Center (LEC) property, as the Applicant planned to carry some of that product over to this project as well.

Ms. Akervall asked what the boundary would be like between the pocket park on the northwest corner and the two lots that bordered it.

Ms. Robertson answered a standard 6-ft cedar stained good neighbor fence would be used to provide privacy on the backyards for the homeowners. If other architectural requirements existed, the Applicant would be sure to comply to increase the viewpoint. She noted a pedestrian access ran through that portion of the pocket park, so in an effort to maintain privacy for the homeowners, the cedar stained fence would be installed unless Staff had any other recommendations.

Mr. Pauly recalled discussions about wrapping the fence along Grahams Ferry Rd and Tooze Rd if it was still within the view shed.

Jim Lange, Pacific Community Design, 12564 SW Main St, Tigard, OR 97223, clarified the Community Elements Book required a view fence around the perimeter, which was the half-height wall with wrought iron fence that currently existed. At either corner of the pocket park, the Applicant had planned to wrap the fence down the sideline of the lot to where the fences would normally end, and the same was planned for along Tooze Rd.

Mr. Pauly understood a shorter fence would be along the corner with the right turn pocket.

Mr. Lange responded the Applicant did not believe the entire park should be surrounded with a wrought iron fence, as that seemed contrary to the way the parks had been planned, but if that was required, then the Applicant would have to comply. He confirmed the plan was to wrap the fence around the edges of the homes and leave it open on the corner.

Ms. Robertson recalled the original Master Plan pulled the brick with the wrought iron all the way around the corner, but that was when a home existed on the corner. This was a unique situation where the Applicant was trying to accommodate the Master Plan with that design piece. Visibility through the parks was key to much of what was done in Villebois, so it was definitely something the Applicant was open to.

Mr. Lange did not believe any safety issue would exist because the open space tract with the trail was between the lots and the street. The trail was well separated from the road and the play facility was tucked in closer to the internal road rather than right on the corner of Grahams Ferry Rd. The Applicant did not believe the park needed to be fenced from Tooze Rd or Grahams Ferry Rd.

Ms. Akervall stated it seemed like the design would be aesthetically pleasing while also providing a nice opening to the neighborhood from the outside, but her concern regarded small children on the playground near a busy intersection. Living in a different part of Villebois, one thing she loved was being able to see the park from some of the rooms in her house, similar to many of the houses on this street. She inquired about the visibility of the park with it tucked into the corner and how that would feel.

Mr. Lange responded that park visibility was more constrained than typical due to the park's corner location. In an effort to enhance visibility, a bulb-out was included on the knuckle to increase the frontage. The original impetus for including the bulb-out was the tree, which fell down subsequent to submittal. The Applicant still believed the bulb-out was a good amenity and in the right place. The only way to gain more frontage for the park would be small lot sizes and the Applicant did not believe that was warranted.

Mr. Pauly suggested that if the Board wanted to make it clear in the record, a condition could be added specifying the type of fencing along those lots and where it would wrap around.

Chair Fierros Bower believed that as long as the Applicant was following the Master Plan and Pattern Book, the fencing was okay unless any concern existed about some deviation.

Ms. Akervall believed the fencing would look really nice when everything was said and done, but her primary concern was ensuring a safe boundary for the playground area. She asked if there was another chance for review or to consider the fencing once things were in motion.

Blaise Edmonds, Manager, Current Planning, noted in the Pattern Book included a fencing option for backyards that faced open space that was not solid wrought iron, but was instead aluminum square tubing with the appearance of iron and was not half brick/half iron.

Mr. Pauly clarified the Pattern Book called for an enhanced full view or partial view. He noted many corner parks were open to the street so safety still existed.

Mr. Edmonds added the enhanced full view option would provide visibility into the park from Tooze Rd.

Mr. Lange said he misspoke a bit and wanted to clarify what the application contained, so the DRB could determine if a change was needed. Sheet 7 of the Final Development Plan set indicated the enhanced partial view fence wrapping around the corner with a break where the sidewalk entered the park. Sheet 7 indicated the baseline of what the application requested. He believed emails shared back and forth with Staff indicated that perhaps the best fencing would be the SROZ fencing type, which was a full height wrought iron fence without brick on the bottom to maximize visibility.

Ms. Robertson added that the opening for the pedestrian bike access would wrap the whole length of the corner and contain the play structure while also maximizing visibility.

Ms. Akervall stated that made her feel more comfortable.

Ms. Robertson said there were many parks and a lot of cars driving around Villebois, and the Applicant did not want to jeopardize their homeowners' children either.

Ms. Akervall noted an email she sent to Mr. Pauly regarding improvements to the Tooze Rd/Grahams Ferry Rd intersection and asked if more specifics could be discussed, as well as any details regarding timeline.

Mr. Pauly invited Steve Adams to respond, noting he had been working on the development agreements the most.

Steve Adams, Engineering Development Manager, explained that Staff was working with Oregon Department of Transportation (ODOT) and federal funding to coordinate and gain approval for everything and the process was a bit slower than usual when state and federal agencies were involved. It appeared that the development at Villebois Calais would take place about six months to a year before the City's project, so the City's design team would work with the Applicant's company to ensure the overall look was similar and the street level elevations and locations matched. The Applicant's proposed improvements to Grahams Ferry Rd and the internal streets would likely be completed by late next summer and the City's proposed Tooze Rd improvements would probably be completed by the spring or summer of 2016.

- The proposed improvements included constructing a 3-lane width on Tooze Rd with a center turn lane or landscaped median, as well as sidewalks and a landscape strip on both sides. Staff tweaked the project slightly by adding a 2-ft bike buffer on Tooze Rd and Grahams Ferry Rd in an effort to make the area more bicycle-friendly. A bike buffers is a 2-ft painted stripe that separates bicyclists from cars and these would likely be the first bicycle buffers in the city.
- The Applicant was asked to add another right turn lane on northbound Grahams Ferry Rd, so there would be as Grahams Ferry Road approached Tooze Rd from the south. Instead of three lanes on Grahams Ferry Rd, there would be a single southbound lane and three northbound lanes: a left turn lane, a through lane and a right turn lane. Staff asked the Applicant to add the right turn lane to encourage the use of Grahams Ferry Rd from communities further south in Villebois, so drivers heading north would not be stuck at the red light. Concerns had been heard from many citizens about

- people cutting through Villebois to get to the other side, so the idea was that Grahams Ferry Rd to Tooze Rd would be a quicker route because it was 45 mph instead of 25 mph. The Applicant had worked with the City and agreed to add another right turn lane on northbound Grahams Ferry Rd.
- He confirmed the City would be building a signalized intersection with the Tooze Rd improvements. Both streets and the signalized intersection would be completed in the spring/summer of 2016. The current goal was that the signalized intersection would be part of that project.

Ms. Akervall asked if a crunch time was expected for the summer of 2015 through the spring of 2016 when there would be increased traffic, but the improvements would not yet be finished.

Mr. Adams replied traffic was increasing on a fairly regular basis because of the incredible amount of homes being built. Several hundred lots had been approved, and while not totally ready to be built on, those lots were ready to be developed whenever the Applicant was ready to move forward. Consequently, the speed of the subdivisions moving forward and houses actually being built and occupied would affect the traffic flow there.

Ms. Robertson added that completion of the street improvements in the development would actually precede construction; homeowners would not necessarily be moving in immediately following the street improvements. Although Polygon might complete the improvements in the summer of 2015, there would be a development timeframe with production that would push out the time when homeowners could actually move in.

Mr. Adams added the City preferred having the road constructed prior to homes being built on the north side because homeowners typically do not like construction occurring behind or around them, and building the road while homes were under construction or lots were empty would make the job much easier. He was unsure what homes the Applicant planned to build first, but noted they usually had a specific approach of building homes out block-by-block.

Ms. Robertson replied the approach would be contingent on the market and what the market allowed them to do. The Applicant was absolutely committed to working with the City to ensure that their production time flow aligned appropriately with what was best for the City, Polygon's homeowners and Villebois as a whole. A lot of development was taking place and many new homeowners were moving in, so there would be an influx of new traffic and the Applicant was trying to be cognizant of that as they continued working to finish the Master Plan everyone has been waiting for.

Mr. Adams noted traffic flow at Grahams Ferry Rd and Tooze Rd had reached a point where the City decided to install four stop signs. Currently, Tooze Rd was a through street and the intersection was becoming dangerous, so the four stop signs would probably be installed by the end of this week.

Ms. Akervall believed the stop signs might slow things down and help with safety concerns as she had seen cars in accidents at the Grahams Ferry Rd/Tooze Rd intersection. She noted last month the DRB discussed another Polygon development that would also access Grahams Ferry Rd in that area, adding that many people used 110th Ave to exit the neighborhood and changes would be made to that road as well. She inquired about the timing of the other development and how the timing all of it would come together.

Mr. Lange stated a big infrastructure push was on with a plan to tie into the Village Core and get the loop in place around it, get the parks system linked through as well as some important transportation connections that were missing today. Many of those final pieces would fall into place this year. The southbound leg of a roundabout on Boeckman Rd would eventually become Villebois Dr and be extended

to 110th Ave and another missing roundabout would be installed. This linkage would complete the linkage around the Village Core and provide another exit point out to Boeckman Rd.

• Another piece that would tie everything together better was the Applicant agreed to build the road on the school site located on the east side of the subject development. That road would connect south to another road that had already been built, providing a second access point and eventually, when the City's property went forward, the road would connect to Tooze Rd.

Ms. Akervall confirmed construction on those important but currently missing linkages was scheduled for this summer. She thanked the Applicant for the clarification and illustrating what the linkages would look like in the future.

Chair Fierros Bower called for public testimony in favor of, opposed and neutral to the applications.

Cyndi Satterlund Heider, 12041 SW Tooze Rd, Sherwood, OR 97140, said her home was located at the northwest corner of the intersection in question, noting that Ms. Akervall was able to get answers for some of her concerns. Safety was a huge concern as she had seen accidents at the intersection about twice a month and people often went through the fence. Having more traffic was very concerning and she believed the addition of stop signs, and eventually a traffic light, were good ideas as long as people stopped.

• She asked about street improvements, such as the bike lane, and whether they would end at the intersection or continue down Tooze Rd. She also asked what side of the road the 6-ft bike lane would be on, as she wanted to determine whether it would impact her property beyond the additional traffic.

Mr. Adams answered the bike lane was intended to end at or shortly after the intersection. Heading westbound, drivers would go through to Grahams Ferry Rd and the bike lane would phase out before reaching SW Westfall Rd. The same thing would happen northbound with the bike lane on Grahams Ferry Rd phasing out a few hundred feet north of Tooze Rd. The bike lane on Tooze Rd heading east would connect to the existing bike lanes built on Tooze Rd/Boeckman Rd, which would eventually allow for bike travel clear across town to Wilsonville Rd with the completion of Frog Pond. The plan was to have a bike lane on Boeckman Rd from Grahams Ferry Rd to Wilsonville Rd. Southbound, the bike lanes were hit and miss; he added it would have been nice if some had been included earlier in the Grahams Ferry Rd design. The City would install bike lanes from Tooze Rd down to the Barber St roundabout and bike lanes would also be added as part of the Grande Pointe development; however, there would be a short-term 1,500-ft gap in bike lane system between the Barber St roundabout and Grande Pointe.

- In terms of construction affecting Ms. Heider's property, the project was just entering the design phase, so the project was very preliminary. He added Ms. Heider had probably seen staking flags, which were part of the preliminary survey. Mike Ward, the City's civil engineer and the project lead, had more direct knowledge of what was going on and would be able to answer more of her questions. He noted Staff had just gotten the contract signed with OPEC in the last two weeks.
- He clarified that the traffic lanes would be 11-ft wide and became narrower going up. Further down, the lanes were 12 ft with a 6-ft bike lane. Staff decided to go with an 11-ft lane people were going too fast and national studies showed that the narrower the lane width the slower people tended to drive.

Ms. Heider confirmed the stop sign would remain at SW Westfall Rd where the three roads intersected. She asked which side of the road the additional lane would come from.

Mr. Adams replied the additional lane would be split on either side of the existing road. The Applicant was dedicating 17.5 feet of their parcel to the south and Staff already acquired the right-of-way from the neighbor directly to the east of Ms. Heider's property when the neighbor remodeled. If the southern portion of Ms. Heider's parcel had a standard 40-ft right-of-way, the City would need 17.5 ft of the south

edge of her property. He reiterated the City was months away from acquiring that or approaching her with an offer.

Dirk Anderson, 11797 SW Tooze Rd, Wilsonville, OR 97070, stated many of his questions were already answered. He strongly advised reconsidering the pocket park located at the intersection of Grahams Ferry Rd and Tooze Rd at the north side of the Calais development. Conservatively, there were at least two accidents per month at that intersection and it was not unusual for cars to go right into the corner where the oak tree was located. He noted that would probably be amended with the stoplight.

Chair Fierros Bower called for the Applicant's rebuttal.

Ms. Robertson stated the Applicant had no rebuttal, but appreciated the public comments and thanked the Board members for their time.

Chair Fierros Bower closed the public hearing at 7:40 pm.

Lenka Keith moved to amend the Staff report by adding Tax Lot 2995 to the Location section on Page 1. Kristin Akervall seconded the motion, which passed unanimously.

Lenka Keith moved to approve Resolution No 277. The motion was seconded by Kristin Akervall.

Ms. Akervall confirmed the fencing at the pocket park would be wrought iron. She asked if Staff would continue to work with the Applicant to ensure what was completed was a safe and good solution for the corner with regard to the boundaries.

Mr. Pauly answered yes, adding Staff would review the final plans consistent with the DRB approval and could require minor administrative changes because of the additional right turn lane that was discussed. The fencing would be per the Pattern Book, which designated either brick with wrought iron on top or just wrought iron.

Ms. Akervall said she had also seen cars go through the fence on the corner and believed wrought iron would be sturdier than a wood fence.

Mr. Edmonds clarified the wrought iron was not traditional iron, but was usually a tubing and much lighter. The fence was a faux wrought iron.

Mr. Pauly believed traffic would be a lot slower with the eventual build out.

Mr. Edmonds noted Mr. Adam's testimony that a four-way stop would be installed at the intersection very soon, which should help with run the through traffic that caused accidents and created problems for the neighbors.

Ms. Akervall said it was good that was happening now so everyone could get used to the four-way stop sign before construction began.

Mr. Edmonds added nothing could create safety in a park. He understood Ms. Akervall's concern regarded the safety of children going out into traffic and keeping them confined to the neighborhood. He noted that even the fence would not stop a speeding car. The brick fence might, but he was unsure what her tolerance of safety was and what she was thinking.

Ms. Akervall believed that the addition of the four-way stop, and later a stoplight, helped ease her concern. She added that for kids, the boundary did not have to be a full tall fence; a visual and tangible boundary would suffice in stopping kids from running out into the intersection.

The motion passed unanimously.

Mr. Edmonds clarified that the annexation and Zone Map Amendment were recommendations to the City Council.

Chair Fierros Bower read the rules of appeal into the record.

VIII. Board Member Communications

A. Meeting notes from April 28, 2014 DRB Panel B Meeting

Mr. Pauly noted new signs were approved for the World of Speed that were 32-ft poles with banners that kind of extended the lines of the building. Not many sign applications had been seen recently, and the application was brought to the DRB level because of the banner signs, which the DRB believed made good architectural sense.

Mr. Edmonds added banner signs were typically seen at museums or venues where the displays changed. The World of Speed had a need to change the banners, which were very professionally done and not the cheap type of banners seen on SE 82nd Ave in Portland. The banner signs were museum-quality and would be located on the west entrance on 95th Ave, not facing the freeway because the Applicant did not want people to go through the wrong entrance.

IX. Staff Communications

Mr. Edmonds announced the work retreat with City Council and all City commissions and boards was scheduled for this Saturday, May 17th, between 9 am and 3 pm at City Hall. He was sure lunch would be served, but he had not seen the agenda yet. He did not believe anyone needed to bring anything other than questions and comments.

Ms. Akervall thanked her fellow board members for being patient as she got caught up to speed.

Chair Fierros Bower responded Ms. Akervall had good questions that triggered new discussion and new questions, which was very good.

X. Adjournment

The meeting adjourned at 7:50 pm.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for Shelley White, Planning Administrative Assistant

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 9, 2014 6:30 PM

VI. Consent Agenda:

B. Resolution No. 280 Charbonneau Village Center Condominium Replat: SFA Design Group, LLC for Charbonneau Village Center Condominium – owner/applicant. The applicant is requesting approval of a Tentative Condominium Replat for Charbonneau Village Center Condominium. The site is includes Tax Lots 8000-80009, 8000B and 8000C, and 8010A-8010F in Section 24CD, T3S-R1W, Clackamas County, Oregon. Staff: Michael Wheeler

Case Files: DB13-0058 – Tentative Condominium Re-Plat

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 280

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A TENTATIVE CONDOMINIUM REPLAT FOR CHARBONNEAU VILLAGE CENTER CONDOMINIUM. THE SITE INCLUDES TAX LOTS 8000-80009, 8000B AND 8000C, AND 8010A-8010F IN SECTION 24CD, T3S-R1W, CLACKAMAS COUNTY, OREGON. SFA DESIGN GROUP, LLC FOR CHARBONNEAU VILLAGE CENTER CONDOMINIUM – OWNER/APPLICANT..

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated June 2, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on June 9, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board Panel A of the City of Wilsonville approves a Tentative Condominium Re-plat, and does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record therein, and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

DB13-0058 Tentative Condominium Re-plat

	ADO	PTED	by th	e De	evelopi	ment R	eview	Board	d of th	e City	y of V	Vilso	nville a	at a re	gula	r meeting
thereo	f this	9th	day	of	June	2014	and	filed	with	the	Planr	ning	Admir	nistrati	ve	Assistant
on			T	his r	esoluti	on is f	inal o	n the l	5th cal	lendar	day a	after 1	the pos	tmark	ed d	late of the
				•		<i>ec 4.02</i> with W	' '			aled p	er WC	C Sec	4.022(.02) oı	cal	led up for
1C VIC V	by the	Coun		acco.	iuance	WILII VI	C BEC	7.022	(.05).							

Mary Fierros-Bower, Chair, Panel A Wilsonville Development Review Board

Attest:			
Shelley	White, Planning A	dministrative As	<u> </u>

Exhibit A1

STAFF REPORT WILSONVILLE PLANNING DIVISION DEVELOPMENT REVIEW BOARD PANEL A

Quasi-Judicial Hearing

Tentative Condominium Re-plat - Charbonneau Village Center Condominium

Public Hearing Date: June 9, 2014 **Date of Report:** June 2, 2014

Application Number: DB13-0058

Owner: Charbonneau Village Center Condominium Applicant: Charbonneau Village Center Condominium Applicant's Representative: SFA Design Group, LLC

Request: SFA Design Group, LLC, acting as agents for Charbonneau Village Center Condominium, is requesting that the City approve a re-plat (i.e., tentative condominium plat) for housekeeping revisions to the existing condominium plat, to reflect development modifications and approvals made previously.

Recommended Action: Approve the application with conditions of approval.

Comprehensive Plan Designation: Commercial

Zone Map Designation: Planned Development Commercial (PDC)

Size: 8.59 acres

Applicable Review Criteria:

Planning and Land Development Ordinance:

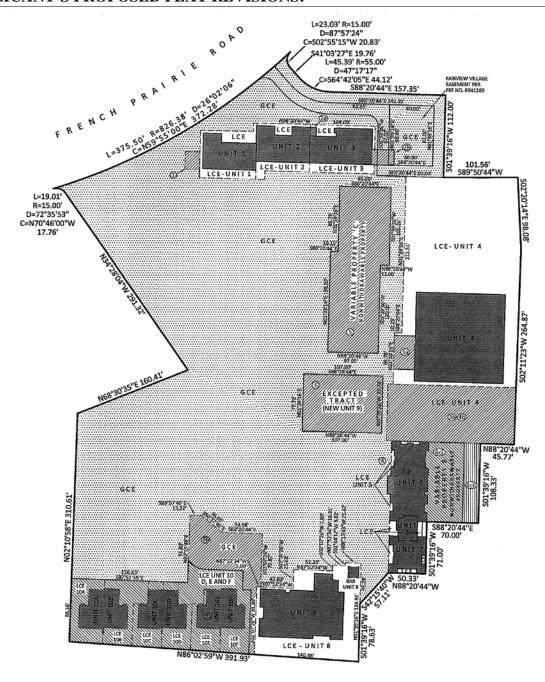
Sections 4.008-4.015; 4.031(.01)(C); 4.034; 4.035; 4.116; 4.118; 4.131; 4.140; 4.140(.09)(L); 4.202; 4.210 – 4.270.

Project Location: The existing development is located south of SW French Prairie Road, on SW Charbonneau Drive, at 31840, 31860, 31960, 32000, 32010, 32020, 32046, 32050, 32070, 32074, 32078, 32082, 32086, 32090 SW Charbonneau Drive.

Legal Description: Tax Lots 80000 – 80009, 8000B and 8000C, and 8010A – 8010F, in Section 24CD (Supplement 2); T3S R1W; Clackamas County; Wilsonville, Oregon.

Staff Reviewer: Michael R. Wheeler, Associate Planner.

APPLICANT'S PROPOSED PLAT REVISIONS:



SUMMARY: Tentative Condominium Re-plat

No physical development is proposed as part of this application. The proposed application is a 'housekeeping' measure, intended to bring the plat into compliance with the City's Code provisions and a recently imposed condition of approval.

SFA Design Group, LLC, agent for the Applicant/Owner, Charbonneau Village Center Condominium, is proposing a tentative condominium re-plat of an existing 8.59 acre condominium project. The existing plat was approved in 1990, and has been successively modified (with City approval) on two (2) subsequent occasions (i.e., 1994, 1997). However, five (5) additional functional changes have been made to the site over time, which changes affect the plat, but do not yet appear on that plat. While structural improvements received appropriate Building Division approvals, required changes to the condominium plat were not sought, until receipt of the current application.

The following is an excerpt from the Applicant's drawing entitled "Plat Amendment" (Exhibit B2.1), noting the changes that are proposed, followed by a chronology of the recorded amendments:

APPLICANT'S GRAPHIC LISTING OF PROPOPOSED REVISIONS:

- 1. UNIT 1, ADJUST WEST SIDE LCE BOUNDARY TO INCLUDE OUTDOOR PATIO AND REMOVE THIS AREA FROM GENERAL COMMON ELEMENTS.
- 2. UNIT 3:
 - a. ADJUST UNIT BOUNDARY TO INCLUDE BUILDING ADDITION ON NORTH SIDE, AND REMOVE THIS AREA FROM LIMITED COMMON ELEMENT; AND
 - ADJUST LIMITED COMMON AREA BOUNDARY TO INCLUDE EAST SIDE DRIVE-UP CANOPY AND DRIVEWAY, AND REMOVE THIS AREA FROM GENERAL COMMON ELEMENT.
- UNIT 4:
 - a. ADJUST UNIT BOUNDARY TO INCLUDE THE BUILDING EXPANSION ON THE WEST SIDE OF THE TENNIS CLUB; AND REDUCE LCE BY SAME AMOUNT; AND
 - b. TRANSFER A PORTION OF THE LIMITED COMMON ELEMENT SOUTH OF UNIT 4 TO UNIT 5, INCLUDING THE PLAZA AREA EAST OF THE SIDEWALK OVER GENERAL COMMON ELEMENT.
- 4. UNIT 5:
 - a. ADJUST UNIT BOUNDARY TO INCLUDE BUILDING ADDITIONS ON THE WEST; AND REDUCE LCE AND GCE BY SAME AMOUNT; AND
 - TRANSFER PORTION OF GENERAL COMMON ELEMENT AND LIMITED COMMON ELEMENT UNIT 4 SOUTH OF THE TENNIS CLUB BUILDING TO LIMITED COMMON ELEMENT UNIT 5; AND
 - c. RECLASSIFY VARIABLE PROPERTY "B" AS FOLLOWS:
 - I. ADJUST UNIT 5 BOUNDARY TO INCLUDE BUILDING ADDITION ON EAST SIDE;
 - RECLASSIFY NET AREA AS LIMITED COMMON ELEMENT UNIT 5.
- 5. RECLASSIFY VARIABLE PROPERTY C TO BE PART OF GENERAL COMMON ELEMENT (PARKING).
- 6. ADD UNIT 9, WHICH WAS PREVIOUSLY LISTED AS AN EXCEPTED TRACT.
- 7. ADD UNIT 10 (SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CONDOMINIUM STAGE 3):
 - a. RECLASSIFY VARIABLE PROPERTY "A" TO UNIT 10, INCLUDING RESIDENTIAL CONDOS A-F; AND INCLUDING ASSOCIATED LIMITED COMMON ELEMENTS; AND
 - b. ADJUSTMENT TO GENERAL COMMON ELEMENT TO INCLUDE GRASS TREED AREA NORTH OF UNITS.

APPLICANT'S GRAPHIC LISTING OF APPROVED AND MISSING AMENDMENTS:

RECORDED AND UNRECORDED AMENDMENTS

- 1. CHARBONNEAU VILLAGE CENTER CONDO PLAT RECORDED 11-29-1990; BOOK 94, PAGE 30;
- CHARBONNEAU VILLAGE CENTER CONDO DECLARATIONS RECORDED 11-29-1990; FEE NO. 90-059018
- WILLAMETTE FACTORS TRANSFERS VARIABLE PROPERTY B TO COUNTRY CLUB RECORDED 12-06-1990; FEE NO. 90-59025
- WILLAMETTE FACTORS, VILLAGE CENTER, AND COUNTRY CLUB TRANSFERS UNITS 6,7 AND 8 TO WILLAMETTE FACTORS, UNITS 1, 2 AND 3
 TO VILLAGE CENTER, AND UNITS 4 AND 5 TO COUNTRY CLUB RECORDED 12-6-1990; FEE NO. 90-60184
- UNIT 4 (TENNIS CLUB ADDITION) RECORDED 9-15-1994; FEE NO. 94-072852
- 6. COUNTRY CLUB WEST SIDE ADDITION (90DR18) NO AMENDMENT FILED;
- 7. BITAR BUILDING (PREVIOUSLY EXCEPTED) ADDED AS UNIT 9 RECORDED 9-12-1994; FEE NO. 94-095428
- COUNTRY CLUB EAST SIDE ADDITION (98DR18) NO AMENDMENT FILED; VARIABLE PROPERTY B BECOMES PART OF UNIT 5 RECORDED 11-17-1997; FEE NO. 97-090153
- 10. VARIABLE PROPERTY C BECOMES GCE RECORDED 11-17-1997; FEE NO. 97-090153
- 11. VARIABLE PROPERTY "A" AMENDED AS UNIT 10 A-F RECORDED 03-10-1999; FEE NO. 99-024253
- 12. UNIT 1 ADDITION OF OUTDOOR PATIO, EARLY 2000 (OVER GENERAL COMMON ELEMENT NO AMENDMENT FILED;
- 13. UNIT 3 ADDITION OF BANK DRIVE-UP, EARLY 2000 (OVER GENERAL COMMON ELEMENT NO AMENDMENT FILED;
 14. UNIT 3 ADDITION OF BUILDING ADDITION ON NORTH SIDE OF UNIT 3, AND REMOVE THIS AREA FROM LIMITED COMMON ELEMENT NO AMENDMENT FILED;
- 15. UNIT PROPORTIONATE INTERESTS AMENDED TO INCLUDE UNIT 10 RECORDED 3-10-1999; FEE NO. 99-024252.

RECOMMENDED ACTION AND CONDITIONS OF APPROVAL:

Based on the findings of fact, analysis and conclusionary findings 1 through 51, staff recommends that the Development Review Board <u>approve</u> the Tentative Condominium Re-plat. The application and supporting documents are hereby adopted for approval, together with the following conditions:

Legend

PD = Planning Division

PF = Engineering Division (Public Facilities)

Tentative Condominium Re-plat (DB13-0058):

PD 1. On the basis of findings 1 through 51, this action approves the Tentative Condominium Re-plat submitted with this application for adjustments as entered into the record on June 9, 2014, approved by the Development Review Board, and stamped "Approved Planning Division." Prior to approval of the Final Condominium Re-plat, the Applicant/Owner shall:

- a. Assure that the affected units shall not be sold or conveyed until such time as the final condominium re-plat is recorded with Clackamas County.
- b. Submit an application for Final Condominium Plat review and approval on the Planning Division Site Development Application and Permit form. The Applicant/Owner shall also provide materials for review by the City's Planning Division in accordance with Section 4.220 of City's Development Code. Prepare the Final Condominium Re-plat in substantial accord with the Tentative Condominium Re-plat as approved by the Development Review Board, and as amended by these conditions, except as may be subsequently altered by Board approval, or by minor revisions approved by the Planning Director.
- c. Illustrate existing and proposed easements, on the Final Condominium Re-plat.

EXHIBIT LIST:

A1. Staff Report

Applicant's Written and Graphic Materials:

B1. Applicant's submittal notebook, including (by consecutive section):

- 1. Response to Incomplete Application Letter
- 2. Application
- 3. Compliance Narrative
- 4. Proposed Preliminary Plat Amendments
- 5. Memorandum of Understanding
- 6. Zone Change 72PC10 and 72RZ01
- 7. 90AR06 Village Center Plat
- 8. Recorded Plat
- 9. 94AR14 Bitar Plat (Unit 9)
- 10. Unit 10 A F Stage 3 Plat
- 11. Recorded Declaration & By-laws
- 12. 90PC28 Parking Variance
- 13. Tax Maps
- 14. Title Report

B2. Drawings (Reduced size and full size):

- 1. Plat Amendment (annotated)
- 2. Plat Amendment (no annotations)

C1. Development Review Team Correspondence:

None submitted.

D1. Letters (neither For nor Against):

None submitted

D2. Letters (In Favor):

None submitted

D3. Letters (Opposed)

None submitted

FINDINGS OF FACT:

- 1. The statutory 120-day time limit applies to this application. The application was received on December 23, 2013. On January 22, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period. On February 3, and February 4, 2014, the Applicant submitted additional materials, and the application was deemed complete on April 28, 2014. The City must render a final decision for the request, including any appeals, by August 26, 2014.
- 2. Prior land use actions affecting the site are described in detail by the applicant in Section 3 of the Exhibit B1, and supported by included documentation (Sections B1.6 B1.10).
- **3.** The Applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

4.008-4.015 Application Procedure – In General

1. The Applicant's submitted documents meet these code criteria.

4.031(.01)(C) Authority of the Development Review Board

2. This subsection specifies that condominium plats (or re-plats) must be reviewed by the Development Review Board. The current application is appropriately being processed as a Class III review before Development Review Board Panel A.

4.034(.05) Application Requirements

3. This subsection directs "condominium divisions" to be reviewed according to the provisions of Subsection 4.210, which review may be found later, below. The current application intends to adjust the existing condominium plat by recording a plat amendment, or re-plat, in compliance with these requirements.

4.116 Standards Applying to Commercial Development in Any Zone

4. This subsection applies to physical development of sites within the PDC zone. However, no actual development is proposed by the Applicant, only a housekeeping effort to revise the previously-approved condominium plat.

4.118 Standards Applying to All Planned Development Zones

5. This subsection guides development proposed within all planned development zones, including the PDC zone. However, the Applicant does not propose any physical development, but instead proposes to revise the previously-approved condominium plat, revising it to reflect approved, incremental development that has occurred over a period of years.

Section 4.131 Planned Development Commercial (PDC) Zone Requirements

6. This subsection identifies the uses allowed in the PDC zone. The uses existing on site were approved in prior land use applications. The Applicant is not proposing to modify those approved uses at this time.

Section 4.140 Planned Development Regulations

7. This subsection identifies the uses allowed in the PDC zone. The uses existing on site were approved in prior land use applications. The Applicant is not proposing to modify those approved uses at this time.

Land Divisions

Subsection 4.202 Land Divisions: General - Authorization

14. This subsection does not allow parcel partitions or subdivisions to create parcels less than that allowed in the zone. There is no minimum parcel size for the Planned Development Commercial (PDC) Zone. The changes to the condominium plat that are proposed are intended to reflect reallocations of use and ownership that have occurred over time, but have not been shown on the recorded plat. This criterion is met.

Subsection 4.210(.01) Pre-Application Meeting

15. This subsection requires a pre-application meeting as part of the process. A pre-application meeting was conducted on January 17, 2013, regarding this and other recent development in Charbonneau, meeting this criterion.

Subsection 4.210(.01)(A): Preparation of Tentative Plat

A Tentative Condominium Re-plat has been prepared by an Oregon licensed professional engineer, as required. The proposed Tentative Condominium Re-plat can be seen on two submitted (2) drawings (Exhibits B2.1 and B2.2). The Introductory Narrative (Exhibit B1) includes a listing of the services provided by each design team member. This criterion is met.

Subsection 4.210(.01)(B)(1-26): Tentative Plat Submission

17. Staff finds that the informational elements required for submission with a proposed Tentative Condominium Re-plat have been submitted by the Applicant.

Subsection 4.210(.01)(C)(1): Action on proposed Tentative Plat

18. The proposed Tentative Condominium Re-plat, as seen on two (2) drawings (Exhibits B2.1 and B2.2) is included with this application for review by the Development Review Board.

Section 4.210(.01)(C)(2): Consideration of Tentative Partition Plat

19. There is no partition plat proposed with this application.

Subsection 4.210(.01)(C)(3): Action on proposed Tentative Plat

20. Any Conditions of Approval adopted by the Board shall be reflected on the final plat. The final plat will not be approved by the City until all the conditions of approval adopted by the DRB for the Tentative Condominium Re-plat have been satisfied.

Subsection 4.210(.01)(C)(4): Board may limit content of deed restrictions

21. Deed restrictions and covenants currently exist for this site, and are not proposed to be changed as a part of this application.

Subsection 4.210(.01)(C)(5): Effect of Approval

22. After approval of the Tentative Condominium Re-plat, a Final Plat must be prepared and submitted to the Planning Division within two years, if an extension is not provided.

Subsection 4.210(.01)(D): Land Division Phases To Be Shown

23. The development already exists on the site. No further changes to that existing development are proposed at this time. As a result, there are no future phases to be considered.

Subsection 4.210(.01)(E): Remainder Tracts To Be Shown as Lots or Parcels

24. The Tentative Condominium Re-plat does not include any remainder tracts.

Section 4.236 General Requirements – Streets Subsection 4.236(.01) Conformity to the Transportation System Plan

25. No changes to the street system are proposed as a part of this application.

Subsection 4.236(.02)(A) Relation to Adjoining Street System

26. This subsection requires land divisions to provide for the continuation of the principal streets existing in the adjoining area and proposed streets to be the width required elsewhere in the Wilsonville City Code. Because the proposed re-plat has been submitted only to bring the plat up to date, no impact to the adjoining street system is proposed.

Subsection 4.236(.02)(B) Requirement to Submit Prospective Future Street System

27. The proposed re-plat covers the existing property and no future streets are proposed.

Subsection 4.236(.02)(C). Arrangement of Parcels/Lots to Allow Future Subdivision

28. Other than to reflect previously-constructed improvements on the condominium plat, no future divisions of the affected properties are proposed.

Subsection 4.236(.03) Conformity with Section 4.177 and Block Standards of Zone.

29. The existing condominium plat was recorded prior to the implementation of this subsection. The project is legally nonconforming with regard to its requirements. Despite this fact, no changes are proposed that would require conformance to the standard.

Subsection 4.236(.04) Creation of Easements

30. No new easements are proposed or required as a part of the proposed re-plat. This provision is satisfied.

Subsection 4.236(.05) Topography

31. No change in the topography of the site is proposed as part of the re-plat.

Subsection 4.236(.06)(A-C): Reserve Strips

32. Reserve strips are not proposed as part of the re-plat.

Subsection 4.236(.07): Future Expansion of Street

33. No changes to the existing street system are proposed as part of the re-plat.

Subsection 4.236(.08) Existing Streets

34. No additional right-of-way is required as part of the proposed re-plat.

Subsection 4.236(.09): Street Names

35. No changes to the existing street names and address numbers are proposed as part of the re-plat.

Section 4.237 General Requirements – Other Subsection 4.237(.01)(A-B) Block Standards

36. No changes to existing blocks are proposed as part of the re-plat.

Subsection 4.237(.02)(A-B) Easements

37. No new easements are proposed as part of the proposed re-plat.

Subsection 4.237(.03)(A-B) Pedestrian and Bicycle Pathway

38. No changes to existing pedestrian circulation or pathways are proposed as part of the replat.

Subsection 4.237(.04) Street Tree Planting

39. Street trees are existing in the project, and no changes to those trees are proposed as part of the re-plat.

Subsection 4.237(.05)(A-B) Lot Size, Shape, Width, and Orientation Subsection 4.237(.05)(C): Waivers

40. The existing condominium project was approved in 1990. Only minor changes to the boundaries of affected units, general common elements and limited common elements are currently proposed, in order to enable the condominium plat to reflect changes that have occurred over a period of time. The proposed re-plat complies with this standard. The proposed lot sizes, widths, shapes and orientations meet or exceed code.

Subsection 4.237(.06) Access

41. No changes are proposed to existing access within the condominium plat.

Subsection 4.237(.07) Through Lots

42. No through lots are found within the recorded condominium plat, and none are proposed as part of this re-plat.

Subsection 4.237(.08): Lot side lines

43. No changes to the side lot lines of units are proposed that would affect compliance in this regard.

Subsection 4.237(.09): Large Lot Land Divisions

44. No large lot subdivisions are proposed as part of the re-plat.

Subsection 4.237(.10): Building line

45. Building lines are not proposed by this application for a re-plat.

Subsection 4.237(.11): Build-to line

46. Build-to lines are not proposed by this application for a re-plat.

Subsection 4.237(.12): Land for public purposes

47. This proposed Tentative Condominium Re-plat does not involve land for public purposes.

Subsection 4.237(.13): Corner lots

48. All condominium units currently exist; none are corner lots.

Subsection 4.262: Improvements – Requirements

49. No new street, sanitary sewer, storm drainage, streetlights, or street signs, utilities, or waterline improvements are proposed as part of this application.

Subsection 4.262(.09): Monuments

50. Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and will be of such material, size, and length as required by State Law, or general requirements related to all monuments on the subject site or those that may be subject to disturbance.

Section 4.270: Variance from Land Division Standards

51. No variances from applicable standards are being sought as a part of this application.

City of Wilsonville Land Use Application

Charbonneau Village Center Condominium

Condominium Plat Amendment (Re-Plat)

December 23, 2013 Revised for Completeness January 31, 2014

APPLICANT/OWNER:

Charbonneau Village Center Condominium Gene Pronovost, Chairman 32000 SW Charbonneau Drive Wilsonville, OR 97070 503-694-2300

PLANNING/ENGINEERING/SURVEY:

Ben Altman, Senior Planner SFA Design Group 9020 SW Washington Sq. Dr. #505 Portland, OR 97223 503-641-8311



LEGAL:

Donald P. Richards Attorney 8995 SW Miley Rd., Suite 201 PO Box 1488 Wilsonville, OR 97070 503-694-5101

Response to Incomplete Application



January 31, 2014

Mike Wheeler, Associate Planner City of Wilsonville 29799 SW Town Center Lope E. Wilsonville, Oregon 97070

RE: Completeness Response, Charbonneau Village Center Plat Amendment, DB13-

Mike Wheeler:

This letter and Attachments are in response to your request for revisions and additional information related to the proposed Plat Amendment for Charbonneau Village Center.

Item 2. I have corrected the compliance narrative, per errors listed in your letter. The Proposed Plat has also been corrected per items listed.

Page 10, The 1990 Plat, showed the Bitar Building, as an Excepted Tract. Subsequently this property was added as an amendment to the Plat, and designated as Unit 9. Unit 9 was added to the Condominium plat in 1994, but this action was not reviewed by the City, Fee No. 94-095428, case file 94-AR14. The files are included in the prior records section of the application notebook. CVCC Stage 2 Plat is also included.

In addition, the residential condos, Unit 10 A-F have been added to the Charbonneau Village Condominium Plat by reclassifying Variable Property A to Unit 10, including adjustments to General and Limited Common Elements. The design review and preliminary plat were approved under, case file 97DB30 and 98AR51. The files are included in the prior records section of the application notebook. CVCC Stage 3 Plat is also included.

As confirmed by the Title Company, there are no CC&Rs recorded that are applicable to the Village Center. The Association By-laws and Plat Declaration provide the governance.

The Compliance narrative has been edited to include all revisions and additions discussed in this response letter. I am providing 10 full sets of documents, plus 6 CDs of the documents.

Should you have any other questions or need additional information, please don't hesitate to call.

Sincerely, SFA Design Group, LLC

Ben Altman Senior Planner/project Manager



29799 SW Town Center Loop E Wilsonville, Oregon 97070 (503) 682-1011 (503) 682-1015 Fax Administration (503) 682-7025 Fax Community Development

NOTICE

January 22, 2014

Ben Altman SFA Design Group, LLC 9020 SW Washington Sq. Dr. #505 Portland, Oregon 97223

Application Nos.:

DB13-0058 (Charbonneau Village Center Condominium Replat)

Legal Descr.:

Tax Lots 80000 - 80009, 8000B and 8000C, and 8010A - 8010F, in Section 24CD (Supplement 2); T3S R1W; Clackamas County;

Wilsonville, Oregon

Status:

Notice that Your APPLICATION IS NOT COMPLETE

Submitted Requests:

DB13-0058 Class III Condominium Replat

Dear Ben:

You are listed as the applicant's representative on the City of Wilsonville Site Development Application submitted on December 23, 2013, for Charbonneau Village Center Condominium, a replat of an existing mixed-use planned development. Your application is incomplete under ORS 227.178(2) and Subsection 4.035(.05) Wilsonville Code (WC). The State's 120-day time limit for the City to render a final decision on this application would begin 31 days from the date of receipt of your application, or at the time your application is found to be complete, as will be described in this material.

Your application is incomplete, due to the following missing items:

- 1. A complete submittal is required, per Section 4.035(.05) WC.
- 2. The submitted narrative contains incorrect references to some areas that have been reconfigured and other inconsistencies. You must revise the narrative to correctly cite the applicable provisions, and provide findings that demonstrate compliance with those requirements. A summary is attached, for your convenience.

Item 2 must be addressed in order to complete applications DB13-0058. Please provide ten complete copies of the revised compliance findings and all revised or added project drawings, in



Ben Altman SFA Design Group, LLC January 22, 2014 Page 2 of 2

both reduced and full-sized drawings. Please also provide six (6) compact digital disks (CDs) of the submitted findings and all project drawings.

You must complete the attached acknowledgement form, and return it to the Planning Division staff within 10 days. If you indicate that you choose to provide the additional information or material required to complete your application, you will have until June 21, 2014 (i.e., 180 days from the date your application was first submitted), to do so. Upon receipt of additional material, staff will again have 30 days in which to determine whether the application is incomplete. Your application cannot be scheduled for a hearing until such time as the application is determined to be complete.

If you have any questions, please contact me at 503-682-4960, or at wheeler@ci.wilsonville.or.us.

Sincerely,

Michael R. Wheeler Associate Planner

Enclosure (2)

cc: Susie Stevens, Charbonneau Village Center Condominium

Dear Ben,

As indicated in the attached correspondence, your application has been deemed to be incomplete.

You must acknowledge, in writing, your intent to provide the material required to complete the application, as identified in the attached correspondence, dated January 23, 2014. To do this, please sign below and return this acknowledgment by February 1, 2014, to:

Planning Division Community Development Department City of Wilsonville 29799 SW Town Center Loop Drive E Wilsonville, OR 97070

If you indicate your intent to complete the application, you will have 180 days from the date of the initial submittal to provide the required material. If you fail to submit the required material within 180 days, your application will be deemed void. The casefile regarding the application will then be closed.

If you do not return this acknowledgment, such action will be considered to be a refusal under the meaning accorded in ORS 227.178(2). Your application will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application.

ACKNOWLEDGEMENT

I (□ intend / □ refuse) to provide the additional material identified in correspondence from the Department of Planning and Development, dated January 22, 2014.

Signed and Acknowledged (Applicant)

Date

DB13-0058 (Charbonneau Village Center Condominium/SFA Design Group) Charbonneau Village Center Condominium Replat 1/22/2014 3:40 PM

Discrepancies in Applicant's Narrative:

Section I (Compliance Narrative)

Page 4: Paragraph 3 - ...Real *Estate* Commission...

Page 4: Paragraph 6 – Additional related case file is AR13-0029 (Charbonneau Patio/Plaza).

Page 5: Item 3 – A portion of the GCE (west) is affected by the plaza improvements, but has not been described or illustrated.

Page 5: Item 4 – A portion of GCE (west) is affected by the building addition, but has not been described or illustrated.

Page 5: Item 7 – Illustrate LCEs.

Page 5: Last Paragraph – Label on drawing is Plat Amendment, not 'Preliminary Plat'. Make consistent.

Page 10: Paragraph 1: "...Units 9 & 10 have previously been recorded." If as a condominium plat, it required City DRB approval. Was this approval secured before recording?.

Section III (Proposed Preliminary Plat Amendments):

Unit 4 to 5: West line does not correctly identify the adjustment, as plaza extends west, into the GCE, beyond the extension of the face of the building in Unit 5.

Section VIII (Recorded Plats):

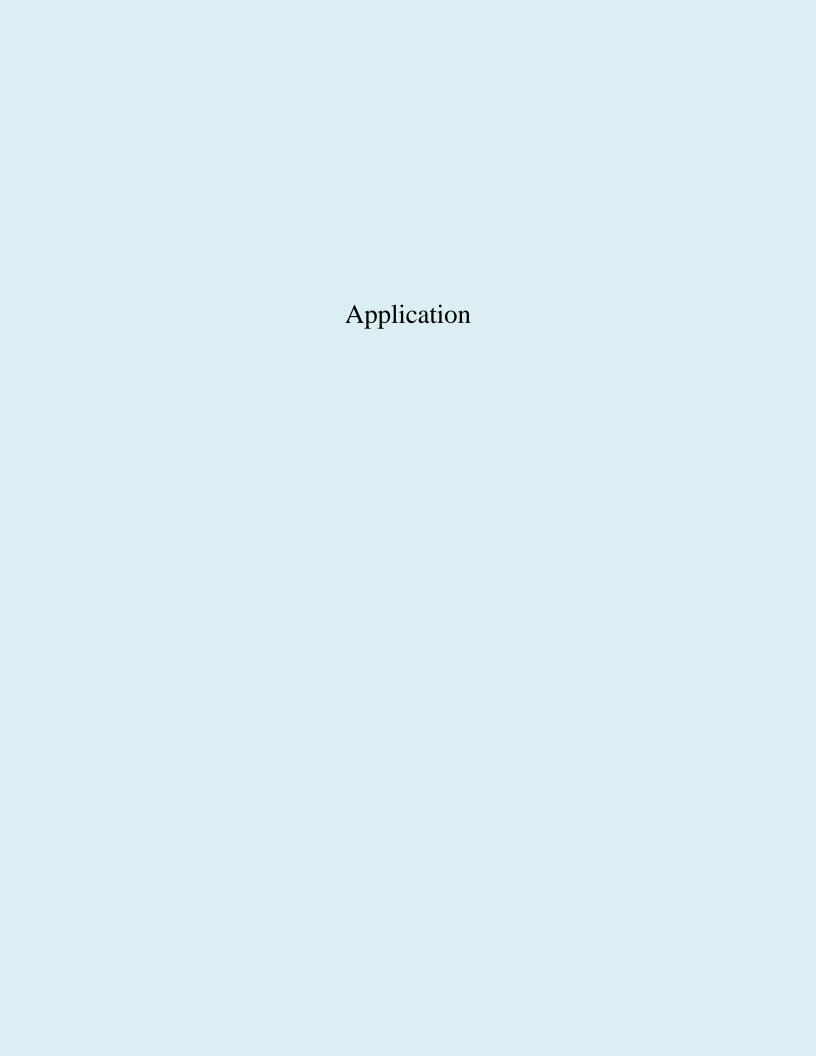
Provide the recorded plats for CVC Stage 2 and CVC Stage No. 3.

Section X (Recorded CC&Rs):

Where is Willamette Village?

Revised: 1/23/2014 3:34 PM1/22/2014 4:34 PM

Printed: 1/23/2014 3:34 PM



This electronic fill-in form cannot be submitted electronically. Please sign a printed copy and submit to the Wilsonville Planning Division. Please call 503-682-4960 if you have any questions.

CITY OF WILSONVILLE	Planning Division		
29799 SW Town Center Loop East	Development Permit Application		
Wilsonville, OR 97070 Phone: 503.682.4960 Fax: 503.682.7025	Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175		
Web: <u>www.ci.wilsonville.or.us</u>	A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements		
Pre-Application meeting date: TO BE COMPLETED BY APPLICANT: Please PRINT legibly	Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.		
Legal Property Owner's Name:	Authorized Representative:		
Charbonneau Village Center Condominium	Ben Altman, SFA Design Group		
Address: 32000 SW Charbonneau Drive Wilsonville, OR 97070	Address: 9020 SW Washington Square Road, Suite 505 Portland, OR 97223		
Phone: 503-694-2300	Phone: 503-641-8311		
Fax:	Fax: 503-643-7905		
E-mail: ccc@teleport.com	E-mail: baltman@sfadg.com		
Property Owner or Authorized Signature: Title: Chairman, willage Conte-Cond	Printed Name Gene Pronovos 7 Lo. Date 4-17-13		
Site Location and Description: Project Address if Available: 32000 SW Charbonneau Drive Suite/Unit Project Location: Charbonneau Village Center Tax Map #(s): T3S R1W 24CD Tax Lot #(s): 80005 County: Clackamas			
Request: Preliminary Plat - Charbonneau Village Center Cond	dominium Re-plat		
Project Type: Class I Class II Class III			
Residential Commercial	Industrial Other (describe below)		
Application Type: Annexation Appeal Final Plat Major Partition Plan Amendment Planned Development Request for Special Meeting Request for Time Extension SROZ/SRIR Review Staff Interpretation Type C Tree Removal Plan Tree Removal Permit (B or C) Villebois SAP Villebois PDP Zone Map Amendment Other	Comp Plan Map Amendment ☐ Conditional Use ☐ Minor Partition ☐ Parks Plan Review ☐ Preliminary Plat ☐ Request to Modify Condition ☐ Signs ☐ Site Design Review ☐ Stage I Master Plan ☐ Stage II Final Plan ☐ Temporary Use ☐ Variance ☐ Villebois FDP ☐ Waiver		
FOR STAFF USE ONLY:	Application Complete: By:		
Application Rec'd: Fee: Check #:	Annication Complete: Dr. Dr.		
File No (s)	Application Complete: By:		

City of Wilsonville Community Development Department Engineering and Planning Divisions 29799 SW Town Center Loop E Wilsonville, OR 97070 Phone: 503 682-1011; Fax 503 682-7025 adams@ci.wilsonville.or.us

This form must be completed and returned to Steve Adams, Deputy City Engineer, to initiate a traffic Scope of Services, a request for a traffic study waiver, a determination of de minimus traffic impact, or other traffic-related issues.

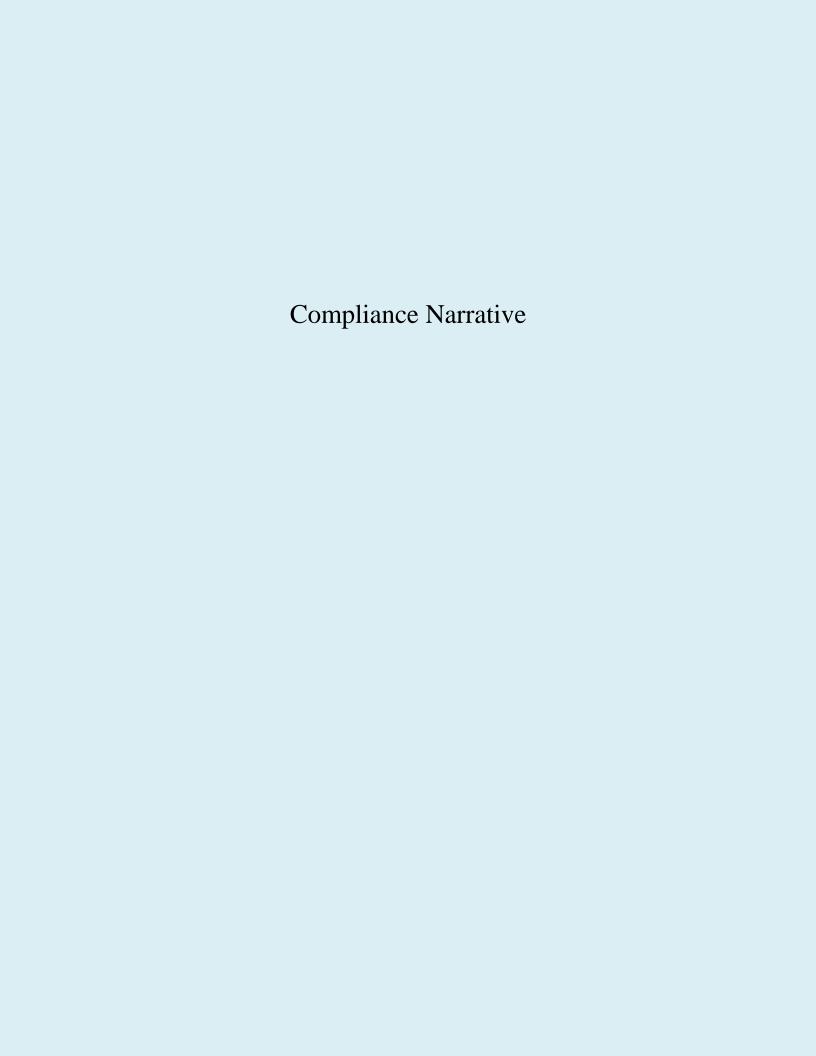
REQUEST FOR	TRAFFIC STUDY - PLEASE READ COMPLETELY
Traffic Study	Scope of ServicesWaiver from Traffic Study requirement
Other Traffic Related	Request
Requested by:	BENAITMAN SFADIESIEN GROWP Date: 1-23-14
Property address:	32000 SWCHARBONNEAU DRIVE 97070
Legal description:	Tax lot(s) 80005 Section 24 CD
Project name:	CHARBONNEAU VINAGE CENTER CONPOMINIUM REPLAT
Property owner: Name: Address:	CHARBONNEAU LINGGE CENTER CONDOMINIUM ASSOCIATION 32000 SWCHARBONNEAU PRIVE 97070
Applicant: Name: Address:	SUSIE STEVENS, CENERALMANAGER 32000 BW CHARBONNEAU DRIVE
Authorized representati (Contact person)* Name:	ve: BENAUTIWAN
Company:	SFA DESIGN GROUP
Address:	9020 SW WASHINGTON SO. DR. #1503 97223
Phone:	503-641-8311 Email: baltman @ stadg. com

Process: A Request, along with a site plan and project description must be submitted to the Engineering Division. The request is forwarded to the City's traffic consultant who will prepare a Scope of Services, which will include the necessary fee. The prepared Scope will be reviewed by the Engineering Division, and once approved, will be forwarded to the authorized representative listed above. When the applicant reviews and submits the fee indicated in the Scope of Services, the scope will be authorized by Staff and forwarded to the traffic consultant. When the traffic study has been received and approved by the City's Engineering Division, it will be forwarded to the applicant and the Planning Division.

A request for a Waiver from a traffic study will be reviewed by the Community Development Director and the Engineering Division and the requestor will be notified by mail.

Note: If the project description and/or site plan change from what was originally submitted, additional traffic analysis and fees may be required.

^{*}Note: This person will receive all correspondence regarding traffic analysis.



City of Wilsonville Land Use Application

Charbonneau Village Center Condominium

Condominium Plat Amendment (Re-Plat)

December 23, 2013 Revised for Completeness January 31, 2014

APPLICANT/OWNER:

Charbonneau Village Center Condominium Gene Pronovost, Chairman 32000 SW Charbonneau Drive Wilsonville, OR 97070 503-694-2300

PLANNING/ENGINEERING/SURVEY:

Ben Altman, Senior Planner SFA Design Group 9020 SW Washington Sq. Dr. #505 Portland, OR 97223 503-641-8311

LEGAL:

Donald P. Richards Attorney 8995 SW Miley Rd., Suite 201 PO Box 1488 Wilsonville, OR 97070 503-694-5101 **FACT SHEET:**

Project Name:

Charbonneau Village Center Condominium

Type of Application:

Condominium Plat Amendment (Re-Plat)

Tax Lot(s):

T3S R1W 24CD, Supplemental 2

Lot Size:

374,173 square feet, or 8.59 Acres

Zoning:

PDC, Planned Development Commercial

Existing Land Use:

Charbonneau Village Center, City Adopted Master

Plan

Site Location:

32000 SW Charbonneau Drive

Wilsonville, OR 97070

Applicant/Owner:

Charbonneau Village Center Condominium
Gene Pronovost, Chairman
Contact Person: Susie Stevens, Administrator

32000 SW Charbonneau Drive Wilsonville, OR 97070

503-694-2300

Email: susie@charbonneaucountryclub.com

Design Team:

Surveying/Planning/Engineering:

SFA Design Group 9020 SW Washington Sq. Dr. #505

Portland, OR 97223

Contact: Ben Altman, Project Manager

503-641-8311

Email: <u>baltman@sfadg.com</u>

Legal Council:

Donald P. Richards, Attorney 8995 SW Miley Road, Suite 201

PO Box 1488

Wilsonville, OR 97070

503-694-5101

donrichards.law@gmail.com

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I. INTRODUCTION – Project Description

This application is submitted on behalf of the Charbonneau Village Center Condominium. Gene Pronovost, Chairman of the Charbonneau Village Center Condominium Association is an authorized signer.

The subject property is Charbonneau Village Center Condominium, Map T3S R1W 24CD, Supplemental 2, Wilsonville, Clackamas County.

Under the provisions of Chapter 4.210 the applicant is proposing a preliminary plat amendment (Re-Plat), which includes update revisions to the Charbonneau Village Center Condominium Plat and Declaration. Because this is a condominium Plat the proposed plat and declaration amendments must also be approved by the Oregon Real Estate Agency and the county assessor prior to recording, as required by Statute, ORS 100 -100.625.

Existing Development Plan

The Charbonneau District was the first major Planned Development in Wilsonville. Development was initiated in the early 1970's. The Charbonneau Village Center was rezoned to PC&I in 1972 (file #s 72PC10 & 72RZ01). The PC&I zone was replaced in 1990 by City legislative action to the current PDC, Planned Development Commercial zoning. The Title Company confirmed no CC& Rs recorded for the Village Center.

The Charbonneau Village Center Condominium was developed over time and currently includes 6 commercial structures and 6 residential dwellings, and was last platted in 1990. There are several Charbonneau files on record for various aspects of the development. A case file history is summarized in the index, Tab File History.

The key relevant files found related to this current application include Case Files: 90AR6, Plat Review; 90PC28, Parking Variance (Golf Cart Adjustment); and 84DR11, Country Club Expansion. Two additional related files include 90DR18, for the Tennis Club; 94-AR-14, Plat amendment adding Bitar (Unit 9); 98-AR-51, final Plat for Unit 10 residential condominium; and AR13-0039 Country Club Plaza Remodel.

Surrounding Development

The site is surrounded by existing development including:

- West Mariner's Village
- South Golf Club, Putting Green and Golf Course Red Nine
- East Golf Course Yellow Nine
- North/East Fairway Village Condos and French Prairie Road

Preliminary Plat Amendment

Overtime several improvements and building additions have occurred, but the Charbonneau Village Center Condominium Plat was never appropriately amended to reflect these revisions. Some additions and revisions were recorded with Clackamas County, but not with the Oregon Real Estate Commission. Other revisions were recorded with both agencies, while a few minor revisions have not been recorded at all.

Therefore the applicant is submitting this application for a preliminary plat review of the proposed Plat Amendments. Under the City's Code (4.210) this request would appear to considered a Re-Plat. But under the state condominium law (ORS 100116) this action is considered an Amendment. Therefore we are referring to this application as an amendment, which is necessary to accurately reflect current conditions and unit ownership boundaries, including reclassification of common elements. The Amended Declaration will also be filed with the Oregon Real Estate Commission. The specific revisions or amendments to the Charbonneau Village Center Condominium Plat include the following:

1. Unit 1, adjust west side Limited Common Element to include outdoor patio and remove this area from General Common Element.

2. Unit 3:

- a. Adjust Unit Boundary to include building addition on north side, and remove this area from Limited Common Element; and
- b. Adjust Limited Common Element to include east side drive-up canopy, and remove this area from General Common Element.

3. Unit 4:

- a. Adjust Unit boundary to include the building expansion on the west side of the Tennis Club, reduce Limited Common Element by same amount; and
- b. Transfer a portion of the Limited Common Element south of the building to Unit 5, including the plaza area east of the sidewalk over General Common Element.

4. Unit 5:

- Adjust Unit boundary to include building entry additions on the west; and reduce a portion of General Common Element and Limited Common Element by same amount;
- b. Transfer a portion of General Common Element to Unit 5 Limited Common Element, related to outdoor plaza improvements;
- c. Transfer portion of Limited Common Element Unit 4 south of the Tennis Club building to Limited Common Element Unit 5; and
- d. Reclassify Variable Property "B" as follows:
 - i. Adjust Unit 5 boundary to include building addition on east side;
 - ii. Reclassify net area as Limited Common Element Unit 5.
- 5. Reclassify Variable Property C to be part of General Common Element (parking).
- 6. Add Unit 9, which was previously listed as an Excepted Tract.

- 7. Add Unit 10 (Supplemental Declaration Charbonneau Village Condominium Stage 3):
 - a. Reclassify Variable Property "A" to Unit 10, including Residential Condos A-F; and including associated Limited Common Element; and
 - b. Adjust General Common Element to include grass/treed area north of these residential condos.

Legal descriptions have also been prepared, which define the physical boundaries of each of the amendments, see also Master Amendment Plat, which visually depicts the amendments, see Index Tab, Proposed Plat Amendments. A listing of the various dates of recorded amendments is shown on the Plat Amendment drawing, including various minor amendments that have not previously been amended. We have also provided a Clean Version, which more closely resembles the actual appearance of the plat as it will be recorded.

Land Use Area Allocation

We have provided the Table 1 to accurately reflect all of the required area calculations, including office and common areas, based on the figures listed in case file 03DB32.

For the 1990 Plat, the Bitar Building, was shown as an Excepted Tract. Subsequently this property was added as an amendment to the Plat, and designated as Unit 9. Unit 9 was added to the Condominium plat in 1994, but this action was not reviewed by the City, Fee No. 94-095428, case file 94-AR14. The files are included in the prior records section of the application notebook. CVCC Stage 2 Plat is also included.

In addition, the residential condos, Unit 10 A-F have been added to the Charbonneau Village Condominium Plat by reclassifying Variable Property A to Unit 10, including adjustments to General and Limited Common Elements. The design review and preliminary plat were approved under, case file 97DB30 and 98AR51. The files are included in the prior records section of the application notebook. CVCC Stage 3 Plat is also included.

Parking Variance

Under 90PC28, a Variance was granted allowing for reduced parking requirements, based on extensive use of golf carts. The Variance limited the required parking for the Country Club to 43 spaces, even with the expanded building area. The variance was based on the extensive use of golf carts, as compared to cars, to access the Village Center. At that time, the records show the total available parking was 235 spaces. A current count (May 2013) identified total available parking spaces within the Charbonneau Village Center as 238, consisting of 225 regular spaces, 12 ADA spaces, and 1 loading space. This count does not include spaces available for golf cart parking at and around the Charbonneau Country Club and Gold Club Pro Shop.

Existing Utilities

The subject site is currently served by a full range of urban services. The existing facilities are connected to existing water, storm and sanitary sewer lines located within the Charbonneau Village Center.

No specific site modifications of improvements are proposed as part of this Re-Plat. The Preliminary Plan simply reflects the current Unit boundaries and Ownerships.

The following sections address compliance with the Comprehensive Plan and Development Code.

Requested Land Use Approvals

This application involves a Type III Review by the Development Review Board (DRB) for Preliminary Plat, Charbonneau Village Center Condominium Plat Amendment. The proposed Amended Declaration has been submitted to the Oregon Real Estate Agency for their concurrent review.

Once Preliminary approval is granted the applicant will submit for Final Plat approval, followed by recordation with Clackamas County and the Oregon Real Estate Commission.

Table 1 Primary Building Floor Area and Land Area Allocation Charbonneau Village Center Condominium

Type of Use	Total Floor Area Square Feet	Land Area Limited and General Common Area Square Feet *	Land Area Building Footprint Square Feet *	Percent of Total Area
Units 1		2,552	2,928	***************************************
Unit 2		1,551	3,216	
Unit 3		2,529	3,776	
Unit 4 - Tennis Club	with entry enclosure	29,316	15,879	
Unit 5, Country Club	with addition 4,817 basement	15,710	10,198	
Unit 6, Golf Lounge			898	
Unit 7, Pro Shop	1,457, basement	1,370	1,457	
Unit 8, Restaurant Bar	3,651, 2 nd floor	7,973	7,777 196	
Unit 9, Bitar Commercial Building (prior exempt tract)	2,921, 2 nd floor	2,985	5,332	
Units 10		10,574		
A			2,466	
В			2,468	
С			2,455	
D			2,427	
E			2,465	
F			2,467	
Total Building Area		74,560 LCE 233,404 GCE	66,209	18.00
Parking & Paving includes South Retail (pad) — Variable Property C Converted to Parking		210.064		56.00
Landscaping —		97,900		26.00
Total			374,173	100

* Note: For Table 1 some of the numbers from City files did not match up to the totals listed in different files or on the recorded plat. Two different totals were found in the City records, and some of the numbers do not match documents recorded with Clackamas County. There were also several errors found on the recorded plat, particularly related to LCE areas, where the buildings areas were not subtracted from the total area assigned to the various units.

Therefore the land and building areas reflected in this table have been adjusted based on current survey information, architectural plans and the County records for the Charbonneau Village Center Plat, and the legal descriptions provided to define the various amendments. However, there is an unresolved error, where the net GCE shown at 233,404 square feet, does not match the area defined by the amended legal description at 235,462 square feet. Therefore the unresolved error is 2,056 square feet. The gross site area has been confirmed as 374,173 square feet.

II. COMPREHENSIVE PLAN COMPLIANCE

The subject property is designated for Commercial on the Comprehensive Plan Map. The applied zoning is PDC, Planned Development Commercial, applied under the Charbonneau Master Plan, which is consistent with the Plan Map designation.

The property does not include any protected resources (SROZ), and also do not contain any areas identified for natural hazards, such as steep slopes or flood plain. The property is also not within an Area of Special Concern, but is located within Charbonneau and therefore subject to the City of Wilsonville adopted Charbonneau Master Plan.

The City's commercial planning objectives focus on providing commercial centers. The Charbonneau Village Center is one of the identified commercial centers.

The Comprehensive Plan also establishes a public facilities concurrency policy, which is implemented through the zoning and Planned Development, Stage II permit process. There are adequate transportation and public facilities available to serve the proposed development, therefore concurrency compliance is maintained.

CONCLUSION - Comprehensive Plan

The applicant is not proposing any changes to the Comprehensive Plan Map or existing PDC zoning. The proposed site and activity improvements are consistent with the established intent and function of the Village Center, and therefore will maintain consistency with the Comprehensive Plan Map designation. Compliance with the applicable PDC zoning and Design Review requirements, which further implement the Comprehensive Plan, are addressed in the following sections of this narrative.

III. DEVELOPMENT CODE COMPLIANCE

This section of the narrative addresses compliance with the PDC zoning standards; Planned Development regulations; Parking requirements; Signage standards; Landscaping standards; and Site Design Review. The following sections have been addressed as applicable:

- 4.131, Planned Development Commercial Zone
- 4.116, Standards Applying to Commercial Development in Any Zone
- 4.118, Standards Applying to all Planned Development Zones
- 4.140, Planned Development Regulations
- 4.155, General Regulations Parking, Loading, and Bicycle Parking
- 4.176, Landscaping, Screening, and Buffering

Planned development zoning requires a two stage review process, including Stage I Master Plan; and Stage II Final Development Plan. However, this application is not amending the Stage I Master Plan or Stage II Development Plan. It only concerns an amended Preliminary Plat reflecting Revisions to the currently recorded Village Center Condominium Plat to accurately document current Unit and Common Element boundaries.

A. PDC, Stage I Master Plan, with Phasing Plan

Section 4.131 Planned Development Commercial Zone. The requirements of a PDC Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

(.01 The following shall apply to any PDC zone:

- A. Uses that are typically permitted:
 - 1. Retail business, goods and sales
 - 2. Wholesale showrooms
 - 3. Office and clinics
 - 4. Service establishments
 - 5. Any use in a PDR Zone or PDI Zone, provided the majority of the total ground floor area is commercial...
 - 6. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses
 - 7. Temporary buildings or structures for uses incidental to construction work....
 - 8. Churches
 - 9. Those uses that are listed as typically permitted in Section 3.131.05(.03), as well as the following uses when conducted entirely within enclosed buildings:
 - a. Automotive machine shops...

(.02) Prohibited Uses...

E. Any use that violates the performance standards of Section 4.135(.05), other than 4.135(.05))M)(3).

RESPONSE

There is an adopted Stage I Master Plan for the Village Center. This application remains generally consistent with the Master Plan relative to the configuration of buildings, parking, and open spaces.

Only minor adjustments in ownership of 5 specific Units, Limited and General Common Elements are proposed with the Plat Revisions. The Plat revisions constitute a Re-Plat. While there are 7 amendments listed on page 5, items 6 & 7 related to Units 9 & 10 have previously been recorded.

Unit 9 was reclassified from an Excepted Tract to Unit 9. The 1990 Plat, showed the Bitar Building, as an Excepted Tract. Subsequently this property was added as an amendment to the Plat, and designated as Unit 9. Unit 9 was added to the Condominium plat in 1994, but this action was not reviewed by the City, Fee No. 94-095428, case file 94-AR14. The files are included in the prior records section of the application notebook. CVCC Stage 2 Plat is also included.

For Unit 10, A-F, the residential condos, Unit 10 A-F have been added to the Charbonneau Village Condominium Plat by reclassifying Variable Property A to Unit 10, including adjustments to General and Limited Common Elements. The design review and preliminary plat were approved under, case file 97DB30 and 98AR51. The files are included in the prior records section of the application notebook. CVCC Stage 3 Plat is also included as recorded as CVC Stage 3, 99-024252.

The applicant is not proposing any changes in uses and none of the existing uses are listed as Prohibited Uses in the PDC Section. The proposed Re-Plat does not alter any existing approved uses. The proposed plat and related uses will remain in compliance with the performance standards of Section 4.135(.05).

No new roads are proposed therefore the block standards under subsection (.03) are not applicable, as there is no change from existing conditions. No changes to access/egress are proposed.

Therefore the application complies with this section.

Section 4.116 Standards Applying to Commercial Development in Any Zone. Any commercial use shall be subject to the applicable provisions of this Code and to the following:

- (.01) Commercial developments shall be planned in the form of centers or complexes as provided in the City's Comprehensive Plan. As noted in the Comprehensive Plan, Wilsonville's focus on centers or complexes is intended to limit strip commercial development.
- (.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for:..
- (.07) Uses shall be limited to those which will meet the performance standards specified in Section 4.135(.05), with the exception of 4.135(.05)(M)(3).
- (.10) Commercial developments generally.

RESPONSE

The subject property is located within an existing commercial district (Charbonneau Village Center), which is consistent with the zoning objectives of this Section.

Existing improvements within the Village Center include 6 buildings, 6 residential condos and supporting access/egress drives, parking and open space landscaping.

Generally, there are no specific minimum lot size or setback standards for commercial uses. The code simply requires that Commercial lots must be adequately sized to accommodate the proposed uses, together with required parking and landscaping. A prior approval (File 90DR28) granted a Variance to the minimum parking standards. The variance was related to the extensive use of golf carts, thereby reducing the demand for higher levels of vehicle parking.

The daily operations within the Village Center, including peak activity periods, have not shown any significant or repetitive parking deficiencies. Therefore, we conclude that parking is adequate under existing and proposed conditions.

4.176 Landscaping

Section 4.176 of the code requires a minimum of 15% of the gross site area to be landscaped, including 10% of parking areas (4.155.03(B)(1). The existing development provides 38.7% landscaping, as reflected in Table 1, which exceeds the minimum standard.

A separate, but related application, involves remodeling of the existing BBQ area north of the Country Club to create an improved Plaza. These improvements will be considered and enhancement complimentary to rather than a subtraction from existing landscaping. The Plaza features will include:

- Perimeter retaining walls, 20"- 40" tall, to provide level area for seating;
- Perimeter fencing, OLCC required;
- Relocated gazebo, with new cooking and serving bars;
- Perimeter arbor sitting walls;
- Realigned service drive and access to trash storage area; and
- ADA ramps from Country Club doors to Plaza;

Therefore compliance with landscaping standards is maintained.

4.118 Standards Applying to all Planned Development Zones:

- (.01) Height Guidelines: In "S" overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows:
 - A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
 - B. To provide buffering of low-density developments by requiring the placement of three or more story buildings away from the property lines abutting a low-density zone.
 - C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.

RESPONSE

The subject site is not within a solar or "S" Overlay zone. Therefore this section is not applicable.

(.02) Underground Utilities shall be governed by Section 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

RESPONSE

All existing utilities are underground, consistent with by Section 4.300 to 4.320. No new utilities will be constructed as part of this Re-Plat. Therefore the application complies with this section.

- (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement to purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:
 - A. Waive the following typical development standards:
 - 1. minimum lot area;
 - 2. lot width and frontage;
 - 3. height and yard requirements;
 - 4. lot coverage;
 - 5. lot depth;
 - 6. street widths;
 - 7. sidewalk requirements;
 - 8. height of buildings other than signs;
 - 9. parking space orientation;
 - 10. minimum number of parking or loading spaces;
 - 11. shade tree islands in parking lots, provided that alternative shading is provided;
 - 12. fence height;
 - 13. architectural design standards;
 - 14. transit facilities; and
 - 15. solar access standards, as provided in Section 4.137.

RESPONSE

The applicant is not requesting any waivers from the applicable standards. Therefore this Section is not applicable.

- B. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:
 - 1. open space requirements in residential areas;
 - 2. minimum density standards of residential zones;
 - 3. minimum landscape, buffering, and screening standards;

RESPONSE

This application does not include any requests to waive open space, density or landscaping requirements. Therefore this section does not apply.

- C. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:
 - 1. maximum number of parking spaces;
 - 2. standards for mitigation of trees that are removed;
 - 3. standards for mitigation of wetlands that are filled or damaged; and

- 4. Trails or pathways shown in the Parks and Recreation Master Plan.
- D. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; E. Adopt other requirements or restrictions, inclusive of, but not limited to, the following:
 - 1. Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.
 - 2. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
 - 3. The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street.
 - 4. Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
 - 5. Location and size of off-street loading areas and docks.
 - 6. Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.
 - 7. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation, which would have an adverse effect on the present or potential development on surrounding properties.
 - 8. Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.
 - 9. A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.
 - 10. Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.
 - 11. Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to one hundred ten percent (110%) of the cost of the landscaping and installation may be required.
 - 12. A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.
- (.04) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.

RESPONSE

This application does not include any requests to waive maximum parking. However a prior Variance was granted allowing for reduced parking. Therefore this section does not apply.

There are no limiting setbacks in the commercial zone. The proposed Preliminary Plat reflects all existing and proposed easements and building locations. Therefore consistency with the prior approved development plans will be maintained.

4.140.1.1 Planned Development Regulations.

(.01) Purpose.

- A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.
- B. It is the further purpose of the following Section:
 - 1. To take advantage of advances in technology, architectural design, and functional land use design.
 - 2. To recognize the problems of population density, distribution and circulation and to allow deviation from rigid established patterns of land use, but controlled by defined policies and objectives detailed in the comprehensive plan.
 - 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
 - 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by problems of flood hazard, sever soil limitations, or other hazards.
 - 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
 - 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
 - 7. T permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
 - 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

(.03) Ownership

A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control of the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.

(.04) Professional Design Team

A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.

- B. Appropriate professional shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:
 - 1. An architect licensed by the State of Oregon;
 - 2. A landscape architect registered by the State of Oregon;
 - 3. An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review Board, Planning Commission, or City Council; or
 - 4. A registered engineer or a land surveyor licensed by the State of Oregon.
- C. One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to the responsible for conferring with the planning staff with respect to the concept and details of the plan.
- D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.

RESPONSE

This application was authorized by the property owners (Condominium Board) of all affected property within the proposed development, and was prepared and submitted on their behalf.

The applicant has obtained the services of and will be represented by a professional design team, led by Ben Altman, SFA Design Group, the Project Planner. The Design Team includes:

- SFA Design Group, Planning, Surveying, and Engineering
- Donald P. Richards, Attorney

The purposes of the planned development regulations are addressed through compliance with the various subsections. However, as previously noted, there are prior approvals for all of the existing development within the Charbonneau Village Center. This application does not significantly alter any of these prior approvals. Therefore there is no change to the adopted Stage I Master Plan. Further, no new buildings, parking or other physical improvements are proposed.

This application only involves a Preliminary Re-Plat, which reassigns certain elements of the Condominium Plat, but does not alter any of the existing physical improvements. Therefore there is no need for a new Stage II Development Plan.

- (.05) Planned Development Permit Process.
 - A. All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall prior to the issuance of any building permit:
 - 1. Be zoned for planned development;
 - 2. Obtain a planned development permit; and
 - 3. Obtain Development Review Board, or on appeal, City Council approval.
 - B. Zone change and amendment to the zoning map...
 - C. Development Review Board approval is governed by Section 4.400 to 4.450.

- D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:
 - 1. Pre-Application conference with Planning Department;
 - 2. Preliminary (Stage I) review by the Development Review Board. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval to the Board; and
 - 3. Final (Stage II) review by the Development Review Board
 - 4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan.

B. PDC, Stage II Final Development Plans

- (.07) Final Approval (Stage Two):
 - A. Unless an extension has been granted by the Development Review Board, within two (2) years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission is stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall beheld on each such application as provided in Section 4.013.

RESPONSE

The properties are already zoned PDC, and no Plan or Zone Map amendments are proposed. The applicant has conducted a Pre-application Conference with the City Planning staff.

The purpose of this application is to obtain the required land use approvals, for the Village Center Condominium Re-Plat. However, these actions do not require amendments to the approved (Stage I & Stage II Plans) (Case File 90PC28.)

The DRB will make the final decision through a Type III public hearing process. Unless appealed, City Council action will not be required.

Tabulations of the land area allocation devoted to various uses for the Village Center are reflected in Tables 1 in Section II above.

Planned Development Permit Criteria

(.09)J. A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as the Planned Development Regulations in Section 4.140:

- 1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
- 2. The location, design, size and uses are such that traffic generated by the development at the most probable intersections(s) can be

accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets...

3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

RESPONSE

As demonstrated by prior approvals, and within this compliance narrative, the location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan. They are further consistent with other applicable plans, development maps and Ordinances adopted by the City Council, and by the Development Review Board. The proposed Re-Plat reflects prior approved site development plans and revisions, all of which were found to be consistent with the Development Code and the context of the Charbonneau Village Center.

The proposed Re-Plat will not alter existing traffic impacts or parking requirements. Therefore the applicant has requested a Waiver of the City's Traffic Engineer's Report.

As demonstrated within this narrative, the proposed Preliminary Re-Plat does not involve any new site improvements, and therefore does not alter the location, design, size and uses as previously approved. Consistent with prior approvals, and the proposed findings herein, the existing buildings and improvements are adequately served by existing public facilities and services.

CONCLUSION - Stage I Master Plan and Stage II Development Plans

Based on the previous findings, plans, and supporting documents provided the applicant has demonstrated compliance with the applicable Stage I Master Plan and Stage II Final Development Plans.

The applicant in not proposing any changes from the prior approved developments that would alter the previously acknowledged conceptual and quantitatively accurate representations of the entire development. The representations on file remain sufficient to judge the scope, size, and impacts of the proposed minor improvements on the community and surrounding properties.

4.155, General Regulations - Parking, Loading, and Bicycle Parking

(.01) Purpose:

- A. The design of parking areas is intended to enhance the use of the parking area as it relates to the site development as a whole, while providing efficient parking, vehicle circulation and attractive, safe pedestrian access.
- B. As much as possible, site design of impervious surface parking and loading areas shall address the environmental impacts of air and water pollution, as well as climate change from heat islands.

C. The view from the public right-of-way and adjoining properties is critical to meet the aesthetic concerns of the community and to ensure that private property rights are met. Where developments are located in key locations such as near or adjacent to the I-5 interchanges, or involve expanses of asphalt, they deserve community concern and attention.

RESPONSE

The City has previously granted a Variance to the parking requirements for the Country Club, based on the extensive use of golf carts within Charbonneau. Therefore this application maintains compliance with prior approved plans for the Village Center.

4.156 Sign Regulations

(.01) Purpose. The general purpose of this Section is to provide one of the principal means of implementing the Wilsonville Comprehensive Plan by promoting public safety, providing locational and directional information, ensuring continued aesthetic improvement of the City's environment, and providing adequate opportunity for signage to meet the needs of individuals, businesses, institutions, and public agencies. These provisions classify and regulate the variety, number, size, location, and type of signs for a site. They do not necessarily assure or provide for a property owner's desired level of sign visibility. Regulations for signs have one or more of the following specific objectives:

RESPONSE

No new signage is proposed as part of this application. Therefore this Section is not applicable.

4.167 Access, Ingress and Egress

(.01) Each access onto streets shall be at defined points as approved by the City and shall be consistent with the publics health, safety, and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit.

RESPONSE

No changes to existing ingress or egress is proposed, therefore this section is not applicable.

- 4.171 General Regulations Protection of Natural Features and Other Resources
- (.01) Purpose. It is the purpose of this Section to prescribe standards and procedures for the use and development of land to assure the protection of valued natural features and cultural resources. The requirements of this Section are intended to be used in conjunction with those of the Comprehensive Plan and other zoning standards. It is further the purpose of this Section:
- A. To protect the natural environment and scenic features of the City of Wilsonville.
- B. To encourage site planning and development practices which protect and enhance natural features such as riparian corridors, streams, wetlands, swales, ridges, rock outcroppings, views, large trees and wooded areas.

To provide ample open space and to create a constructed environment capable (et sic) and harmonious with the natural environment.

RESPONSE

There are no new planned improvements related to this Re-Plat. The preliminary plat simply reflects existing conditions. Therefore this section is not applicable.

- 4.175 Public Safety and Crime Prevention
- (.01) All developments shall be designed to deter crime and insure public safety.
- (.02) Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.
- (.03) Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.
- (.04) Exterior lighting shall be designed and oriented to discourage crime.

RESPONSE

This development has been designed to deter crime and insure public safety. It is not only in the public's interest but also the applicant's interest to minimize opportunities for criminal activities on this property. The site has been designed and constructed to minimize areas vulnerable to crime, including outdoor lighting.

The site and main buildings are already clearly addressed for easy identification from the access drive. No changes are proposed that affect the identity of the facility.

The parking areas are already designed so they are not screened from the street view to ensure maximum visibility and customer safety, as well as easy police surveillance in their course of routine patrol duties.

Therefore the proposed development plans comply with the applicable elements of this section.

- 4.176 Landscaping, Screening, and Buffering (.02) Landscaping and Screening Standards.
 - A. Subsections "C" through "I" below, stat the different landscaping and screening standard to be applied throughout the City. The locations where landscaping and screening are required and the depth of the landscaping and screening is stated in various places in the Code.
 - B. All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment or area or length.
 - C. General Landscaping Standard.
 - 1. Intent. The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or development and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees.
 - 2. Required Materials. Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21): General Landscaping). The

General Landscaping Standard has two different requirements for trees an shrubs:

- a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
- b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 feet.
- (.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.

RESPONSE

Existing landscaping exceeds minimum code standards, at 38% of the Village Center. The proposed BBQ Plaza improvements (separate but related application), involves new landscaping elements that will provide enhanced visual quality. There will be no net decrease in landscaping as previously described.

4.179 Mixed Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings.

RESPONSE

The applicant has coordinated with Republic Service to provide for improved truck access to the waste/recycling enclosure. No changes are proposed to the enclosure itself. Therefore the proposed design remains consistent with this section.

4.199 OUTDOOR LIGHTING 4.199.20. Applicability:

- (.01) This Ordinance is applicable to:
 - A. Installation of new exterior lighting systems in public facility, commercial industrial and multi-family housing projects with common areas.
 - B. Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial industrial and multi-family housing projects with common areas.
- (.02) Exemption. The following luminaires and lighting systems are EXEMPT from these requirements:
 - A. Interior lighting
 - B. Internally illuminated signs
 - F. Building Code required exit path lighting
 - G. Lighting specifically for stairs and ramps
 - K. Code required Signs
 - M. Landscape lighting

4.199.30 Lighting Overlay Zones.

- (.01) The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family, or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance.
- (.02) The Lighting Zones shall be:
 - A. LZ 0. Critical dark environments.
 - B. LZ 1. Developed areas in City and State parks, recreation areas, SROZ wetland and wildlife habitat areas: developed areas in natural settings; sensitive night environments; and rural areas.
 - C. LZ 2. Low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts. This zone is intended to be the default condition for the majority of the City.
 - D. LZ 3. Medium to high-density suburban neighborhoods and districts, major shopping and commercial districts as depicted on the Lighting Overlay Zone Map.
 - E. LZ 4. Reserved for limited applications with special lighting requirements.

RESPONSE

The City has recently adopted new outdoor lighting standards, Section 4.199. These new regulations set standards for light intensity, and there are also curfew provisions, aimed at lower artificial light levels at night.

Section 4.199.30(.02) establishes lighting zones. The Village Center is within LZ 2 zone, as identified on the Lighting Zone Map. This zone applies to medium and high density commercial districts. The subject site is within a developed commercial district and has been developed as a commercial use in the PDC, Planned Development Commercial.

There are 64 existing outdoor lighting fixtures located throughout the Village Center. No new lighting is proposed as part of this Preliminary Plat.

Compliance with this Section for the new proposed lighting for the BBQ Plaza will be considered under that separate but related application.

Therefore the provisions of this section are not applicable or otherwise being met by a separate application.

4.300 UNDERGROUND UTILITIES

4.310 Exceptions.

Section 4.300 of this Code shall not apply to surface-mounted transformers, surface-mounted connection boxes, wireless communication facilities, and meter cabinets and other appurtenances which are reasonably necessary to be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operating at 50,000 volts or more.

4.320 Requirements

(.01) The developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the underground services (including cost of rearranging overhead facilities). All such underground facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commission of the State of Oregon relating to the installation and safety of underground lines, plant, system, equipment and apparatus.

- (.02) The location of the buried facilities shall conform to standards supplied to the subdivider by the City. The City also reserves the right to approve location of all surfacemounted transformers.
- (.03) Interior easements (back lot lines) will only be used for storm or sanitary sewers, and front easements will be used for other utilities unless different locations are approved by the City Engineer. Easements satisfactory to the serving utilities shall be provided by the developer and shall be set forth on the plat.

RESPONSE

The existing development is served by underground utilities, except surface-mounted transformers. The proposed Preliminary Plat does not involve any new utility connections. Therefore compliance with this Section has already been met. The proposed plat provides for appropriate easements.

Therefore these criteria have or will be met.

CONCLUSION – General Code Provisions

Based on the above findings the applicant has demonstrated compliance with the applicable General Code provisions.

IV. LAND DIVISION

Section 4.200. General - Purpose.

The City Council hereby finds and deems that it is reasonable and necessary, in order to accomplish the orderly development of land within the corporate limits of the City, and in order to promote the public health, safety and general welfare of the City, to enact these sections, to be hereinafter known as the "Land Division Regulations of the City of Wilsonville, Oregon," in order to provide rules, regulations and standards to govern the approval of plats for subdivisions, land partitions, condominium divisions, and plans for other property divisions, to carry out the development pattern and plan of the City and to promote the public health, safety and general welfare thereof, and in order to lessen congestion of streets, secure safety from fires, flood, pollution and other dangers and to provide adequate light and area, and to prevent overcrowding of land, improve connectivity from one part of the community to another, and to facilitate adequate provision for transportation, water supplies, sewage, drainage, education, recreation and other needs of the people of the City, and to prescribe procedures to be followed in submitting plans and plats of land divisions for approval by the City.

Section 4.210. Application Procedure.

- (.01) Pre-application conference. Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.
 - A. Preparation of Tentative Plat. The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Comprehensive Plan, existing and proposed streets, roads and public utilities. The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.
 - B. Tentative Plat Submission. The purpose of the Tentative Plat is to present a study of the proposed subdivision to the Planning Department and Development Review

Board and to receive approval or recommendations for revisions before preparation of a final Plat. The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:

- 1. Site development application form completed and signed by the owner of the land or a letter of authorization signed by the owner. A preliminary title report or other proof of ownership is to be included with the application form.
- 2. Application fees as established by resolution of the City Council.
- 3. Ten (10) copies and one (1) sepia or suitable reproducible tracing of the Tentative Plat shall be submitted with the application. Paper size shall be eighteen inch (18") by twenty-four inch (24"), or such other size as may be specified by the City Engineer.
- 4. Name of the subdivision. No subdivision name shall duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Names may be checked through the county offices.
- 5. Names, addresses, and telephone numbers of the owners and applicants, and engineer or surveyor.
- 6. Date, north point and scale of drawing.
- 7. Location of the subject property by Section, Township, and Range.
- 8. Legal road access to subject property shall be indicated as City, County, or other public roads.
- 9. Vicinity map showing the relationship to the nearest major highway or street.
- 10. Lots: Dimensions of all lots, minimum lot size, average lot size, and proposed lot and block numbers.
- 11. Gross acreage in proposed plat.
- 12. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks, and playgrounds or other public or semi-public uses.
- 13. Improvements: Statement of the improvements to be made or installed including streets, private drives, sidewalks, lighting, tree planting, and times such improvements are to be made or completed. [Amended by Ord. 682, 9/9/10]
- 14. Trees. Locations, types, sizes, and general conditions of all existing trees, as required in Section 4.600.
- 15. Utilities such as electrical, gas, telephone, on and abutting the tract.
- 16. Easements: Approximate width, location, and purpose of all existing and proposed easements on, and known easements abutting the tract.
- 17. Deed Restrictions: Outline of proposed deed restrictions, if any.
- 18. Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the Tentative Plat.
- 19. If the subdivision is to be a "Planned Development," a copy of the proposed Home Owners Association By-Laws must be submitted at the time of submission of the application. The Tentative Plat shall be considered as the Stage I Preliminary Plan. The proposed By-Laws must address the maintenance of any parks, common areas, or facilities.
- 20. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.172.
- 21. Proposed use or treatment of any property designated as open space by the City of Wilsonville.
- 22. A list of the names and addresses of the owners of all properties within 250 feet of the subject property, printed on self-adhesive mailing labels. The list shall be taken from the latest available property ownership records of the Assessor's office of the affected county.
- 23. A completed "liens and assessments" form, provided by the City Finance Department.
- 24. Locations of all areas designated as a Significant Resource Overlay Zone by the City, as well as any wetlands shall be shown on the tentative plat.
- 25. Locations of all existing and proposed utilities, including but not limited to

domestic water, sanitary sewer, storm drainage, and any private utilities crossing or intended to serve the site. Any plans to phase the construction or use of utilities shall be indicated. [Amended by Ord. 682, 9/9/10] 26. A traffic study, prepared under contract with the City, shall be submitted as part of the tentative plat application process, unless specifically waived by the Community Development Director.

RESPONSE

Overtime several improvements and building additions have occurred, with appropriate land use approvals granted by the City of Wilsonville. However, in some cases the Village Center Condominium Plat was never appropriately updated to reflect these revisions.

This application now proposes a New Preliminary Plat (Re-Plat) to accurately reflect current conditions, unit ownerships, and unit ownership boundaries. However, these revisions and amendments do not include any revisions to the recorded CC&R's.

In addition to City Code Land Division requirements, as a Condominium, these ownership and boundary changes are also subject to ORS 100.130, Relocation of unit boundaries and common elements by amendment to Declarations.

The application includes all the required submittal documents listed above, and includes the Amended Declaration required by ORS 100.130. The proposed amendments have been approved by the Condominium Board and include the following:

The specific revisions to the Village Center Plat include:

1. Unit 1, adjust west side Limited Common Element to include outdoor patio and remove this area from General Common Element.

2. Unit 3:

- a. Adjust Unit Boundary to include building addition on north side, and remove this area from Limited Common Element; and
- b. Adjust Limited Common Element to include east side drive-up canopy, and remove this area from General Common Element.

3. Unit 4:

- a. Adjust Unit boundary to include the building expansion on the west side of the Tennis Club, reduce Limited Common Element by same amount; and
- b. Transfer a portion of the Limited Common Element south of the building to Unit 5, including the plaza area east of the sidewalk over General Common Element.

4. Unit 5:

- c. Adjust Unit boundary to include building entry additions on the west; and reduce a portion of General Common Element and Limited Common Element by same amount;
- d. Transfer a portion of General Common Element to Unit 5 Limited Common Element, related to outdoor plaza improvements;
- e. Transfer portion of Limited Common Element Unit 4 south of the Tennis Club building to Limited Common Element Unit 5; and
- f. Reclassify Variable Property "B" as follows:

- i. Adjust Unit 5 boundary to include building addition on east side;
- ii. Reclassify net area as Limited Common Element Unit 5.
- 5. Reclassify Variable Property C to be part of General Common Element (parking).
- 6. Add Unit 9, which was previously listed as an Excepted Tract.
- 7. Add Unit 10 (Supplemental Declaration Charbonneau Village Condominium Stage 3):
 - a. Reclassify Variable Property "A" to Unit 10, including Residential Condos A-F; and including associated Limited Common Element; and
 - b. Adjust General Common Element to include grass/treed area north of these residential condos.

These revisions do not alter any prior approvals, or affect the net area allocations of buildings, parking, landscaping and open space. With the exception of the BBQ Plaza Remodel included, which is the subject of a separate but related application, the proposed amendments simple accurately reflect the prior approved buildings and amendments to the Plat since it was originally recorded.

The requirement for a Traffic Study has been Waived, as the Plat revisions do not result in any new traffic being generated. There were no CC&Rs recorded which apply to the Village Center, just the Declaration and Condo Association By-laws.

CONCLUSION – Preliminary Plat

The proposed Preliminary Plat complies with the applicable provisions of Section 4.200.01B and the requirements of ORS 100.130. Once preliminary approval is obtained the application will proceed to prepare the Final Plat for review and recordation with the County, together with the Amended Declaration consistent with Section 4.220 and ORS 100.130, which will be filed with the Oregon Real Estate Agency.

V. FINAL CONCLUSION

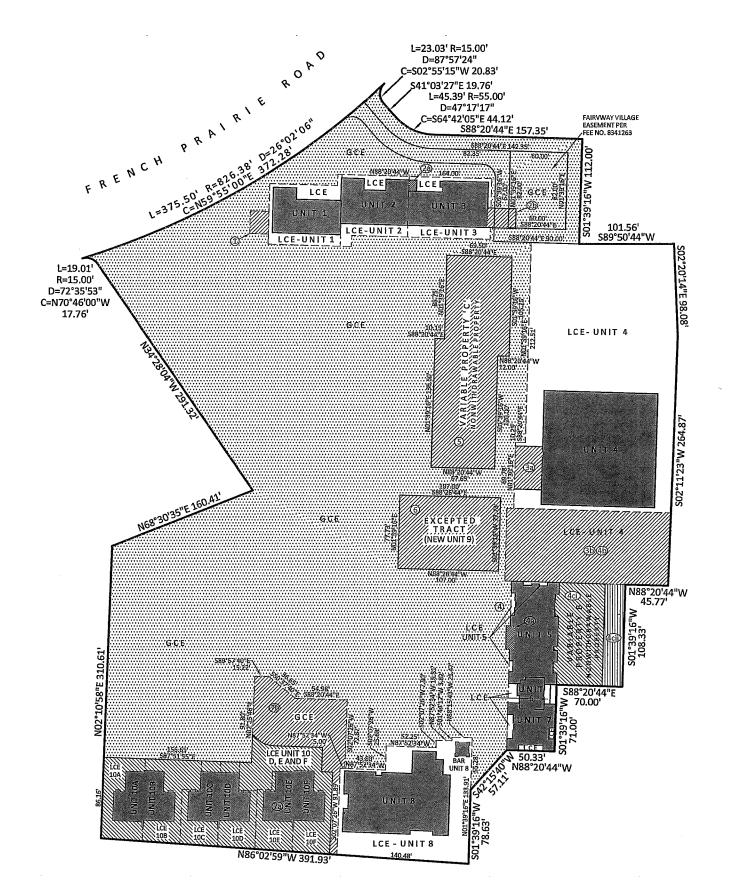
This Compliance report has provided findings demonstrating compliance with the Comprehensive Plan and applicable PDC zoning, Planned Development Permit standards, and Land Division standards. The proposed Findings demonstrate compliance with the following applicable standards and criteria:

- PDC Stage I Master Plan;
- PDC Stage II Development Plan;
- All Prior Land Use Approvals; and
- Preliminary Subdivision

Based on the findings and supporting plans and documents, the development is found to comply with all Planned Development, Land Division, and Site Design Review standards and criteria. Therefore the applicant respectfully requests approval of all requested land use actions.

These amendments will be recorded with Clackamas County, per ORS 92 and with the Oregon Real Estate Agency, per ORS 100.

Proposed Preliminary Plat Amendments



PLAT AMENDMENT

CHARBONNEAU VILLAGE CENTER CONDOMINIUM PLAT BOOK 94, PAGE 30

LOCATED IN THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 24 AND IN THE NORTH 1/2 OF THE NW 1/4 OF SECTION 35, T 3 S., R 1 W., WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

SURVEYED: SHEET 1/1 LAST REVISED 04/04/14

- 1. UNIT 1, ADJUST WEST SIDE LCE BOUNDARY TO INCLUDE OUTDOOR PATIO AND REMOVE THIS AREA FROM GENERAL COMMON ELEMENTS.
- - a. ADJUST UNIT BOUNDARY TO INCLUDE BUILDING ADDITION ON NORTH SIDE, AND REMOVE THIS AREA FROM LIMITED COMMON ELEMENT; AND b. ADJUST LIMITED COMMON AREA BOUNDARY TO INCLUDE EAST SIDE DRIVE-UP CANOPY AND DRIVEWAY, AND REMOVE THIS AREA FROM GENERAL

- a. ADJUST UNIT BOUNDARY TO INCLUDE THE BUILDING EXPANSION ON THE WEST SIDE OF THE TENNIS CLUB; AND REDUCE LCE BY SAME AMOUNT; AND b. TRANSFER A PORTION OF THE LIMITED COMMON ELEMENT SOUTH OF UNIT 4 TO UNIT 5, INCLUDING THE PLAZA AREA EAST OF THE SIDEWALK OVER GENERAL COMMON ELEMENT.
- 4. UNITS:
 a. ADJUST UNIT BOUNDARY TO INCLUDE BUILDING ADDITIONS ON THE WEST; AND REDUCE LCE AND GCE BY SAME AMOUNT; AND
 b. TRANSFER PORTION OF GENERAL COMMON ELEMENT AND LIMITED COMMON ELEMENT UNIT 4 SOUTH OF THE TENNIS CLUB BUILDING TO LIMITED
 - COMMON ELEMENT UNIT 5: AND c. RECLASSIFY VARIABLE PROPERTY "B" AS FOLLOWS:
 - ADJUST UNIT 5 BOUNDARY TO INCLUDE BUILDING ADDITION ON EAST SIDE;
 RECLASSIFY NET AREA AS LIMITED COMMON ELEMENT UNIT 5.
- 5. RECLASSIFY VARIABLE PROPERTY C TO BE PART OF GENERAL COMMON ELEMENT (PARKING).
- 6. ADD UNIT 9, WHICH WAS PREVIOUSLY LISTED AS AN EXCEPTED TRACT.
- 7. ADD UNIT 10 (SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CONDOMINIUM STAGE 3):

 a. RECLASSIFY VARIABLE PROPERTY*A" TO UNIT 10, INCLUDING RESIDENTIAL CONDOS A-F; AND INCLUDING ASSOCIATED LIMITED COMMON ELEMENTS;
- b. ADJUSTMENT TO GENERAL COMMON FLEMENT TO INCLUDE GRASS TREED AREA NORTH OF UNITS.

RECORDED AND UNRECORDED AMENDMENTS

- 1. CHARBONNEAU VILLAGE CENTER CONDO PLAT RECORDED 11-29-1990; BOOK 94, PAGE 30;
 2. CHARBONNEAU VILLAGE CENTER CONDO DECLARATIONS RECORDED 11-29-1990; FEE NO. 90-059018
 3. WILLAMETTE FACTORS TRANSFERS VARIABLE PROPERTY B TO COUNTRY CLUB RECORDED 12-06-1990; FEE NO. 90-59025
 4. WILLAMETTE FACTORS, VILLAGE CENTER, AND COUNTRY CLUB TRANSFERS UNITS 6, 7 AND 8 TO WILLAMETTE FACTORS, UNITS 1, 2 AND 3 TO VILLAGE CENTER, AND UNITS 4 AND 5 TO COUNTRY CLUB TRANSFERS UNITS 6, 7 AND 8 TO WILLAMETTE FACTORS, UNITS 1, 2 AND 3 TO VILLAGE CENTER, AND UNITS 4 RECORDED 9-15-1994; FEE NO. 94-072852
 5. COUNTRY CLUB WEST SIDE ADDITION | RECORDED 9-15-1994; FEE NO. 94-072852
 6. COUNTRY CLUB WEST SIDE ADDITION | GODRAID NO AMENDMENT FILED;
 7. BITAR BUILDING (PREVIOUSLY FXCEPTED) ADDED AS UNITJ 9 RECORDED 9-12-1994; FEE NO. 94-09542B

- BITAR BUILDING (PREVIOUSLY EXCEPTED) ADDED AS UNIT 9 RECORDED 9-12-1994; FEF NO. 94-09542B

- 7. BITAR BUILDING (PREVIOUSIV EXCEPTED) ADDED AS UNIT 9 RECORDED 9-12-1994; FEE NO. 94-095428

 8. COUNTRY CLUB EAST SIDE ADDITION (98DR18) NO AMENDMENT FILED;

 9. VARIABLE PROPERTY B ECOMES PART OF UNIT 5 RECORDED 11-17-1997; FEE NO. 97-090153

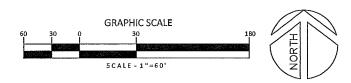
 10. VARIABLE PROPERTY C BECOMES GCE RECORDED 11-17-1997; FEE NO. 97-090153

 11. VARIABLE PROPERTY "A" AMENDED AS UNIT 10 A F. PECORDED 3-10-1999; FEE NO. 99-024253

 12. UNIT 1 ADDITION OF OUTDOOR PATIO, EARLY 2000 (OVER GENERAL COMMON ELEMENT NO AMENDMENT FILED;

 13. UNIT 3 ADDITION OF BUILDING ADDITION ON NORTH SIDE OF UNIT 3, AND REMOVE THIS AREA FROM LIMITED COMMON ELEMENT NO AMENDMENT FILED;

 15. UNIT PROPORTIONATE INTERESTS AMENDED TO INCLUDE UNIT 10 RECORDED 3-10-1999; FEE NO. 99-024252.

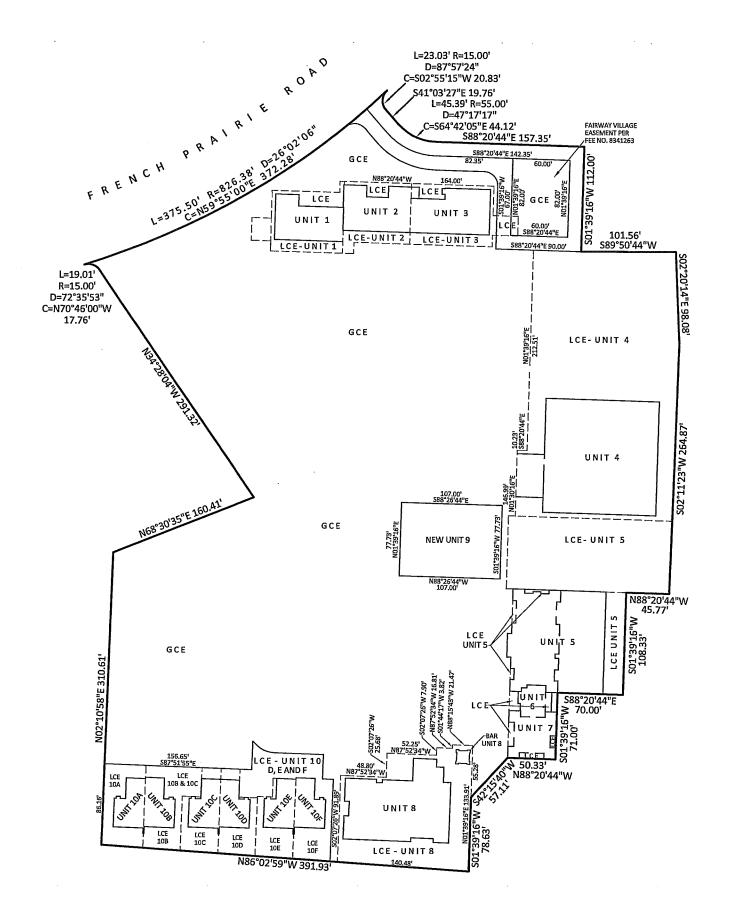




OREGON JULY 11, 2000 MICHAEL H. HARRIS 57863 VALID UNTIL 6-30-15

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PLAT AMENDMENT

CHARBONNEAU VILLAGE CENTER CONDOMINIUM
PLAT BOOK 94, PAGE 30

LOCATED IN THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 24
AND IN THE NORTH 1/2 OF THE NW 1/4 OF SECTION 35,
T 3 S., R 1 W., WILLAMETTE MERIDIAN, CITY OF WILSONVILLE,
CLACKAMAS COUNTY, OREGON

SURVEYED: SHEET 1/1 LAST REVISED: 04/04/14



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OREGON
JULY 11, 2000
MICHAEL H. HARRIS
57863
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Charbonneau Village Center Condominium Additional LCE Description - Unit 1

SFA Job No. 999-146 October 3, 2013

A portion of the General Common Element shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Beginning at the a point on the Limited Common Element boundary for Unit 1 of said plat from which the Northwest plat corner thereof bears South 82°31'36" West 199.86 feet; thence leaving said boundary North 88°20'44" West, 20.09 feet; thence North 01°39'16" East, 24.17 feet; thence South 88°20'44" East, 20.09 feet to said Limited Common Element boundary line; thence South 01°39'16" West along said boundary line 24.17 feet to the Point of Beginning.

Containing 485 square feet.

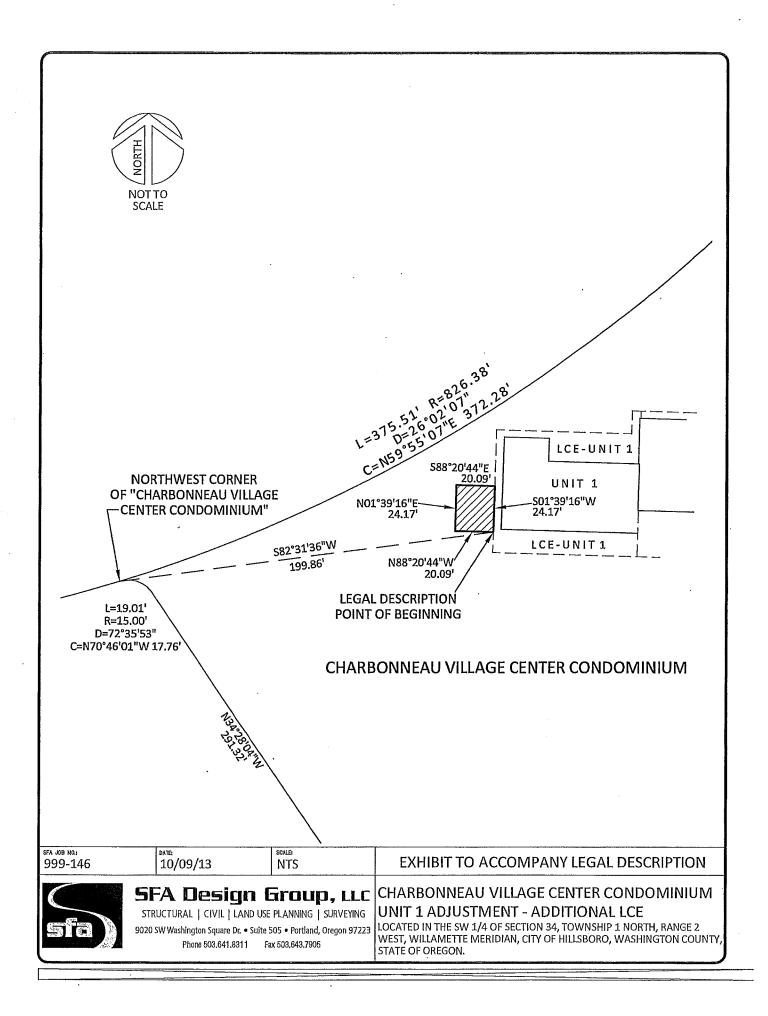
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OREGON JULY 11, 2000 MICHAEL H. HARRIS

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VALID UNTIL 6-30-15





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Charbonneau Village Center Condominium Additional Unit Area Description – Unit 3

SFA Job No. 999-146 December 9, 2013

A portion of the Limited Common Element shown for Unit 3 on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Beginning at the Northwest corner of said Unit 3 of said plat from which the most northerly plat corner thereof bears North 14°22'19" West 106.16 feet; thence leaving said Unit 3 boundary South 88°20'44" East, 8.00 feet; thence South 01°39'16" West, 12.00 feet to said Unit 3 boundary; thence along said boundary North 88°20'44" West, 8.00 feet; thence continuing along said boundary North 01°39'16" East, 12.00 feet to said Northwest corner of Unit 3 and the Point of Beginning.

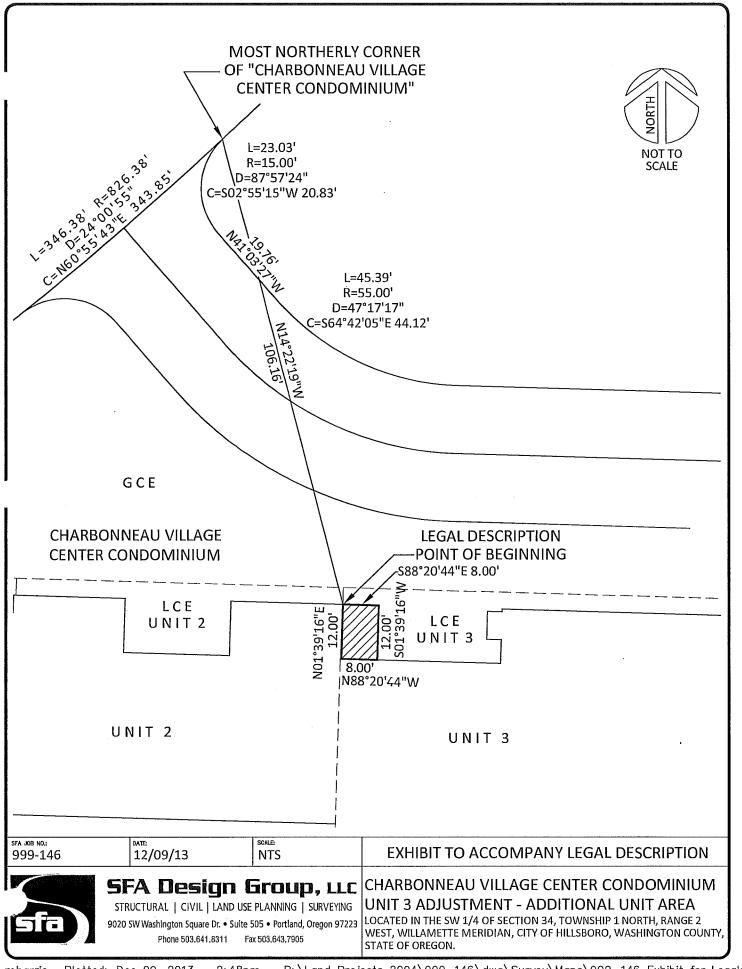
Containing 96 square feet.

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Charbonneau Village Center Condominium Additional Limited Common Element Area Description Unit 3

SFA Job No. 999-146 October 3, 2013

A portion of the General Common Element shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Beginning at a point on the boundary of the Limited Common Element for said Unit 3 of said plat from which the most northerly plat corner thereof bears North 40°20'55" West 174.40 feet; thence leaving said boundary South 88°20'44" East, 26.64 feet; thence South 01°39'16" West, 20.93 feet; thence North 88°20'44" West, 26.64 feet to said Limited Common Element boundary; thence North 01°39'16" East along said boundary 20.93 feet to the Point of Beginning.

Containing 558 square feet.

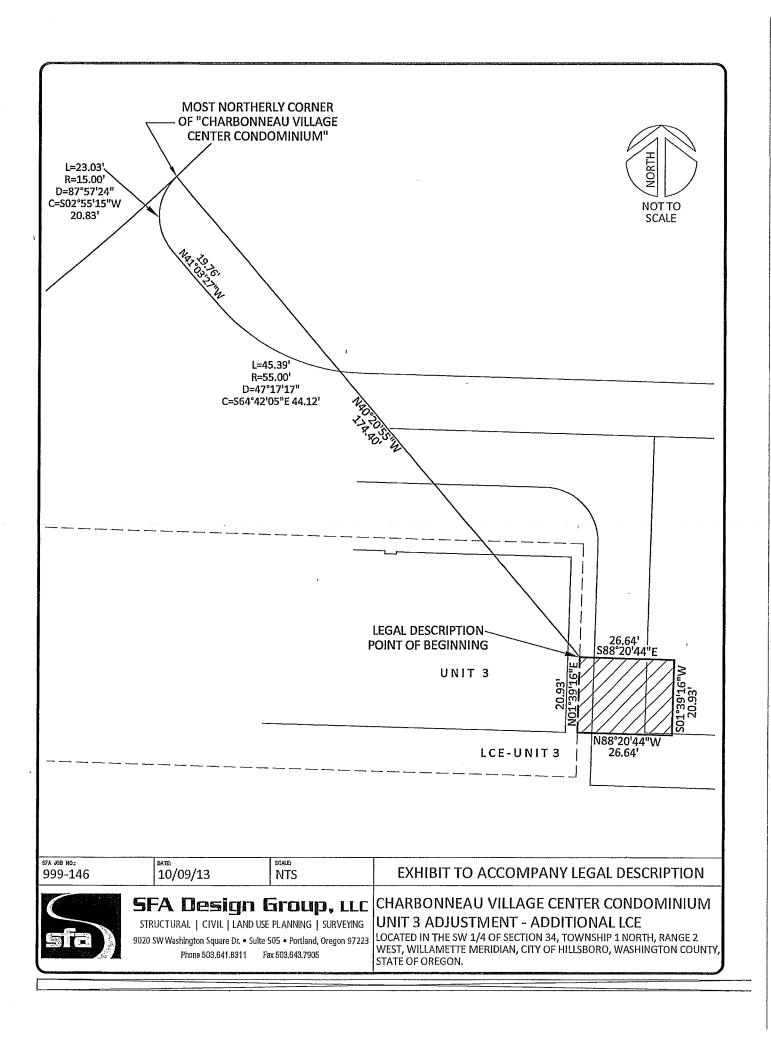
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Charbonneau Village Center Condominium Additional Unit Area Description - Unit 4

SFA Job No. 999-146 October 3, 2013

A portion of the Limited Common Element for Unit 4 shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Beginning at a point on the boundary of the Limited Common Element for said Unit 4 of said plat from which the Initial Point of said plat bears North 32°58'04" East 256.70 feet; thence South 01°37'55" West along said boundary 45.67 feet; thence leaving said Limited Common Element boundary North 88°22'05" West, 28.61 feet; thence North 01°30'16" East, 45.67 feet; thence South 88°22'05" East, 28.71 feet to said boundary and the Point of Beginning.

Containing 1,309 square feet.

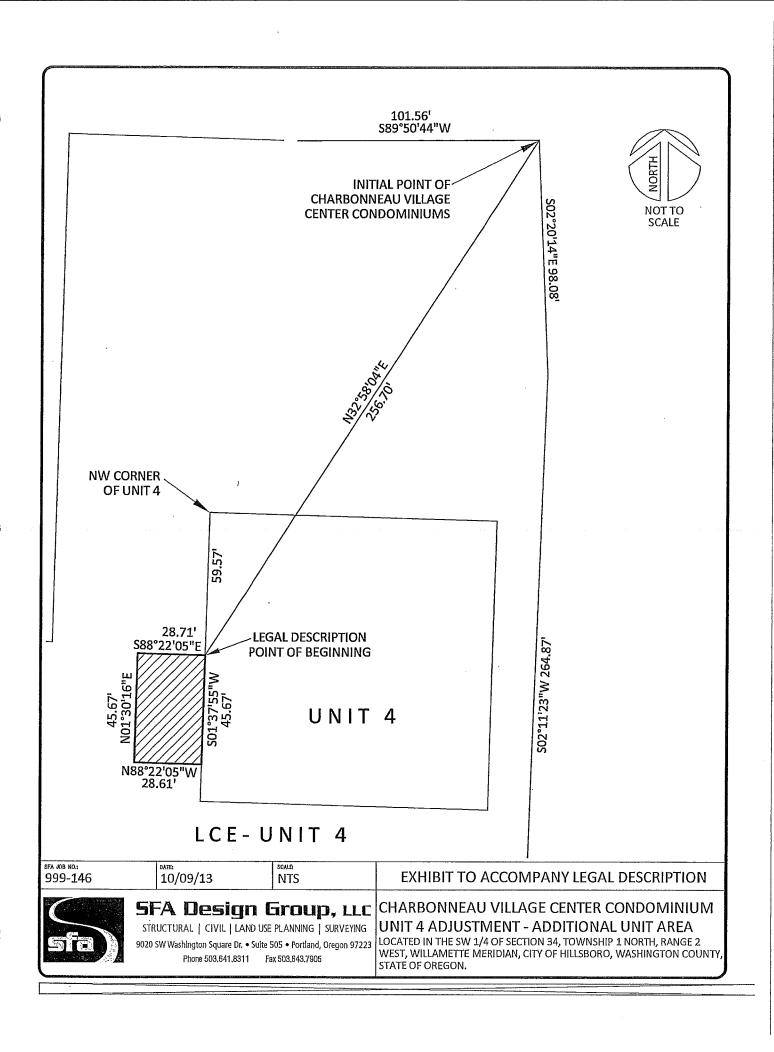
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Charbonneau Village Center Condominium Additional Unit Area Description - Unit 5

SFA Job No. 999-146 October 9, 2013

A portion of the General Common Element and of the Limited Common Element for Unit 5 as shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

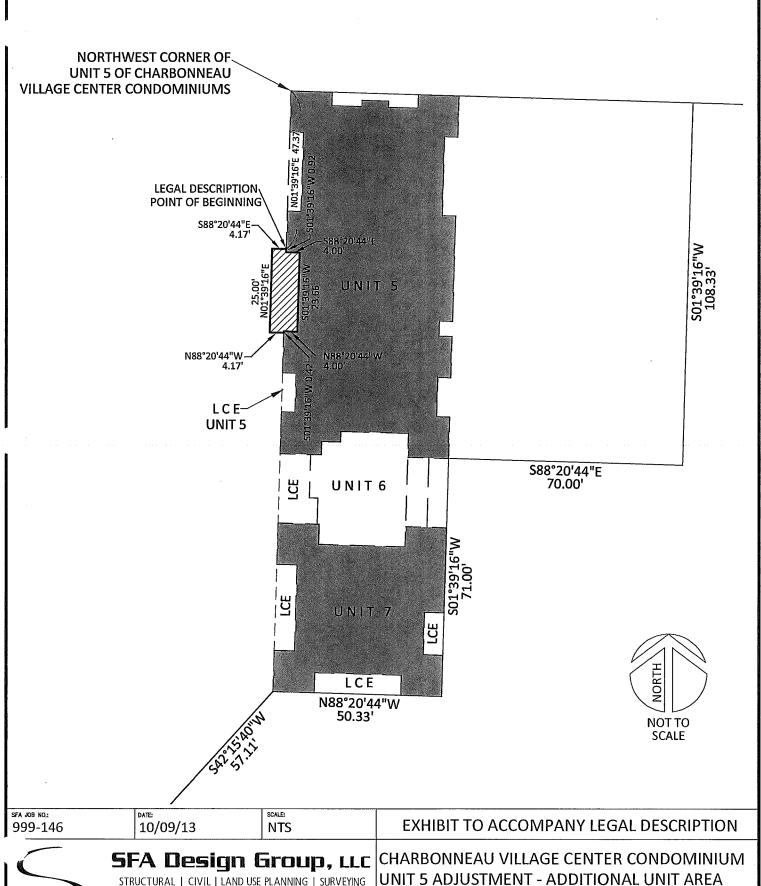
Beginning at a point on the West boundary line of said Unit 5 from which the Northwest corner thereof bears North 01°39'16" East, 47.37 feet; thence along said boundary of Unit 5 the following (5) courses: South 01°39'16" West, 0.92 feet; thence South 88°20'44" East, 4.00 feet; thence South 01°39'16" West, 23.66 feet; thence North 88°20'44" West, 4.00 feet; thence South 01°39'16" West, 0.42 feet; thence leaving said unit boundary line North 88°20'44" West, 4.17 feet; thence North 01°39'16" East, 25.00 feet; thence South 88°20'44" East, 4.17 feet to the Point of Beginning.

Containing 199 square feet.

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JULY 11, 2000
MICHAEL H. HARRIS
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LOCATED IN THE SW 1/4 OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF HILLSBORO, WASHINGTON COUNTY, STATE OF OREGON.



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Charbonneau Village Center Condominium Additional LCE Description - Unit 5

SFA Job No. 999-146 October 9, 2013

A portion of "Variable Property 'B" as shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Beginning at the Northeast corner of said "Variable Property 'B"; thence South 01°39'16" West along the East line thereof 108.33 feet to the Southeast corner thereof; thence North 88°20'44" West along the South line of said "Variable Property 'B" 21.58 feet; thence leaving said South line, North 01°34'25" East, 108.33 feet to the North line of said "Variable Property 'B"; thence South 88°20'44" East along said North line 21.73 feet to said Northeast corner of said "Variable Property 'B" and the Point of Beginning.

Containing 2,346 square feet.

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JULY 11, 2000 MICHAEL H. HARRIS 57863



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Charbonneau Village Center Condominium Additional LCE Description - Unit 5

SFA Job No. 999-146 January 30, 2014

A portion of Limited Common Element for Unit 4 and of the General Common Element as shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Beginning at the Southeast corner of said Limited Common Element for Unit 4; thence North 88°20'44" West along the South line of said Limited Common Element for Unit 4 and the westerly extension thereof, 173.30 feet; thence North 01°30'16" East, 77.21 feet; thence South 88°22'05" East 174.22 feet to the East line of said Limited Common Element for Unit 4; thence South 02°11'23" West along said East line 77.28 feet to said Southeast corner of the Limited Common Element for Unit 4 and the Point of Beginning.

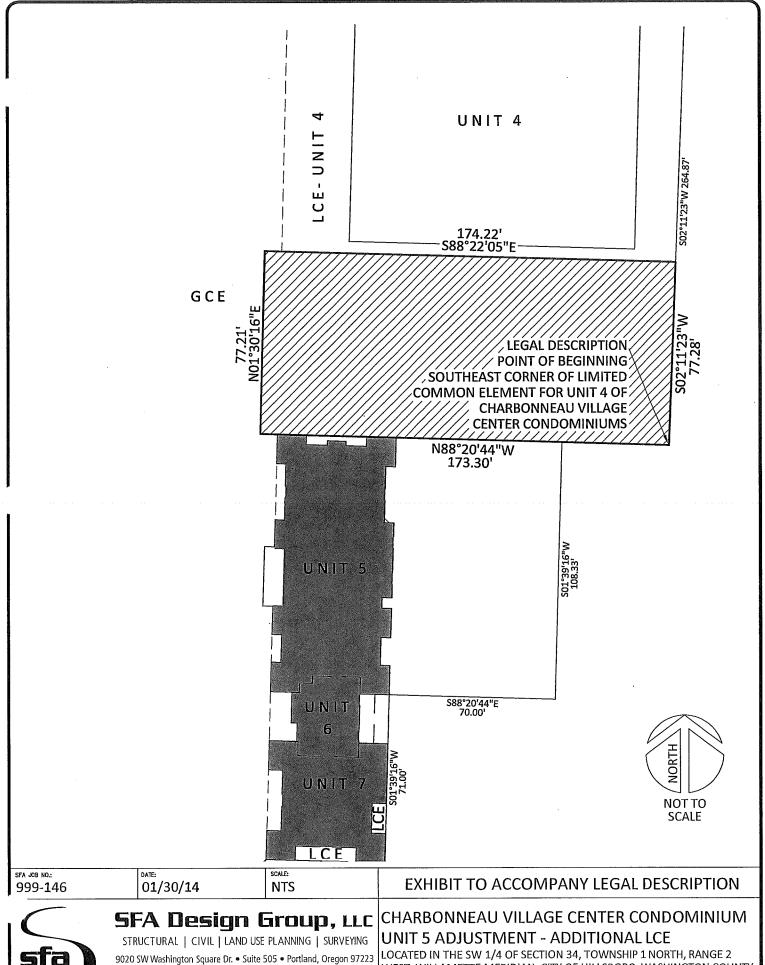
Containing 13,422 square feet.

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> OREGON JULY 11, 2000

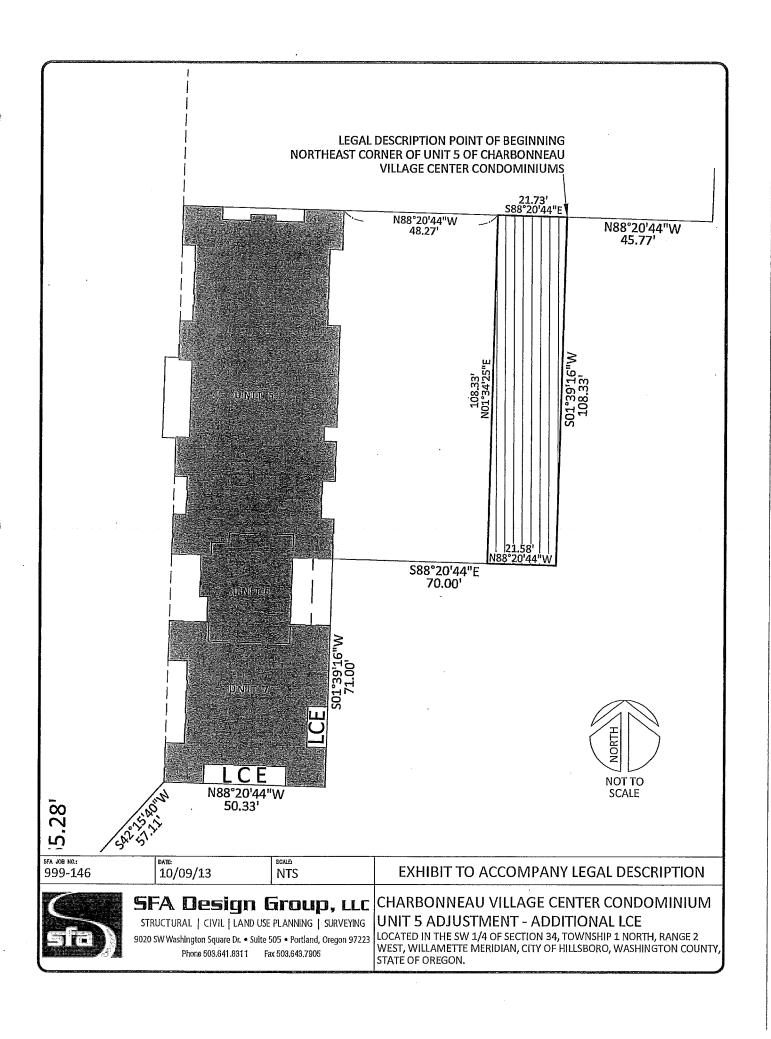
MICHAEL H. HARRIS 57863





Phone 503.641.8311 Fax 503.643.7905

WEST, WILLAMETTE MERIDIAN, CITY OF HILLSBORO, WASHINGTON COUNTY, STATE OF OREGON.





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Charbonneau Village Center Condominium Bar - Unit 8

SFA Job No. 999-146 March 7, 2014

A portion of the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

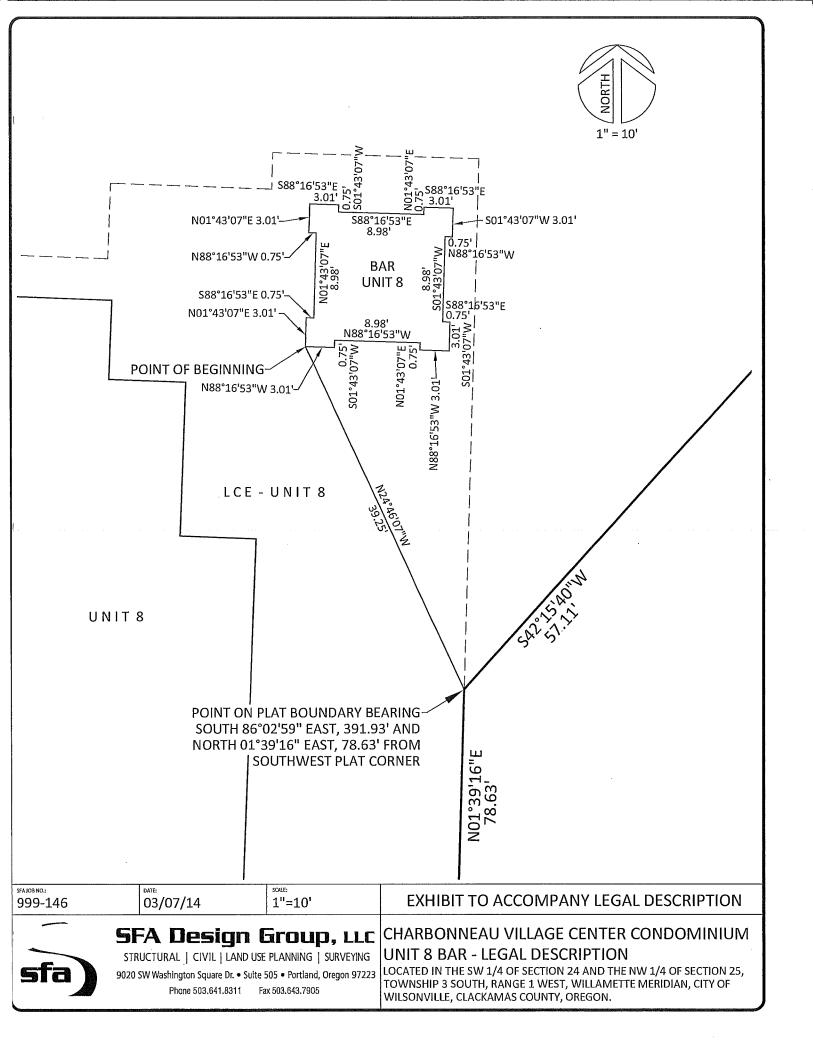
Beginning at an angle point in the boundary of said plat bearing South 86°02'59" East, 391.93 feet and North 01°39'16" East, 78.63 feet from the Southwest corner of said plat; thence leaving said plat boundary, North 24°46'07" West, 39.25 feet to the Point of Beginning; thence North 01°43'07" East, 3.01 feet; thence South 88°16'53" East, 0.75 feet; thence North 01°43'07" East, 8.98 feet; thence North 88°16'53" West, 0.75 feet; thence North 01°43'07" East, 3.01 feet; thence South 88°16'53" East, 3.01 feet; thence South 01°43'07" West, 0.75 feet; thence South 88°16'53" East, 8.98 feet; thence North 01°43'07" East, 0.75 feet; thence South 88°16'53" East, 3.01 feet; thence South 01°43'07" West, 3.01 feet; thence North 88°16'53" West, 0.75 feet; thence South 01°43'07" West, 8.98 feet; thence South 88°16'53" East, 0.75 feet; thence South 01°43'07" West, 3.01 feet; thence North 88°16'53" West, 3.01 feet; thence North 01°43'07" East, 0.75 feet; thence North 88°16'53" West, 8.98 feet; thence South 01°43'07" West, 0.75 feet; thence North 88°16'53" West, 3.01 feet to the Point of Beginning.

Containing 196 square feet.

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JULY 11, 2000
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and





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Charbonneau Village Center Condominium Unit 8

SFA Job No. 999-146 March 7, 2014

Unit 8 of the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Commencing at the Southwest corner of said plat; thence South 86°02'59" East along the South line of said plat 391.93 feet to an angle point in said plat boundary; thence leaving said plat boundary, North 35°55'43" West 37.08 feet to the Point of Beginning; thence North 87°52'24" West, 16.50 feet; thence North 02°07'36" East, 3.97 feet; thence North 87°52'24" West, 23.50 feet; thence South 02°07'36" West, 3.96 feet; thence North 87°52'24" West, 72.50 feet; thence North 02°07'36" East, 24.53 feet; thence South 87°52'24" East, 5.00 feet; thence North 02°07'36" East, 15.50 feet; thence North 87°52'24" West, 5.00 feet; thence North 02°07'36" East, 24.48 feet; thence South 87°52'24" East, 33.56 feet; thence South 02°07'36" West, 3.33 feet; thence South 87°52'24" East, 6.45 feet; thence North 02°07'36" East, 3.33 feet; thence South 87°52'24" East, 32.06 feet; thence North 02°07'36" East, 24.00 feet; thence South 87°52'24" East, 24.50 feet; thence South 02°07'36" West, 8.25 feet; thence South 87°52'24" East, 7.97 feet; thence South 02°07'36" West, 16.00 feet; thence South 87°52'24" East, 7.96 feet; thence South 02°07'36" West, 64.27 feet to the Point of Beginning.

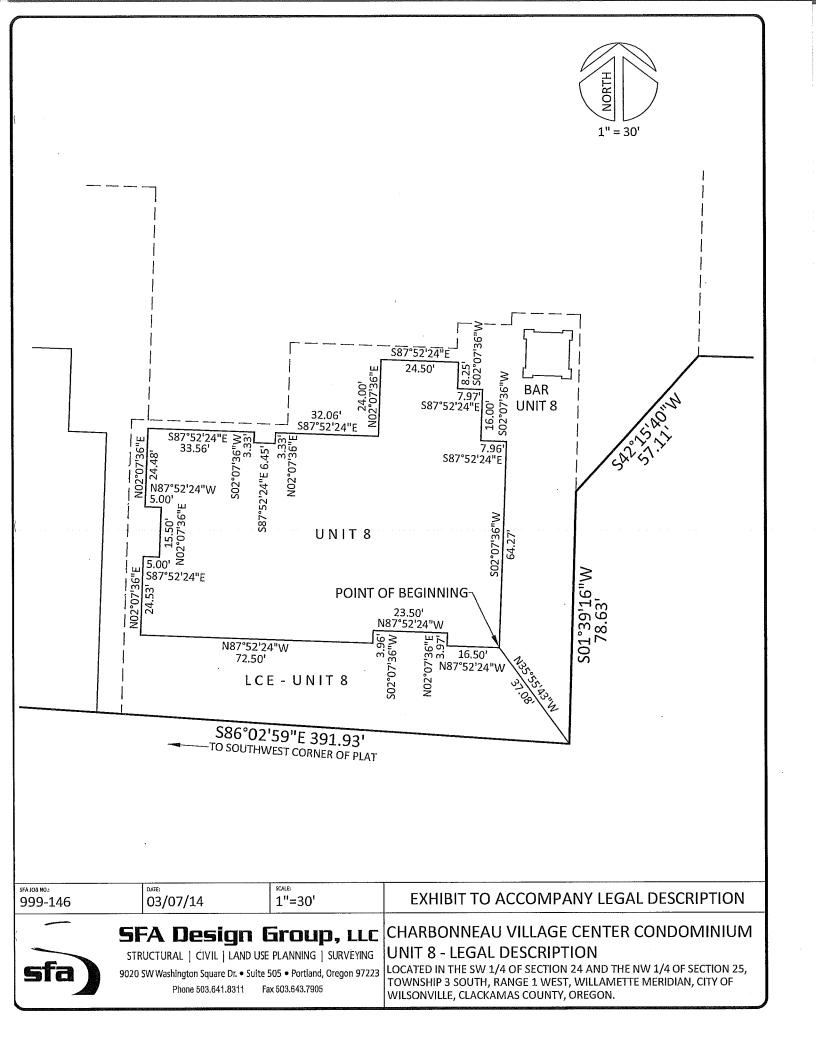
Containing 7,777 square feet.

REGISTERED PROFESSIONAL

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OREGON JULY 11, 2000 MICHAEL H. HARRIS 57863

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Charbonneau Village Center Condominium Unit 9

SFA Job No. 999-146 March 7, 2014

A portion of the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Commencing at the Southwest corner of said plat; thence North 02°10'58" East along the West boundary of said plat 310.61 feet; thence continuing along said plat boundary North 68°30'35" East, 160.41 feet; thence leaving said plat boundary South 88°14'08" East 157.16 feet to the Northwest corner of the Excepted Tract shown on said plat and the Point of Beginning; thence along the boundary of said Excepted Tract the following (4) courses: South 88°26'44" East, 107.00 feet; thence South 01°39'16" West 77.73 feet; thence North 88°26'44" West, 107.00 feet; thence North 01°39'16" East, 77.73 feet to the Point of Beginning.

Containing 8,317 square feet.

REGISTERED

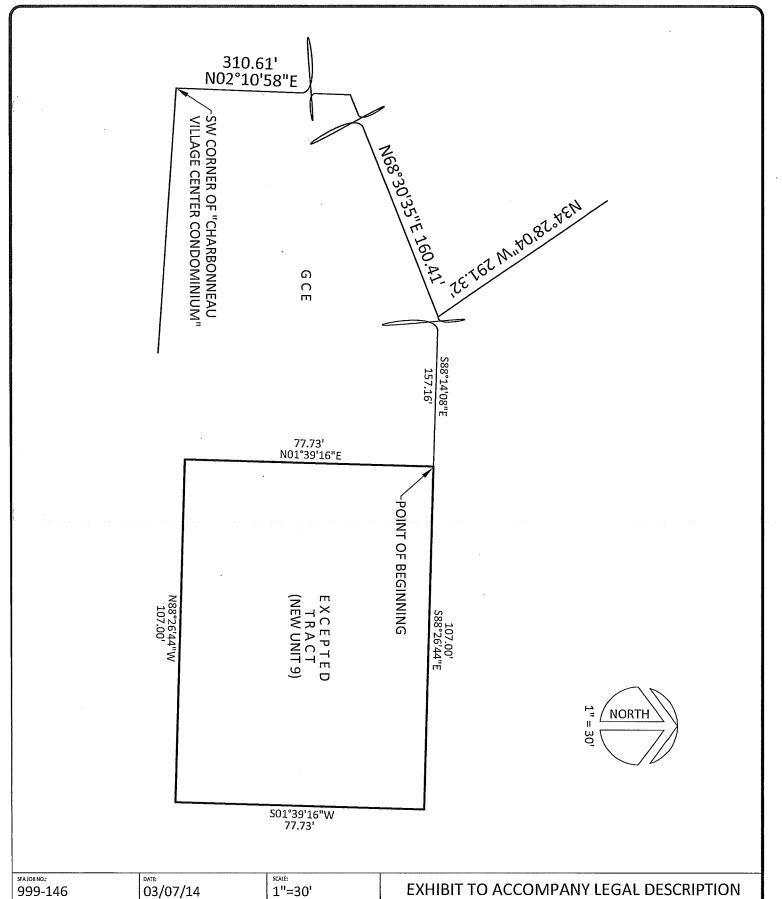
PROFESSIONAL LAND SURVEYOR

OREGON

JULY 11, 2000 MICHAEL H. HARRIS

and

57863



999-146

03/07/14

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

SFA Design Group, LLC

STRUCTURAL | CIVIL | LAND USE PLANNING | SURVEYING 9020 SW Washington Square Dr. • Suite 505 • Portland, Oregon 97223 Fax 503.643.7905 Phone 503.641.8311

CHARBONNEAU VILLAGE CENTER CONDOMINIUM **UNIT 9 - LEGAL DESCRIPTION**

LOCATED IN THE SW 1/4 OF SECTION 24 AND THE NW 1/4 OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON.



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Charbonneau Village Center Condominium Variable Property 'A' Reclassification Description SFA Job No. 999-146 October 9, 2013

A portion of Variable Property 'A' as shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Beginning at the Southwest corner of said Variable Property 'A', said corner also being the Southwest corner of the plat of Charbonneau Village Center Condominiums Stage 3; thence along the boundary of said Variable Property 'A' the following (3) courses: North 02°10'58" East, 86.16 feet; thence South 87°51'55" East, 156.65 feet; thence North 02°15'46" East, 30.22 feet to the boundary of the General Common Element shown on said plat; thence along the boundary of said General Common Element the following (6) courses: South 45°00'00" East, 5.77 feet to a point of curvature; thence 20.22 feet along the arc of a 27.00 foot radius curve to the left, through a central angle of 42°53'58", said curve having a chord bearing South 66°26'59" East, 19.75 feet; thence South 87°53'58" East, 52.45 feet; thence South 02°13'26" West, 25.80 feet; thence South 87°46'54" East, 11.73 feet; thence South 02°08'22" West, 87.19 feet to the Southeast corner of said Variable Property 'A'; thence North 86°02'59" West along the South line thereof 243.66 feet to said Southwest corner of said Variable Property 'A' and the Point of Beginning.

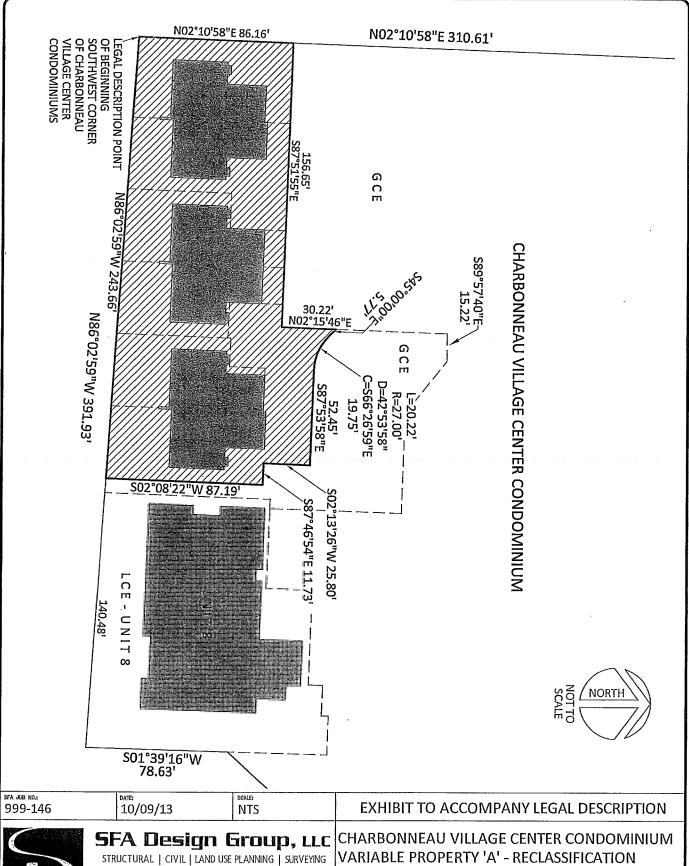
Containing 23,357 square feet.

REGISTERED PROFESSIONAL

LAND SURVEYOR

OREGON JULY 11, 2000 wol

MICHAEL H. HARRIS 57863





9020 SW Washington Square Dr. • Suite 505 • Portland, Oregon 97223 Fax 503,643,7905 Phone 503.641.8311

LOCATED IN THE SW 1/4 OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF HILLSBORO, WASHINGTON COUNTY, STATE OF OREGON.



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Charbonneau Village Center Condominium Variable Property 'A' GCE Description

SFA Job No. 999-146 October 9, 2013

A portion of Variable Property 'A' as shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat which is located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

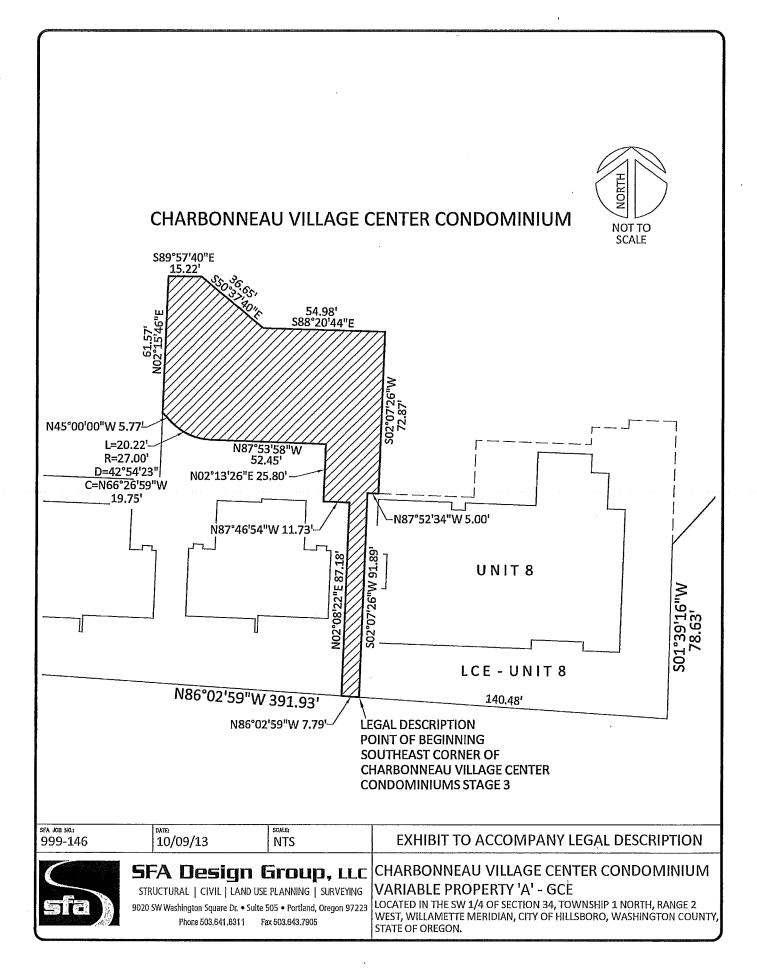
Beginning at the Southeast corner of said Variable Property 'A', said corner also being the Southeast corner of the plat of Charbonneau Village Center Condominiums Stage 3; thence along the boundary of the General Common Element shown on said plat the following (14) courses: North 86°02'59" West, 7.79 feet; thence North 02°08'22" East, 87.18 feet; thence North 87°46'54" West, 11.73 feet; thence North 02°13'26" East, 25.80 feet; thence North 87°53'58" West, 52.45 feet to a point of curvature; thence 20.22 feet along the arc of a 27.00 foot radius curve to the right, through a central angle of 42°53'58", said curve having a chord bearing North 66°26'59" West, 19.75 feet; thence North 45°00'00" West, 5.77 feet; thence North 02°15'46" East, 61.57 feet; thence South 89°57'40" East, 15.22 feet; thence South 50°37'40" East, 36.65 feet; thence South 88°20'44" East, 54.98 feet; thence South 02°07'26" West, 72.87 feet; thence North 87°52'34" West, 5.00 feet; thence South 02°07'26" West, 91.89 feet to said Southeast corner of Variable Property 'A' and the Point of Beginning.

Containing 6,958 square feet.

REGISTERED PROFESSIONA

PROFESSIONAL LAND SURVEYOR

OREGON JULY 11, 2000 MICHAEL H. HARRIS 57863





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Charbonneau Village Center Condominium Revised GCE Description

SFA Job No. 999-146 August 19. 2013

A portion of the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat being located in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon being more particularly described as follows:

Beginning at the Northwest corner of said plat, said corner located on the southerly right-of-way line of French Prairie Road; thence along the boundary of said plat the following (6) courses:

375.50 feet along said right-of-way line tracing the arc of a 826.38 foot radius curve concave northwesterly, through a central angle of 26°02'06", said curve having a chord bearing North 59°55'00" East, 372.28 feet;

Thence leaving said right-of-way line, 23.03 feet along a non-tangent 15.00 foot radius curve concave easterly, through a central angle of 87°57'24", said curve having a chord bearing South 02°55'15" West, 20.83 feet;

Thence South 41°03'27" East, 19.76 feet to a point of curvature;

Thence 45.39 feet along the arc of a 55.00 foot radius curve to the left, through a central angle of 47°17'17", said curve having a chord bearing South 64°42'06" East, 44.12 feet;

Thence South 88°20'44" East, 157.35 feet;

Thence South 01°39'16" West, 112.00 feet to a point hereinafter referred to as Point "A";

Thence leaving said plat boundary along the perimeter of the General Common Element as shown on said plat the following (5) courses:

North 88°20'44" West, 50.00 feet;

Thence South 01°39'16" West, 212.51 feet;

Thence North 88°20'44" West, 10.23 feet;



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Thence South 01°30'16" West, 146.99 feet to a point hereinafter referred to as Point "B";

Thence South 01°39'16" West, 179.33 feet to an angle point in said boundary of the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat;

Thence along said plat boundary South 42°15'40" West, 57.11 feet to an angle point therein;

Thence leaving said plat boundary along the perimeter of the General Common Element as shown on said plat the following (8) courses:

North 01°39'16" East, 55.28 feet;

Thence North 88°15'43" West, 21.47 feet;

Thence South 01°44'17" West, 3.82 feet;

Thence North 87°52'34" West, 16.81 feet;

Thence South 02°07'26" West, 7.90 feet;

Thence North 87°52'34" West, 52.25 feet;

Thence South 02°07'26" West, 25.68 feet;

Thence North 87°52'34" West, 43.80 feet to the boundary of Variable Property A as shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat, a portion of which reclassified in the CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3 plat;

Thence along the perimeter of the General Common Element as shown on said plat of CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3 the following (10) courses:

North 87°52'34" West, 5.00 feet;

Thence South 02°07'26" West, 91.89 feet;

Thence North 86°02'59" West, 7.79 feet;

Thence North 02°08'22" East, 87.18 feet;



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Thence North 87°46'54" West, 11.73 feet;

Thence North 02°13'26" East, 25.80 feet;

Thence North 87°53'58" West, 52.45 feet to a point of curvature;

Thence 20.22 feet along the arc of a 27.00 foot radius curve to the right, through a central angle of 42°53'58", said curve having a chord bearing North 66°26'59" West, 19.75 feet;

Thence North 45°00'00" West, 5.77 feet to said boundary of Variable Property A as shown on the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat;

Thence along said boundary of Variable Property A the following (2) courses:

South 02°15'46" West, 30.22 feet;

Thence North 87°51'55" West, 156.65 feet to the boundary of the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat; thence along the boundary of said plat the following (4) courses:

North 02°10'58" East, 224.45 feet;

Thence North 68°30'35" East, 160.41 feet;

Thence North 34°28'04" West, 291.32 feet to a point of curvature;

Thence 19.01 feet along the arc of a 15.00 foot radius curve to the left, through a central angle of 72°35'53", said curve having a chord bearing North 70°46'00" West, 17.76 feet to said Northwest corner of the CHARBONNEAU VILLAGE CENTER CONDOMINIUM plat.

EXCEPTING the following described portion of said plat:

The Excepted Tract shown on the plat of CHARBONNEAU VILLAGE CENTER CONDOMINIUM described as follows:

Beginning at the Southeast corner of said Excepted Tract from which the aforementioned Point "B" bears South 52°49'30" East, 17.53 feet; thence North 88°26'44" West along the south line of said tract 107.00 feet to the



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Southwest corner thereof; thence North 01°39'16" East along the West line of said tract 77.73 feet to the Northwest corner thereof; thence South 88°26'44" East along the North line thereof 107.00 feet to the Northeast corner thereof; thence South 01°39'16" West along the East line of said tract 77.73 feet to said Southeast corner thereof and the Point of Beginning.

ALSO EXCEPTING the following described portion of said plat:

Units 1, 2 and 3 of CHARBONNEAU VILLAGE CENTER CONDOMINIUM together with other portions of said plat described as follows:

Beginning at a point on the perimeter of the General Common Element as shown on said plat from which the aforementioned Point "A" bears South 88°20'44" East, 90.00 feet; thence along the perimeter of the General Common Element as shown on said plat the following (4) courses:

North 88°20'44" West, 147.25 feet;

Thence South 01°39'16" West, 12.00 feet;

Thence North 88°20'44" West, 76.50 feet;

Thence North 01°39'16" East, 10.77 feet;

Thence leaving said perimeter of the General Common Element as noted on said plat, North 88°20'44" West, 20.09 feet; thence North 01°39'16" East, 24.17 feet; thence South 88°20'44" East, 20.09 feet returning to said perimeter of the General Common Element as noted on said plat; thence along the perimeter of the General Common Element as shown on said plat the following (5) courses:

North 01°39'16" East, 29.64 feet;

Thence South 88°20'44" East, 72.00 feet;

Thence North 01°39'16" East, 12.00 feet;

Thence South 88°20'44" East, 164.00 feet;



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Thence South 01°39'16" East, 31.29 feet;

Thence leaving said perimeter of the General Common Element as noted on said plat, South 88°20'44" East, 26.64 feet; thence South 01°39'16" West, 20.93 feet; thence North 88°20'44" West, 26.64 feet returning to said perimeter of the General Common Element as noted on said plat; Thence South 01°39'16" West along said perimeter 12.36 feet to the Point of Beginning.

REGISTERED

PROFESSIONAL LAND SURVEYOR

OREGON

JULY 11, 2000 MICHAEL H. HARRIS 57863

and

Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING between CITY OF WILSONVILLE and CHARBONNEAU COUNTRY CLUB

June 1, 1998

MEMORANDUM OF UNDERSTANDING between CITY OF WILSONVILLE and CHARBONNEAU COUNTRY CLUB

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PREFACE

The area now known as the Charbonneau District was developed as a unique design concept. As a result, elements of the infrastructure were installed, and have been operated/maintained, in ways that are not typical of other parts of the City. For example, many of the streets are narrower and street section design (depth of base rock and asphalt) is less than permitted elsewhere in the City; the area is served in part by the City's public water system and in part by a private water system; there are no public parks in the Charbonneau District; and, for the most part, City rights-of-way are privately maintained.

The purpose of this memorandum is to enumerate the public works services provided by the City to the Charbonneau District. Overall such services are intended to take into account Charbonneau's unique characteristics, and do so in a way that is equitable in relation to the level of public works services provided elsewhere in the City.

Streets:

Exhibit A shows all the City-owned streets in Charbonneau.

The City conducts street repairs as needs arise and resources allow. As part of the City's newly established pavement management program, street maintenance will be conducted to keep the overall street system at a pavement condition index (PCI) rating between 65 - 75.

The City will install and maintain pavement markings and street signs in accordance with the Manual on Uniform Traffic Control Devices. Center line striping will be repainted annually on French Prairie Drive.

The City will perform street sweeping monthly. In addition, three extra rounds of street sweeping will be conducted as needed during the autumn when street trees are dropping their leaves. A large drop box for leaf disposal will be made available (in the vicinity of the play area on Armitage Road) for Charbonneau residents' use during one weekend each November and one weekend each December.

In accordance with a memo dated October 9, 1990, (Exhibit B) the Charbonneau Country Club will assure that shrubs and/or trees are properly pruned at designated intersections.

In accordance with a memo dated August 1, 1993, (Exhibit C) Charbonneau Country Club will act as the City's agent in removing illegally posted signs in the public right-of-way of French Prairie Drive, inclusive of the median. Other than approved street signs, there shall be no signs in the City right-of-way, nor in the commonly held landscaped areas of the Charbonneau Country Club, nor within 30 feet of any intersection along French Prairie Drive.

In accordance with Ordinance No. 215, golf carts may be driven (for specified purposes) on Charbonneau streets. The Charbonneau Country Club accepts responsibility for installation and maintenance of appropriate street signage giving notice of combined operation of golf carts and other vehicles on streets within the Charbonneau District.

This section revised in Addendum #1 (attached) In accordance with correspondence dated July 9, 1991, (Exhibit D) the Charbonneau District may continue the use of certain non-conforming wooden street signs. The Charbonneau Country Club will assure proper maintenance of these signs.

Wastewater Collection/Treatment:

Exhibit E shows the City-owned portion of the sanitary sewer system.

The City will collect, transport, and treat wastewater in accordance with state regulations and National Pollution Discharge Elimination System (NPDES) discharge permit.

The City will maintain the publicly owned sanitary sewer facilities in a way that assures satisfactory functioning of these facilities.

Stormwater Management:

Exhibit F shows the City-owned portion of the storm sewer system.

The City will collect surface runoff and monitor water quality in accordance with the adopted Stormwater Management Program (and NPDES stormwater discharge permit).

The City will maintain the publicly owned stormwater facilities in a way that assures satisfactory functioning of these facilities.

Water Supply:

Exhibit G shows the City-owned portion of the water system.

The City will provide water in sufficient quantity and quality to comply with federal/state regulations for potable water and for fire protection.

The City will maintain the publicly owned water system facilities in a way that assures satisfactory functioning of these facilities.

Streetlights:

The City will provide streetlight service to all City-owned streets (see Exhibit A) and to the southern pedestrian underpass on French Prairie Drive. The level of service will be commensurate with generally accepted standards for placement of streetlight fixtures and degree of illumination.

The style of streetlight fixtures will be in keeping with the original design for the Charbonneau District. (Note: Fixtures in the original style are no longer available, hence new and/or replacement fixtures will be of comparable price and appropriate appearance.)

Requests for additional streetlights will be reviewed by City staff for consistency with standards for illumination and design. Such requests will also be circulated to the home owners association of the affected area, to be sure the additional lighting does not cause inappropriate glare into the buildings or yards of nearby properties.

Maintenance and repair of streetlight fixtures will be performed by Portland General Electric (PGE), which provides these services under a contract with the City.

Street Trees:

The trees in the median strip and in the planting strips adjacent to French Prairie Drive are owned by the City. All other trees in the Charbonneau District are privately owned.

The City will annually provide soil injection systemic insect control for City-owned trees based on significant risk to the health of the trees, up to a maximum treatment of 50 trees per year. (Note: At private expense, adjacent property owners may treat and/or prune City-owned trees, provided the City's Operations Manager is notified in advance and it is demonstrated to the Operations Manager's satisfaction that such treatment will be conducted in an environmentally safe manner.)

The Charbonneau Country Club will assure that trees are trimmed to maintain 15-foot clearance above the street surface and 8-foot clearance above public walkways.

Additional tree maintenance/replacement will be conducted in accordance with the recommendations of the January, 1998, street tree evaluation report (excerpt attached as Exhibit H). The City will be responsible for removal/replacement of hazardous or non-activities and associated costs in the median strip along French Prairie Drive. The Charbonneau Country Club is responsible for ground cover maintenance/ replacement activities and associated costs in the planting strips adjacent to French Prairie Drive.

The Charbonneau Country Club is responsible for proper irrigation of the median strip and planting strips along French Prairie Drive. Irrigation in the median strip will be restricted to the segment between the east/west entrances to Curry Drive, and to the plantings at the ends of the islands in the median strip.

Any other tree care or tree removal provided by the City will be in response to specific public health/safety concerns that arise regarding individual trees owned by the City.

Grounds Maintenance:

Exhibit I shows the City-owned land and public walkways (other than streets) in the Charbonneau District.

The City maintains public walkways on an as-needed basis. Public walkways here is intended to mean paths and trails in public easements, not sidewalks. It should be noted that adjacent property owners are responsible for maintaining sidewalks.

Except for routine groundskeeping at the sites of the City's water pump stations, water reservoir, and sewage lift station, the City does no mowing, watering, planting, or other grounds maintenance in Charbonneau.

In accordance with Ordinance No. 464, the Charbonneau District is exempt from the permit requirement regarding tree removal. To maintain this exempt status, the Charbonneau Country Club will assure that all tree removal applications are appropriately reviewed, and that an annual update to the Tree Maintenance and Protection Plan is prepared. In accordance with correspondence dated January 23, 1998 (see Exhibit J), this exemption will automatically renew on a yearly cycle, provided the required annual report is submitted to Wilsonville's Planning Director by January 31st of each year.

The City is not responsible for maintenance of walls or fences located on (or adjacent to) public right-of-way. In the Charbonneau District, maintenance of such walls and fences has been conducted by the applicable home owners association. The Charbonneau Country Club will act as the coordinating entity to assure such maintenance by the applicable home owners association continues in the future.

Emergency Police and Fire Service

Because the Willamette River separates the Charbonneau District from the rest of the City, a contingency plan for police and fire services is necessary in the event that the I-5 freeway and/or the bridge becomes impassable.

Police response: The Clackamas County Sheriff's Department would dispatch deputies to Charbonneau directly from their main office in Oregon City. The deputies would travel to Charbonneau via 99E, thus avoiding I-5 completely.

Fire and ambulance services: Tualatin Valley Fire and Rescue (TVF&R) has a mutual aid agreement with the Aurora Fire Department. In the event fire engines or ambulances cannot be dispatched from the TVF&R stations to the north, the Aurora Fire Department would serve Charbonneau.

REPRESENTING:

City of Wilsonville

Charbonneau Country Club

Arlene Loble,

City Manager

Title:

Name,

date

6-22-98 date

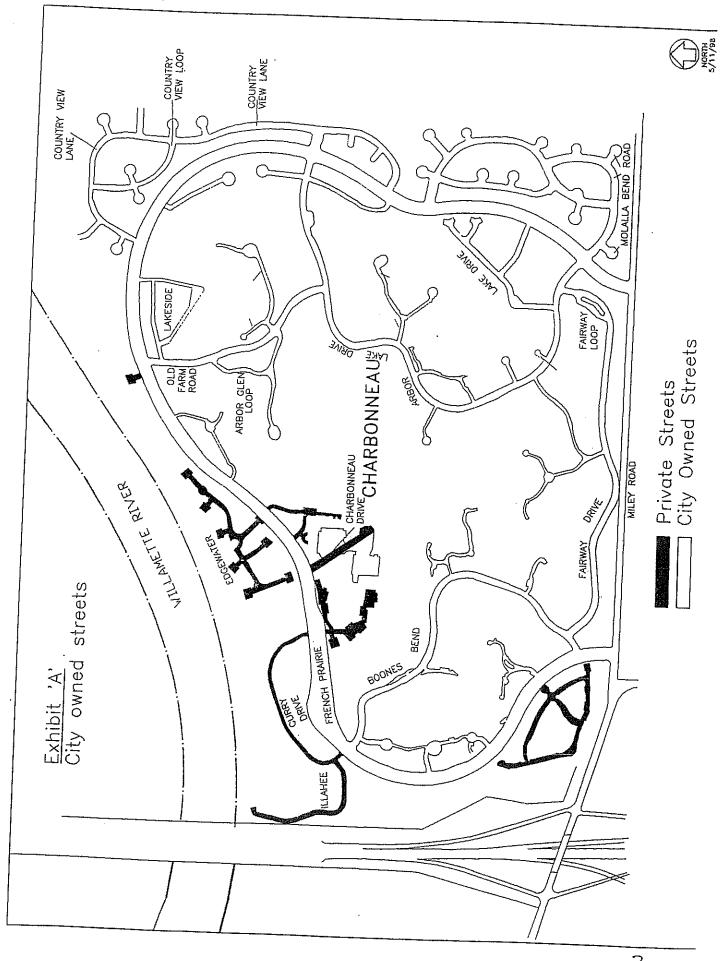


EXHIBIT B: Memo Dated October 9, 1990



32,000 Charbonneau Drive • Wilsonville, Oregon 97070 • Phone 503/894-2300

DATE:

October 9, 1990

TO:

Presidents of certain Homeowner Groups in Charbonneau, and

Willamette Factors

FROM:

Art Johnson, Maintenance Committee Chairman, Charbonneau

Country Club

SUBJECT: City of Wilsonville Request for Improvement of Driver

Visibility at certain Charbonneau Intersections.

The City of Wilsonville has surveyed all Charbonneau intersections with respect to adequate visibility for drivers entering such intersections. Subsequently, the City advised us that shrubs and/or trees at designated intersections should be trimmed and pruned to provide adequate driver visibility up to 250 feet either way at the intersection.

Attached is a map for your area indicated by red marks where such pruning and/or trimming is requested to comply with the City's request. Please have your landscaper do the work as soon as possible.

Thanks for your cooperation in this matter.



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

August 17, 1993

Susan Stevens, Club Administrator Charbonneau Country Club 3200 SW Charbonneau Dr. Wilsonville, OR 97070

Re: Agent to Remove Illegally Posted Signs

Dear Susan:

This is just a short follow-up to our recent conversation. At the request of the Charbonneau Country Club Board, I am authorizing the Board members and its employees to assist the city in its enforcement by acting as the city's agent in removing illegally posted signs in the public right-of-way of French Prairie Road, inclusive of the median.

As we discussed, you will follow the notification procedures set forth in Ordinance #408, and you have a copy of same. Any signs that are illegally posted will be removed to your offices for retrieval by the notified party. Provided Ordinance #408 procedures are followed, the city will indemnify the Board and its employees. If you have any questions, please contact Michael Kohlhoff, City Attorney, or me.

It is my understanding that Mike Kohlhoff has sent a notice to the list of realtors you requested be notified, and that you will begin enforcement activities on September 15, 1993.

Sincerely,

Árlene Loble City Manager

cc:

Michael Kohlhoff, City Attorney Wayne Sorensen, Planning Director

Sgt. Bruce Pearson, Clackamas County Sheriff's Office

al:lb



30000 SW Town Center Locp 5 • PO Box 221 Wilsonville, OP 97070 (503) 682-1011

July 9, 1991

Mr. Art Johnson, President Charbonneau Country Club 32000 Charbonneau Drive Wilsonville, OR 97070

Dear Mr. Johnson:

This is to confirm my meeting with the Country Club's Insurance Committee delegation regarding non-conformance of certain signs along the median strip on French Prairie Road. It is my understanding that in the main the signs have been brought into conformance with the remaining issue being the posts size being 6' X 6' rather than 4' X 4'.

Given the length of time without incident, the City Council provided either removal or indemnification alternatives to correct this situation. Indemnification is the Charbonneau Country Club's preference. This appears to be feasible as I understand the Country Club's insurance exceeds the state tort limit for governmental bodies.

I suggest the addition of the City as a limited named insured be for "Any and all claims for bodily injury or property damage arising from or in connection with signage in the median strip of French Prairie Road."

Please supply the City with the Certificate of Insurance with 30 day notice of cancellation upon addition and renewal. Thank you for your professional courtesies.

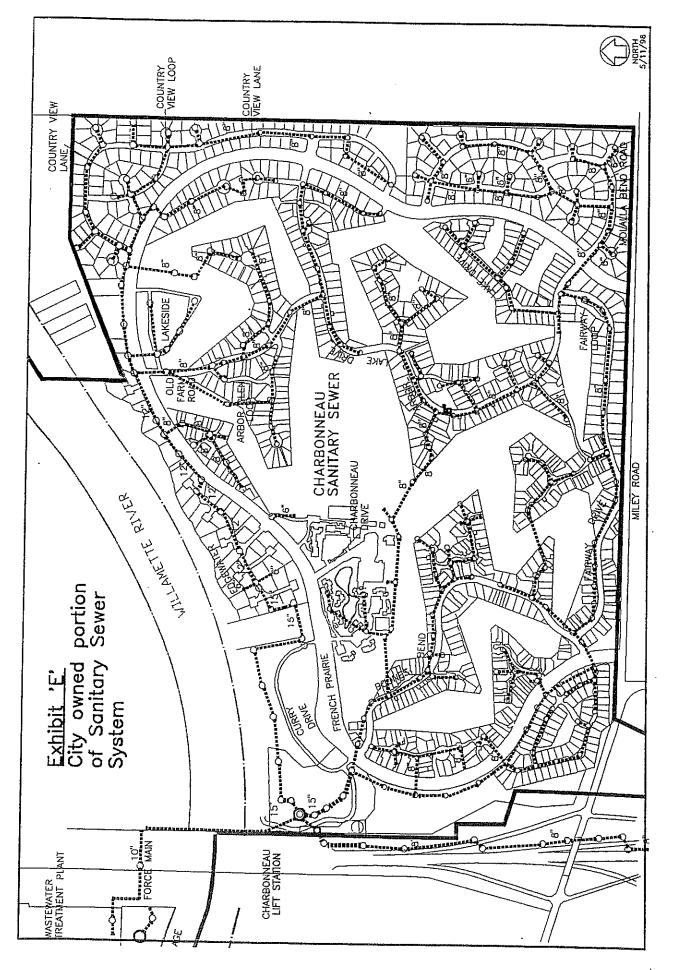
Very truly yours,

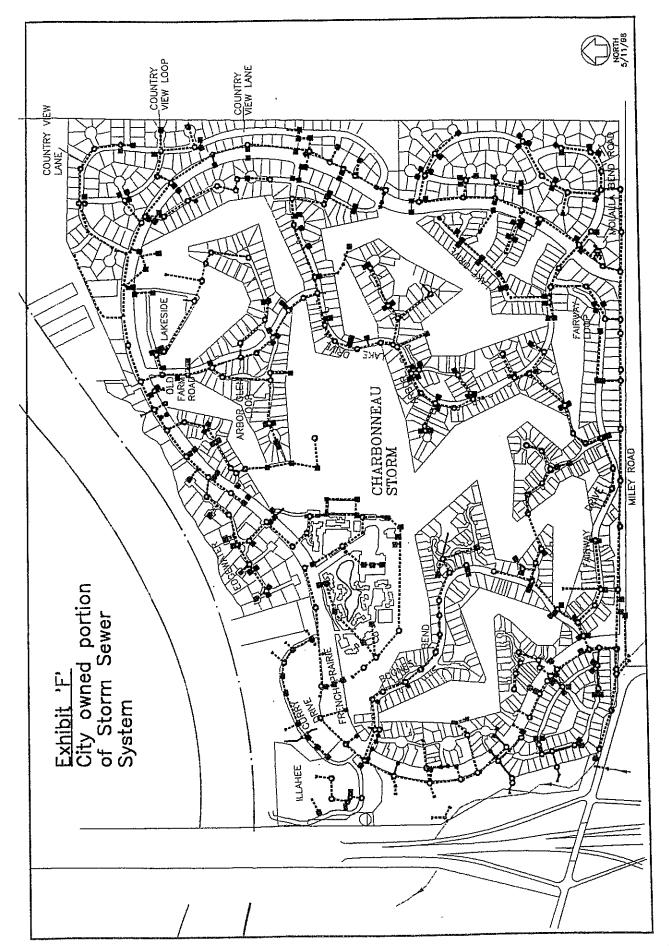
Michael E. Kohlhoff

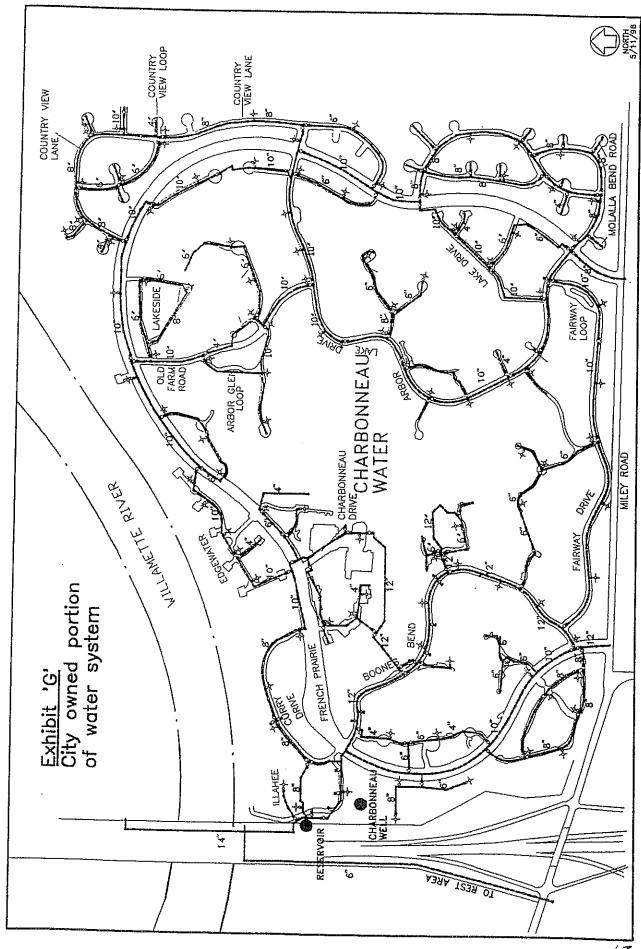
Acting City Manager/City Attorney

mek:pjm

pc Mayor and City Council Lew Hendershott Wayne Sorensen Jim Long







STREET TREE EVALUATION REPORT FOR FRENCH PRAIRIE DRIVE IN THE CHARBONNEAU DISTRICT

Wilsonville, Oregon

Prepared by:

Floyd Peoples

ISA Certified Arborist

Public Works Operations Manager

City of Wilsonville 8455 SW Elligsen Rd Wilsonville, OR 97070

(503) 570-1584 Fax 682-8816

January, 1998

PUBLIC WORKS DEPARTMENT OPERATIONS DIVISION STAFF REPORT

DATE: January 28, 1998

TO: Honorable Mayor and City Council

PREPARED BY: Floyd Peoples, Operations Manager

SUBJECT: Street tree evaluation for French Prairie Drive

in the Charbonneau District

SUMMARY:

City Councilor John Helser and Mr. Dick Parker of the Charbonneau Management Company recently raised concerns about the health, vitality and safety of the public street trees along French Prairie Drive (See Exhibit A). Several street trees have blown over in recent months (See attached photos). The blown over trees are exhibiting a very shallow, unhealthy rooting pattern, and are declining in leaf production. It is expected that many more trees in this area will begin to exhibit symptoms of decline, much as the trees that have already fallen.

This decline in the health of the street trees can be primarily attributed to the high amounts of surface irrigation that are applied to these areas to encourage turf growth. Other problems contributing to the declining health of the trees include: a perched water table caused by a clay pan layer, poor drainage, the continued use of herbicides to control weeds, girdling roots, poor planting techniques, mechanical injury and soil compaction from mowing in wet conditions.

Public Works staff, along with three tree care professionals have conducted an analysis of the current situation and are prepared to provide long term management recommendations.

RECOMMENDATIONS:

The following recommendations are provided as a starting point for corrective action. These recommendations are provided in an effort to begin to correct the existing problem, and ensure a long term healthy street tree forest for the entire Charbonneau District.

- A hazard tree inspection should be conducted. Trees exhibiting decline, with known targets (i.e., people, cars, or property) should be removed and replaced, or correctively pruned to eliminate or lessen potential damage. All dead and dying limbs should be removed. This analysis would have to be done on a tree by tree basis, and would be labor intensive.
- Remove all turf under the trees and in the median strips. Replace the sod with a
 drought resistant ground cover. Mulch around all trees with 3" to 4" of rich fungalrotted compost mulch. The mulch will encourage better root development.
- Frequent shallow waterings should be discontinued. If sod is retained, general watering should be for no more than ten minutes per setting for fixed spray heads, or 20 minutes per setting for rotor type heads. This pattern should be followed no more than three times a week.
- Suspend further use of Dicamba or Phenoxy type herbicides (2,4-D) in this particular environment.
- Select replacement trees that are better suited to the site conditions. All replacement trees shall meet or exceed the American National Standards Institute (ANSI) requirements for shade trees.
- A planting environment should be created for the replacement trees to reduce the negative impacts of the perched water table. Removal of turf panels coupled with techniques such as vertical aeration and the addition of mulch could be implemented to improve the growing environment. Vertical aeration of the existing trees would improve the planting environment. Selecting appropriate plant material and conditioning the planting environment would be appropriate actions for the replacement trees.
- The pin oaks (<u>Quercus palustris</u>) seem to be doing better than the northern red oaks (<u>Quercus rubra</u>) in this wet environment. Pin oaks could be planted to replace the declining red oaks while still maintaining continuity along French Prairie Drive.

- Other species that would adapt well in a wet environment are; green ash (Fraximus pennsylvanica), white ash (Fraximus americana), tupelo (Nyssa sylvatica), bald cypress (Taxodium distichum) and hackberry (Celtis) species. If these trees are planted, French Prairie Drive would lose the continuity it currently displays. From an urban forestry perspective, diversity is desired to avoid large scale loss of trees. If this were a chosen course of action, continuity could be maintained by planting replacement trees in groups.
- The street trees along French Prairie Drive have a subjective appraised value of approximately \$3,200,000 (915 trees x \$3,500 per tree). \$3,500 per tree is an estimated amount based on size, species, and general condition.
- The cost of mitigating further decline and implementing a replanting program is approximately \$75,000. This amount would include the removal and replacement of approximately 50 trees, as well as the removal and disposal of sod, and preparation of the planting site with proper aeration and the addition of mulch.
- Oregon Department of Forestry (ODOF) grant money may be available to assist in the funding of this project.

BACKGROUND:

The Charbonneau District has recently experienced numerous blown over trees within the French Prairie Drive right-of-way. These blown down trees were primarily large (40'+) northern red oaks (*Quercus rubra*) and pin oaks (*Quercus palustris*). The Public Works Department recruited the assistance of three tree care experts to assist in analyzing the health, vitality and long term viability of these trees, as well as offer some remedial recommendations. Their reports and analysis are included as exhibits at the end of this report.

The street trees along French Prairie Drive are comprised primarily of northern red oak (Quercus rubra) (86%). There is also a significant population of pin oaks (Quercus palustris) (13%), as well as 1% other.

The specific areas that the consulting team focused the majority of their attention on are the rights-of-way and median strips along the full length of French Prairie Drive (See Exhibit A). The following conclusions were reached after a thorough analysis was conducted.

- The street trees along French Prairie Drive are experiencing some serious environmental/cultural health problems. The cultural problems arise out of the predominant desire to have highly manicured lawn, which requires substantial irrigation, in the vicinity of mature street trees. The care and maintenance of street trees is much different than that of manicured grass, and the situation that has been created is one that certain trees cannot tolerate.
- The environmental/cultural conditions may be modified to lessen further damage. Some examples of proactive actions include the removal of all turf near the street trees, substantial reduction in the use of irrigation, vertical aeration, and the addition of a 3" to 4" of rich fungal/rotted compost mulch.
- The causal agent of decline is most likely a root rot pathogen (probably phytophthora). Without lab tests and further analysis, the exact root rot pathogen cannot be identified. Regardless of the pathogen, the corrective actions would be the same.

Without repeating verbatim what is included in the enclosed consulting arborist's analysis, staff will attempt to identify the main points of the study. If more information is needed, the consulting arborist's assessments are included with this report. In the following analysis, staff has attempted to anticipate the most obvious questions and provide answers for the general public, city administration and the City Council.

Why are the street trees dying on French Prairie Drive?

The short answer is primarily too much water (See Photos P1, P2, P3, P5). This area contains high maintenance turf which requires ample irrigation, regular mowing and the application of herbicides. The excessive water necessary for a green lawn is creating anaerobic conditions for the trees which is resulting in a shallow rooting pattern and accompanying root deformities. Without a normal rooting pattern, these trees are more susceptible to being blown over by the wind, which creates a potentially dangerous situation.

Another contributing factor is the presence of a perched water table and poor drainage. This has been created by the layering of unlike soil components (sandy loam fill over heavy clay soils). The layer of clay soil below the backfilled loam does not allow for normal percolation of rain and irrigated water. The water is held near the surface creating this "perched" affect, which equates to water logged conditions. These water-logged conditions negatively affect the trees' health, impeding normal root and crown growth.

Exactly what is the pathogen that is causing the trees to decline?

Without laboratory tests, there is no way of knowing exactly what the actual pathogen or agent is that is killing the trees. There is a definite consensus among the arborists consulted, that a root rot pathogen of some unknown species is the actual causal agent of decline (See Photos P3, P4). There is a substantial amount of black fungal growth on many of the roots of the now dead trees. This is a typical symptom of wet feet (waterlogged soils) and root rot. There are several root rot / crown rot fungus organisms that are similar in nature. It should be understood that it is really not important what the specific causal agent is, as the corrective recommendations would be the same.

Are there other conditions or other causal agents that may play a part in the decline of the forest?

Yes. It has been noted by staff and the consulting arborists that girdling roots are quite prevalent throughout the street trees along French Prairie Drive. Girding roots are roots that grow in a circular fashion, constricting the internal flow of minerals, nutrients, and water, which in turn negatively affect the trees' ability to uptake food. A girdling root condition acts as a source of strangulation in the exchange of water and nutrients moving from the feeding root system to the leaves and vice versa. Unfortunately, the correction or removal of girdling roots can be traumatic to trees of this age (25-30 yrs). Staff does not believe the pruning and removal of girdling roots to be a viable alternative in this situation.

The Charbonneau area has a long record of herbicide use. These herbicides are used to control the presence of weeds, and are unfortunately having some negative effect on the health of the street trees in this area. The trees take up the herbicides with their absorbing roots, which are located in the top 6" to 8" of soil. Without further testing, the exact effect herbicides are having on the street tree forest cannot be definitely connected. Staff does not believe this to be the main factor in the decline of the health of the street trees, but it could be a strong contributing factor. If herbicide use were suspended immediately, coupled with other actions, the trees could improve slowly over time.

Another contributing element to the trees' poor performance includes the compaction of soil from mowers and mechanical damage. Compacted soil leads to reduced macro pore space in the soil, which in turn reduces the amount of air, nutrients, and water available to the tree. Compacted soil can also be a contributing factor to the poor rooting patterns exhibited.

How many trees are there along French Prairie Drive? How many should be removed?

There are approximately 915 public street trees along French Prairie Drive. Approximately 50 of these trees are demonstrating decline and could possibly threaten people and/or property by blowing over. These trees should be removed and replaced with an acceptable alternative species. One intermediate step short of removal is to conduct corrective pruning to lessen the air resistance on the canopy. This action will allow air to pass through the tree more easily, reducing the potential for blow down.

What other measures should be taken to save the forest where possible?

For informational purposes, trees and highly maintained turf areas are not good companions. There are tree species that tolerate wet, highly manicured turf conditions better than others. Generally speaking, both northern red oak and pin oak are said to be turf tolerant. However, as with all species, tolerance should be measured by the degree of exposure, which in this case is extreme. In this particular situation, the red oaks appear to be less tolerant of these various conditions than the pin oaks.

At a minimum, staff is recommending that the turf be removed from the median strip; and at the very least be replaced with 3" to 4" inches of a highly desirable root enhancing mulch and/or a drought tolerant ground cover.

As mentioned earlier, staff would also recommend dead wood pruning and crown thinning of the declining trees to remove much of the wind resistance from the canopy. This should be done to all trees where there are apparent collateral targets such as houses, cars or people. This would eliminate much of the risk and danger associated with falling trees.

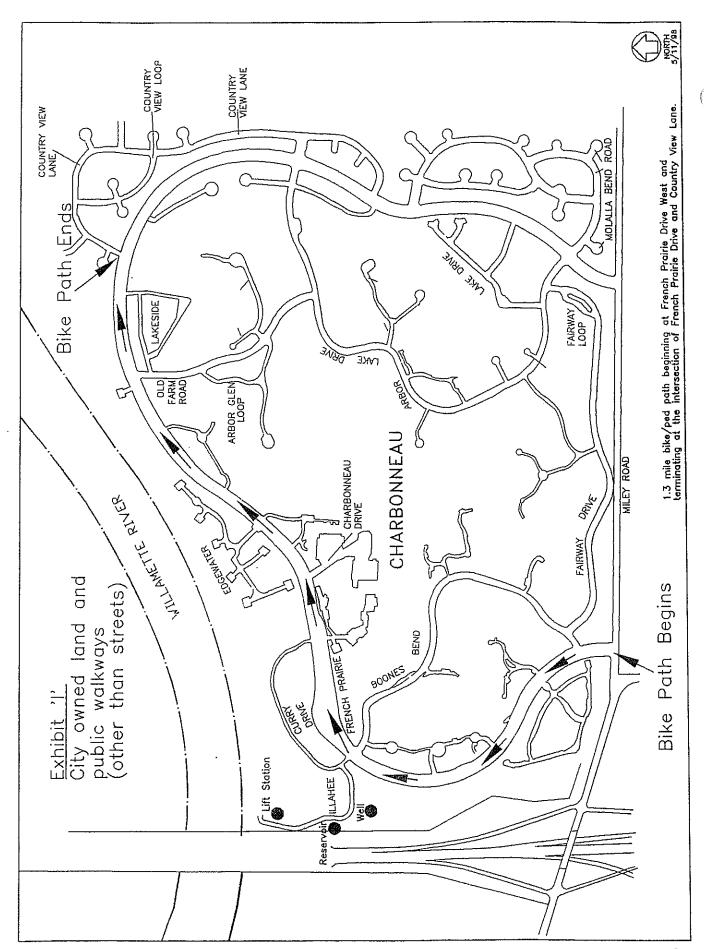
Staff would further recommend lessening the watering times to the remaining turf areas to no more than 10 minutes per setting no more than three times a week for fixed spray sprinklers, and 20 minutes every other day for rotor type sprinklers. This will allow a much needed drying (oxygen enriching) period for the tree roots. The turf should maintain at least a reasonable groomed appearance under these conditions, especially if proper maintenance of the irrigation system occurs. Staff would also recommend that Dicamba and Phenoxy type herbicides (2,4-D) for weed control be suspended for further use in this environment.

What is the approximate cost and time frame for implementing staff recommendations for long term preservation of the street tree forest?

Approximately \$75,000, with \$40,000 needed to implement Phase I. The \$40,000 would cover the cost of the removal of approximately 50 trees, stumps and associated sod, the addition of mulch and soil aeration, the acquisition of replacement trees, including installation and associated consulting arborists fees. Although not guaranteed, the City can apply for funding assistance through the Oregon Department of Forestry Community Assistance Grant Program in implementing this recommendation.

CC;

Arlene Loble, City Manager Jeff Bauman, Public Works Director Stephan Lashbrook, Planning Director Joan Kelsey, Assistant City Attorney Dave Kanner, Public Affairs Director



Mr. Trap Traphagen Charbonneau Country Club 32000 SW Charbonneau Drive Wilsonville, OR 97070



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

Dear Trap,

Thank you for the status report on the Tree Maintenance and Protection Plan that has been in effect for one year now in the Charbonneau District. This plan, as you know, was required for permit exemption status under Ordinance #464. It appears that the exemption works well for all parties involved. Charbonneau continues to do a detailed and thoughtful job of reviewing tree removal applications.

At this time, the City proposes only one modification to this exemption agreement. The Planning Division requests that the Charbonneau Country Club (CCC) provide staff with an annual report on the total number of trees removed, the location or address of removal, reason for removal, was the tree replaced, the health, name, size and species and all other pertinent information that would enable us to compile and track the City's tree inventory. This annual report will provide us with much needed information as we assess and inventory the health and vitality of the City's urban forest. Such a report should be submitted to the Planning Director by January 31st of each year, including 1998. Provided the City receives this annual update in a timely fashion, the exemption would automatically renew on every January 31.

We do appreciate the open lines and frequent communication between yourself, CCC staff and the City's Public Works Department and Planning Division. This open communication allows us all to make better informed decisions. This letter will serve as the City's grant of your request for a conditional exemption under Ordinance #464, consistent with all prior agreements including the one mentioned above. A copy of which is attached for your acceptance.

I would like to point out that the City anticipates creation of two more tree-related ordinances. Heritage and street tree ordinances would further guide development of the City's urban forestry program. It is important to note that the Tree Maintenance and Protection exemption applies only to the provisions of Ordinance #464, and other existing and subsequently adopted ordinances could apply to the Charbonneau District. I am sure that as these ordinances are being drafted we will be in close coordination. Thank you for your cooperation during this past year, and please call me if I can ever be of assistance.

Respectfully submitted,

Chris Neamtzu, Assistant Planner

City of Wilsonville

Terms accepted by:

Authorized representative of:

Floyd Peoples, Operations Manager Joan Kelsey, Assistant City Attorney

y a

CC:

Stephan A. Lashbrook, Planning Director Jeff Bauman, Public Works Director AN ORDINANCE PROVIDING FOR THE OPERATION OF GOLF CARTS IN THE CHARBONNEAU DISTRICT OF THE CITY OF WILSONVILLE.

WHEREAS, THE City Council recognizes that the Charbonneau District is a Planned Unit Development under the Comprehensive Plan of the City of Wilsonville; and

whereas, the Charbonneau District, as a Planned Unit Development, is developed around a golf course and meets the requirements of a "real estate development" as set forth in ORS 487.910;

whereas, all highways within Charbonneau District are adjacent to the golf course; and

WHEREAS, the Council of the City of Wilsonville recognizes that the use of self propelled golf carts is a desirable and necessary factor to allow many of the residents of Charbonneau District to enjoy the recreational activities of the golf course located in Charbonneau District; and

whereas, the Council of the City of Wilsonville recognizes that some use of highways, streets, and public ways in the control of the City of Wilsonville is necessary to the movement of golf carts as defined in ORS 487.910; and

WHEREAS, ORS 482.060 exempts from licensing any person who operates a golf cart as defined in ORS 487.910; and

whereas, ors 487.910 allows a local authority to permit the operation of golf carts on highways under its jurisdiction

Page 1 of 4 - ORDINANCE NO. 215

located adjacent to a golf course, and between the golf course and the place where golf carts are parked or stored or located within or bounded by a real estate development if the combined operation of golf carts and regular vehicular traffic can be accomplished safely, and under rules and regulations prescribed for the combined operation of golf carts and regular vehicular traffic; and

WHEREAS, the Council of the City of Wilsonville finds that
the combined operation of golf carts and regular vehicular
traffic can be accomplished safely within the Charbonneau
District;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE WILSONVILLE CITY COUNCIL THAT:

- 1. Golf carts, as defined in ORS 487.910, be permitted to use all of the city highways, streets and public ways within the Charbonneau District of the City of Wilson-ville during daylight hours, and if equipped with headlights and taillights during the nighttime hours, and, in addition, for the purpose of transportation to and from the golf course and the place where the golf cart or carts are parked, stored or located. No such permission is intended or implied for the use of any highway, street or public way other than those within the boundaries of the Charbonneau District. The operation of golf carts on French Prairie Road, except at designated crossings, is prohibited. The operation of golf carts on Eilers Road is expressly prohibited.
- 2. All golf carts shall at all times be operated in a prudent manner and shall obey the basic rules of traffic, including Statutes of the State of Oregon and Ordinances and Orders of the City of Wilsonville, excluding statutes referring to vehicle equipment and condition as stated in ORS Chapter 483 and ORS Chapter 487.

- 3. All golf carts shall keep well to the right in the regular traffic pattern as a slow moving vehicle. Slow moving vehicle emblems may be displayed.
- 4. Individual operators of golf carts shall assume the full and total responsibility for, and the risk associated with, the movement of such vehicles.
- 5. Appropriate signing giving notice of combined operation of golf carts and other vehicles on city highways, streets and public ways within the Charbonneau District be erected within thirty (30) days and that this Ordinance be effective thirty (30) days from the signing hereof.
- 6. Violation of any provision of this section is punishable by a fine not to exceed One Hundred Dollars (\$100.00).

The City of Wilsonville by this Ordinance, and the permission for operation of golf carts in designated areas assumes no responsibility fo the operation of such a vehicle, and shall be held harmless in any action arising from the operation of such golf carts on or off any highway, sreet or public way in the Charbonneau District.

Submitted to the Council and read the first time at a regular meeting thereof on the 3rd day of May, 1982, and scheduled for second reading at a regular meeting of the Council on the 17th day of May, 1982, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.

Deanna J. Vhom, City Recorder

ENACTED by the Council on the $\underline{17th}$ day of \underline{May} , 1982, by the following votes: YEAS $\underline{4}$ NAYS $\underline{0}$.

Deanna J. Thom, City Recorder

DATED and signed by the Mayor this $\frac{f \cdot \hat{y} \cdot \hat{u}}{f}$ cay of $\frac{f}{f} \cdot \hat{u}$, 1982.

William G. Lowrie, Mayor

WC 4.500 - 4.514 and requiring a conditional use permit shall be reviewed by the DRB under the application and review procedures set forth for Tree Removal Permits.

4.600.30 TREE REMOVAL PERMIT REQUIRED

- (1) Requirement Established. No person shall remove any tree without first obtaining a Tree Removal Permit (TRP) as required by this subchapter.
- (2) Tree Removal Permits will be reviewed according to the standards provided for in this subchapter, in addition to all other applicable requirements of Chapter 4.
- (3) Although tree activities in the Willamette River Greenway are governed by WC 4.500 4.514, the application materials required to apply for a conditional use shall be the same as those required for a Type B or C permit under this subchapter, along with any additional materials that may be required by the Planning Division. An application for a Tree Removal Permit under this section shall be reviewed by the Development Review Board.

4.600.40 EXCEPTIONS

- (1) Exception from requirement. Notwithstanding the requirement of WC 4.600.30(1), the following activities are allowed without a Tree Removal Permit, unless otherwise prohibited:
- (A) Agriculture, Commercial Tree Farm or Orchard. Tree removal or transplanting occurring during use of land for commercial purposes for agriculture, orchard(s), or tree farm(s), such as Christmas tree production.
- (B) Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order and it is impractical due to circumstances to apply for a permit.
- (1) When an emergency has occurred, a Tree Removal Permit must be applied for within thirty (30) days following the emergency tree removal under the application procedures established in this subchapter.
- (2) In addition to complying with the permit application requirements of this subchapter, an applicant shall provide a photograph of any tree removed and a brief description of the conditions that necessitated emergency removal. Such photograph shall be supplied within seven days of application for a permit. Based on good cause shown

MEMORANDUM OF UNDERSTANDING between CITY OF WILSONVILLE and CHARBONNEAU COUNTRY CLUB

ADDENDUM #1 September 21, 1998 arising out of the emergency, the Planning Director may waive any or all requirements of this section.

- (3) Where a Type A Permit is granted for emergency tree removal, the permitee is encouraged to apply to the City Tree Fund for replanting assistance.
- (C) City utility or road work in utility or road easements, in utility or road right-of-ways, or in public lands. However, any trees removed in the course of utility work shall be mitigated in accordance with the standards of this subchapter.
- (D) Nuisance abatement. The City is not required to apply for a Tree Removal Permit to undertake nuisance abatement as provided in WC 6.200 et seq. However, the owner of the property subject to nuisance abatement is subject to all the provisions of this subchapter in addition to the requirements of WC 6.200 et seq.
- (E) The removal of filbert trees is exempt from the requirements of this subchapter.
- (F) The Charbonneau District, including its golf course, is exempt from the requirements of WC 4.600.30(1) on the basis that by and through the current CC&R's of the Charbonneau Country Club, the homeowners' association complies with all requirements of WC 4.610.30(1)(C)(1). This exception will take effect after a Tree Maintenance and Protection Plan has been submitted by the Charbonneau Country Club and approved by the Planning Director. Tree removal activities remain subject to all applicable standards of this subchapter. Unless authorized by the City, this exception does not include tree removal upon any public easements or public property within the district. In the event that the CC&R's are changed relative to the effect of the Tree Maintenance and Protection Plan, then the Planning Director shall review whether such effect is material, whether it can be mitigated, and if not, may disallow the exemption.

4.600.50 APPLICATION FOR TREE REMOVAL PERMIT

- (1) Application for Permit. A person seeking to remove one or more trees shall apply to the Director for a Tree Removal Permit for a Type A, B, C, or D permit, depending on the applicable standards as provided in this subchapter.
- (A) An application for a tree removal permit that does not meet the requirements of Type A may be submitted as a Type B application.
- (2) Time of Application. Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site

RESOLUTION NO. 1465

A RESOLUTION OF THE CITY OF WILSONVILLE ESTABLISHING A MEMORANDUM OF UNDERSTANDING WITH THE CHARBONNEAU COUNTRY CLUB REGARDING PUBLIC WORKS SERVICES PROVIDED TO THE CHARBONNEAU DISTRICT.

WHEREAS, the area known as the Charbonneau District was developed as a unique design concept; and

WHEREAS, elements of the infrastructure were installed, and have been operated and maintained, in ways that are not typical of other parts of the City; and

WHEREAS, over the years various City ordinances, resolutions, and correspondence have addressed aspects of public works services associated with the unique circumstances pertaining to the Charbonneau District; and

WHEREAS, the Charbonneau Country Club has the authority to act as the coordinating entity for the Charbonneau District in City/Community matters; and

WHEREAS, it is in the interest of the City, the Charbonneau Country Club, and the residents of the Charbonneau District to have a comprehensive description of public works responsibilities of the City vis-a-vis responsibilities of the Charbonneau Country Club, taking into account the unique characteristics in a way that affords equity relative to the level of public works services provided elsewhere in the City; and

WHEREAS, City staff and representatives from the Charbonneau District have worked jointly on a Memorandum of Understanding to provide such a comprehensive enumeration of public works services; and

WHEREAS, the Board of Directors of the Charbonneau Country Club has reviewed and endorsed said Memorandum of Understanding; and

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

- 1. The City Council endorses the Memorandum of Understanding dated June 1, 1998, which is hereby incorporated by reference and attached as Exhibit A.
- 2. The City Council authorizes the City Manager to sign said Memorandum on behalf of the City.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof of June 15, 1998, and filed with the Wilsonville City Recorder this date.

CHARLOTTE LEHAN, Mayor

ATTEST:

Sandra C. King, CMC, City Recorder

SUMMARY of Votes:

Mayor Lehan

Yes

Councilor Barton

Yes

Councilor Helser

Yes

Councilor Kirk

· Yes

Councilor Luper

Yes

In implementing the Charbonneau memorandum of understanding (MOU) ambiguity was discovered in one of the provisions regarding signs along French Prairie Road. The intent was to keep signs out of commonly maintained landscaped areas along French Prairie Drive. On September 21, 1998, the Wilsonville City Council approved Resolution No. 1511, which amends the affected portion of the "Streets" element as follows:

Other than approved street signs, there shall be no signs in the City right-of-way, nor in the commonly held maintained landscaped areas of the Charbonneau Country Club along French Prairie Drive, nor within 30 feet of any intersection along French Prairie Drive.

The amended paragraph in the "Streets" element shall read:

In accordance with a memo dated August 1, 1993, (Exhibit C) Charbonneau Country Club will act as the City's agent in removing illegally posted signs in the public right-of-way of French Prairie Drive, inclusive of the median. Other than approved street signs, there shall be no signs in the City right-of-way, nor in the commonly maintained landscaped areas along French Prairie Drive, nor within 30 feet of any intersection along French Prairie Drive.

REPRESENTING:

City of Wilsonville

Charbonneau Country Club

Arlene Loble, City Manager

29/98

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Charbonneau Records

71RZ05	Charbonneau			CD#21
<u>71PC07</u>	Charbonneau – Phase I		Final Plat Approval and Planned Unit Development – Stage I	Approved
72PC08	Charbonneau II – Village at Wilsonville		Charbonneau II Plat (Cluster B)	Approved
72PC09	Charbonneau III Plat		Charbonneau III Plat (Cluster C)	Approved
72PC10	Charbonneau III - C	TL 301 Sec. 25 TL 100, 200, 300, 400, 500 Sec. 14D TL 400, 500, 600, 601 Sec. 13 TL 100 -1100 & 2000-2300 Sec. 23AB TL 100, 200 Sec. 23AC TL 1400 Sec. 14C	Tax Assessment & Zone Change	
72RZ01	Wilsonville Investment (Charbonneau – Willamette Factors)	IL 100 thru 1100, IL 2000 thru 2300 Sec. 23AB IL 100, 200 Sec. 23AC	Zone change RA-1 to PC& I	Approval of existing buildings (some fence restrictions) *Ref. to72DF09
73OS05	Charbonneau Open Space	TL 301 Sec. 25	Tax assessment of open space	Approved
73PC13	Charbonneau		House Numbers	
73PC16	Charbonneau IV		Final Plat IV	Approved
75DF24	Charbonneau – Legal Annexation			CD#21
75PC14	Charbonneau – Well		Irrigation Well in Charbonneau Development	
76PC11	Charbonneau Neighborhood D	TL 3 Sec. 25	Preliminary Plot for Neighborhood D	Approved
77CH24	Charbonneau – Miscellaneous			CD#21
77DR15	Willamette Factors – Village Center	TL 313, Sec 25 Charbonneau	Pro Shop & clubhouse	See Charbonneau Files
77DR16	Willamette Factors – Neighborhood M	Charbonneau VI		See Charbonneau Files
77DR17	Willamette Factors	Charbonneau East II		See Charbonneau Files
77OS04	Willamette Factors Open Space Application			CD#21
78CU02	City of Wilsonville – Reservoir at Charbonneau			CD#21

(C)

		e		
78CU03	Charbonneau Riverfront Townhouses (145 units)			CD#21
78DR01	Willamette Factors	TL 300, Sec 25 Charbonneau		See Charbonneau Files
78DR06	Willamette Factors – Mariner's Village	TL 307, Sec 25 – Charbonneau	Site plans	See Charbonneau Files
78DR14	Willamette Factors	Charbonneau "L"	And the second s	See Charbonneau Files
78DR17	City of Wilsonville	Charbonneau	Landscape	See Charbonneau Files
78PC04	Charbonneau Single Family	1		
78DC05	VVIII motto Doctous			
707 107	Windinette Factors – Charbonneau Neighborhood L			
78PC10	Charbonneau Riverside			
	Apartments			
78PC15	Charbonneau Master Plan Modification	TO CHARLESTAN	12 50 Desperado 20	
79DR14	Willamette Factors – Village Center	Charbonneau	Sign	
79DR21	Willamette Factors – Q Neighborhood	Charbonneau		See Charbonneau Files
79DR41	Charbonneau	Neighborhoods P-N	Landscape	See Charbonneau Files
79DR42	Charbonneau	Village Shopping Center	Site plans	See Charbonneau Files
79PC02	Charbonneau Neighborhood O			
79PC03	Charbonneau Village Shopping			
79PC07	Charbonneau Nieghborhoods P & N Partial	٥		x
79PC10	Charbonneau French Prairie Neighborhood "T"			
80PC10	Willamette Factors – Single Fam E. 4th Addn	Charbonneau	Preliminary Plat Stage II	See Charbonneau files
80PC12	Willamette Factors Charbonneau Neighborhood T	Charbonneau	STAGE III PUD-Final Plat	Approved w/conditions
80PC14	Willamette Factors	TL 100, Sec 26	Zone change - 100	Approved w/conditions

81DR14	74 CO 24 CO 24 CO 24 CO 25 CO	-		
	vinage at winsoutvine	Charbonneau		
	Telephone Utilities	Sec 25 – Charbonneau Willamette Greenway	Underground vault for phones	4/1/891 cond appr See Charbonneau Files
81DR15 I	Better & Better Homes	TL 1100, Sec 14D Charbonneau	Patio Enclosure	4/27/81 cond appr See Charbonneau Files
81PC04	Willamette Factors	TL 300, Sec 25 - Charbonneau	Willamette Greenway & CUP	Approved w/conditions
81PC30 V	Willamette Factors – Edgewater	TL 300, Sec 25 – Charbonneau	Prelim. Plat Stage I & II	Approved w/conditions
82DR08 (Charbonneau Triangle Park	TL 300, Sec 25 Charbonneau	Final Arch & Site Plan	See Charbonneau Files
82DR10 I	Edgewater – Robert & Nancy Nelson	TL 300, Section 25 Charbonneau	Final Architectural & Site Plan	Withdrawn
82PC10 (Charbonneau Triangle Park	TL 300, Sec 25 - Charbonneau West	Stage II Final	Approved w/conditions
82PC12 (Charbonneau	TL 300-CHAR. T3S-R1W-SEC. 254	PRELIMINARY	Withdrawn
82PC16		TL 300, Sec 25	Stage I Master Plan & Prelim Plat & Stage II	Approved w/conditions
82PC18 V	Willamette Factors, Edgewater	TL 1300, Sec. 24 Charbonneau	Prelim. Plat	Approved w/conditions
83DR16 F	Fairway Village	TL 300?, Sec 25 Charbonneau	Final Architectural & Site Plan	See Charbonneau Files
83DR22 F	Edgewater @ Charbonneau	TL 300, Sec 25 Did Not Submit	Street Tree Plan	See Charbonneau Files
		TL 300, Sec 25	Final Architectural & Site Plans	See Charbonneau Files
83PC19 (George J. Marshall – Fairway Village	TL 300, Sec 24 – Charbonneau	Stage II	Approved w/conditions
84DR05A E	Butsch Residence	Edgewater CHARBONNEAU	Single Family home within Willamette Greenway	Denied by Admin See Charbonneau Files
	Isberg Boathouse Edgewater	TL 500 & 600, Sec 24DB CHARBONNEAU	Boathouse	Approved w/cond See Charbonneau Files
84DRM	Charbonneau Indoor Tennis Courts	TL 313, Sec 25 Village Center Complex CHARBONNEAU	Final Architectural & Site Plan	Approved w/cond See Charbonneau Files

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84DK4A	Butsch Edgewater	TL 35, Sec 25 Charbonneau	Setback Modif. & Site Plan	Cond. Approval
84PC06	Jack Isberg-Edgewater (boathouse)	TL 3300, Sec 24DC, Charbonneau	Greenway CUP	Denied
84PC08	au Indoor Tennis	TL 300, Sec 25	Stage II	Approved w/conditions
84SR09	Willamette Factors	TL 310 Sec 25 Charbonneau Restaurant	Kiosk Sign Approval	
84SR14	Edgewater	TL 300 Sec 25 Edgewater at Charbonneau – French Prairie Rd	Real Estate Sign	Approved
85AR06	French Prairie	Charbonneau	Riverfront Apts.	File Missing
85DR04	McCormick & Schmick's Restaurant	IL 300, Sec 25 Charbonneau	Final Archit & Site PlanAddition	Cond. Appvl. See Charbonneau Files
85DR16	French Prairie	TL 318, Sec 25 Charbonneau	Final Architectural & Site Plan	Cond. Approval See Charbonneau File
85PC12	McCormick & Schmick's (Willamette Factors)	TL 300, Sec 25 Charbonneau	Building Addition	Approved w/conditions **See also 85DR04
85PC26	French Prairie – Riverfront Apts.	TL 300, Sec 25 Charbonneau	Revision & Willam River Greenway Cond. Use	Approved w/conditions
85PC33	Charbonneau Country Club	City Water Reservoir Property	Willamette River Greenway CUP – Storage shed	
85PC41	French Praitie Charbonneau Riverfront Apartments	TL 300, Sec 25 – Riverfront lots in Charbonneau	Minor Land Partition Phases I, II	Approved w/conditions
85SR03	Willamette Factors – Charbonneau MSP	Сһатьоппеаи	Master Sign Plan / McCormick and Schmidt	Denied
86AR31	Columbia Willamette Development Co.	TL 318, Sec 25 Charbonneau	Minor Partition	Approved
86DR08	Charbonneau IV Addition	TL 3300, Sec 24 Charbonneau	Architectural & Site Plan	Cond. Approval See Charbonneau Files
86DR12	Village Greens – Willamette Factors	TL 300, Sec 25 Charbonneau	Architectural & Site Plan	Cond. Approval See Charbonneau Files
86DR28	French Prairie Town Homes	TL 300, Sec 25 Charbonneau	Architectural & Site Plan	Cond. Approval See Charbonneau Files
86PC01	Charbonneau 4th Addition	TL 3300, Sec 24	Comp Plan Amendmt to delete	Approved w/cond

			school site	See Charbonneau Files
86PC02	Charbonneau Village Green	TL 300, Sec 25	Preliminary Plat	Approved w/cond
86PC26	Village Green	TL 300, Sec 25 – Charbonneau	Final plat 19 lots	oce Chaidonneau rues
86PC29	Charbonneau 4th Addition	TL 3300, Sec 24.	Final Plat 16 lots	Approved
86PC37	French Prairie Town Homes	TL 300 Sec 25Charbonneau	Stage II final Dev	Approved w/conditions **See also 85PC26
87AR02	Willamette Factors	TL 200, Sec 25, Charbonneau	Minor Partition	File Missing
87DR02	Fountainlake	TL 200,. Sec 25 SE Charbonneau	Architectural & Landscape	Cond. Approval See Charbonneau Files
87DR06	French Prairie Town Homes	TL 300, Sec 25 Charbonneau	Entry Portal Design	Approved w/Cond. See Charbonneau Files
87DR11	Charbonneau 5th Ed. – Willamette Factors	TL 3300, Sec 24 Charbonneau	Street Tree & Fence Plan	Approved w/Cond. See Charbonneau Files
87DR18	Lakeside Subdivision – Willamette Factors	TL 3300, Sec 24 Charbonneau	St Trees & Common Area Landscaping	Approved w/Cond. No Resolution or Min See Charbonneau Files See 87PC18 & 88PC04
87DR19	Spring Ridge	TL 300, Sec 25 Charbonneau	Architectural & Landscape	See Charbonneau Files
87DR27	Charbonneau X - Willamette Factors	IL 3300, Sec 24 Charbonneau	Landscape & Street Trees, Etc.	Approved w/Cond See Charbonneau Files
87DR28	Village Green II -Willamette Factors –	TL 3300, Sec 24 Charbonneau	Landscape & Street Trees, etc.	Approved w/Cond See Charbonneau Files
STDR30	Charbonneau Country Club — Park	TL 207, Sec 24 Charbonneau	Landscape Plan for Park	Approved w/cond See Charbonneau Files
87PC09	Willamette Factors – Village Green	Charbonneau	Variances to lot coverage	
87PC10	Charbonneau 5th Addn	Charbonneau	Pre-plat	
87PC14	CWDC-Charbonneau	TL 200, Sec 25 French Prairie	Stage II	

		Retirement Village		
87PC17	Willamette Factors, Lakeside	TL 3300, Sec 24	Pre-Plat Sub Division 42 lots	See 87DR18 & 88PC04
	(Lakeview)	Charbonneau	The State Control of the State	
87PC22	Spring Ridge Retirement Facility – Appeal	25 – 200 French Prairie/Charbonneau	Appeal	
87PC24	Willamette Factors – Village Green	Charbonneau	Pre-plat, 21 lot subdivision	
87PC25	Willamette Factors – Village Crest Court	Charbonneau	Pre-plat	
87PC34	Willamette Factors- Charbonneau 5th addition	24-3300 Charbonneau	Final Plat	
88AR26	Willamette Factors Inc	TL 10-Charbonneau	Minor Revision to Site Plan	Approved
88DR14	Columbia Willamette French Prairie II Apts	TL 300 Sec. 25 Charbonneau	Architectural & Landscape	See Charbonneau Files Approved w/conditions
88PC04	Willamette Factors Lakeside	TL 3300, Sec 24	Final Plat	Approved
	Sub. (Neighborhood 'S')	Charbonneau		See 87DR18 & 87PC17
88PC05	Willamette Factors Village Green II	31 24 3300 Charbonneau	Final plat	Approved
88PC08	Willamette Factors Charbonneau X	TL 3300, Sec 24 Charbonneau	Final Plat	
88PC21	Columbia Dev Co - Illahee	TL 300, Sec 25	Stage II	Approved w/conditions
	Apartments	Charbonneau		**See also 86DR28, 86PC37, 85PC26, 85DR16
89AR23	Columbia Willamette Dev. Co. – Spring Ridge	TL 319, Sec 25 Charbonneau	Final Plat	Approved
8974R24	CWDC – Charbonneau Country Club	TL 300, Sec 25 Charbonneau	Minor change to approved plan	Approved
89AR36	Willamette Factors, Inc.	Charbonneau	Final plat	Approved w/conditions
89AR57	Willamette Factors, Inc.	7251 French Prairie Rd - Charbonneau	Modify existing site plan	Approved w/conditions
89DR04	Willamette Factors – Village Green III	TL 300, Sec 25 Charbonneau	Landscape, Trees & Signs	Approved w/conditions See Charbonneau Files
89DR09	Spring Ridge	TL 319, Sec 25 Charbonneau	Architectural & Landscape	Approved w/conditions
89DR12	Willamette Factors - 6th	TL 3300, Sec 24	Street Trees, Fence, Pool Plan &	Approved w/conditions

		Addition	Charbonneau	Sion	See Charhonnean Hiles
	89DR20	Willamette Factors	TT 301 Sec 25	Ctroot Troop	Δ
		Charbonneau X1	Charbonneau	חובבו זוכני	Approved w/ conditions
	89DR32	Willamette Factors – Edgewater	Sec. 24CD -24DB Charbonneau	Review of View Corridors	Approved w/conditions
	89PC03	Willamette Factors, Fountain Lake Phases I and II (Charbonneau)	31 25 300 Charbonneau	Pre Plat, Fountain Lake, Fairway	
	89PC09	Charbonneau Country Club Swimming Pool	TL 3300	Modify condition of Approval	
	89PC11	SpringRidge	3 1 23, 25, 26, Charbonneau, Louvonne	Pre-plat, modify Stage I	
	89PC13	Charbonneau, 6th addition	31 24 3300	Preliminary Plat – 45 single-family lots	
	89PC29	Charbonneau XI	3,2,25,300	Pre-plat	Withdrawn
	89PC35	Fountainlake Phase I (Charbonneau)		Final Plat	
	89PC42	Fairway Estates- Charbonneau (formerly Fountain Lake)		Final Plat	
*	90AR06	Willamette Factors – Charbonn. Village Ctr	Sec 24 & 25 – Charbonneau	Condominium plat review	Approved 2 - 67
	90AR15	Willamette Factors, Inc. – Charbonneau	Phase II – 7th Addition	Admin Review	Approved w/conditions
	90AR45	Willamette Factors – Edgewater	Charbonneau	Revise driveway access	Approved
	90AR60	Willamette Factors, Inc.	Sec. 25 - Charbonneau	Final condo plat for Charbonneau	Approved
	90DR04	Willamette Factors Charbonneau XI	TL 300, Sec 25 Charbonneau	Street Trees & Sign	Approved
0	90DR18	Charbonneau Country Club Add.	TL 300 & 316, Sec 25 Charbonneau	Architectural & Landscape Addn	See Charbonneau Files
, , ,	90PC03	Charbonneau XII Use	Charbonneau XII Sub Driving Range	Preplat ,	WITHDRAWN
×,	90PC28	Charbonneau Country Club	TL 316 Sec. 25 Village Center	Variance, Stage II	Approved with conditions
	90PC50	Willamette Factors — Charbonneau 7th addition	Charbonneau	Final Plat	Approved

			·	
91AR11	Willamette Factors – Charbonneau	TL 3400, Sec 24	Minor partition	Approved
91AR30	ıctors, İnc. –	TL 8400 & 8500, Sec 25BC	Vacate property line between lots	Approved
91AR33	fic Assoc – ge	TL 307 & 327, Sec 25 Charbonneau	60 unit condo plat	Approved
91AR36	ent	TL 14600, Sec 25BC Charbonneau	Adjust lot line	Approved
91AR37	Columbia-Willamette	TL 10400, Sec 25BC Charbonneau	Adjust lot line	Approved
91DR31	Charbonneau Golf Course (Bathroom)	TL 324 Sec. 25 Rec. Course on Charbonneau Golf Course	Architectural & Landscape – Golf Course Restroom	Approved w/conditions See Charbonneau Files
91PC36	Courtyards at Charbonneau – Appeal of Letter August 5, 1991	Spring Ridge	Appeal of Planning Directors Decision: Commercial Use Definition	Withdrawn
92AR08	Springridge at Charbonneau	TL 20600, Sec 25BB	Golf cart storage garage	Approved
2AR10	Springridge – Charbonneau	TL 20600, Sec 25BB 32200 SW French Prairie Rd.	Enclose pool	Approved
92DR09	Mariner's Village / Pacific Union Investment	TL 307 Sec. 25 Charbonneau District	Garage to Carports	Approved w/ Conditions
92DR37	Willamette Valley Homes	TL 8000A Sec. 24CD Charbonneau	Architectural & Landscape	Application Withdrawn
92SR02	David Nepom – Spring Ridge	TL 1 Sec 25BC Miley Rd & French Prairie Rd., Charbonneau	Text Change on Name Plate	Approved
92SR14	Illahee Apartments - Charbonneau	TL 318 Sec 25	Reconsider Colors on Sign	Approved * File Missing
92SR14	Auerbach Financial	TL 318 Sec 25 Charbonneau Illahee/French Prairie	Modify Res. 89SR27 Condition #2	Approved File Retained
93SR14	Illahee / French Prairie	TL 318 Sec. 25 - Charbonneau	Sign	Approved
94AR11	Bill Hoffee – Charbonneau Country Club	TL 80004, Sec 24CD Charbonneau	Remodel Dresing Rooms	Approved
94AR14	Mr. Mike KJ Rumpakis	TL 3200, Sec 24CD Village Center, Charbonneau	Condo Re-Plat	Approved

	Approved	Approved 5	Denied	Appeal Denied	Approved	Approved	Approved *See 96DB36	Approved w/ conditions	Approved	Approved w/ conditions H(F)	Approved w/conditions *See 87PC14, 01DB04	Approved	Approved w/conditions
tatt Stauon improvement Fians	Lot coverage	Parking Expansion	Modify Stage I Village at Wilsonville Master Plan (Charbonneau), Stage I Final Plan, Condominium Plan and Site and Design Plans	Appeal of DRB Decision of Oct 12, 1997 – 97DB30 (Appeal)	Preliminary Review of Condominium Plat	Review and Approval of Condo Conversion	Renewal of a 1 year TUP for Hanson's Trailermart	Architectural & Landscape plan - Addition to Clubhouse	Administration Adjustment for Reduction of Setbacks	Stage II Final Plan and site and Design plan to construct parking lot	Stage II, Site & Design Review for an assisted living facility	Minor Arch mod. New roof line	Monument Sign for Spring Ridge
Charbonneau	TL 5200 B-11 Sec. 25BB 8091 SW Sacajawea Way Charbonneau	Charbonneau	TL 8000A Sec 24CD Variable Property "A" Charbonneau	TL 8000A Sec 24CD Variable Property "A" Charbonneau Village Center	TL 8000A Sec 24CD Charbonneau Village Center	TL 322 Sec 25 Charbonneau	TL 702, Sec 11 -Charbonneau 27975 SW Parkway Ave	TL 300, 316 Sec. 25 Village Center at the end of Charbonneau Drive	TL 8000A Sec 24CD Supp. #2 Charbonneau Village Center	TL 8000C Sec 24CD Charbonneau Village Center	TL 20600 Sec 25BB Charbonneau	TL 80000, 80001, 80002, 80003 Sec. 24CD	TL 20600 Sec 25BB
Station Charbonneau Lift Station	Martin Paulson	Charbonneau Village Center Condominium	Willamette Valley Homes	Willamette Valley Homes Garden Townhouses on the Green	Willamette Valley Homes	F.P. Properties French Praitie Village Condos	Hanson's Trailermart	Charbonneau Country Club	Willamette Valley Homes	Charbonneau Village Center Parking Expansion	Charbonneau Assisted Living Community	Charbonneau Country Club	Senior Resource Group /
74DNC+	94PC14	95DR12	97DB03	97DB30	98AR51	98AR52	98DB03	98DB18	99AR08	90g/Q66	00DB06	02AR43	02SR27

	Living	Charbonneau	
05AR86	Springridge @ Charbonneau	TL 20700, 20800 Sec. 25BB	No action apparent.

Zone Change 72PC10 & 72RZ01

Unique Serial Number: (assigned by dbase) 851Department: Planning Case No: ____ 72PC10 File creation date: 1972 Request: Tax Assesment and Zone Change _Project expiration date: NA Action:_ Property description: <u>TL</u> 301, 100, 200, 300, 400, 500, 401, 600, 601, 100 through 1100, 2000, 2300, 1400, Sec. 25, 14D, 13, 23AB, 23AC, 14C T3SR1W; County C Location: Charbonneau Street Address: __ Project Name(s): Charbonneau III - C Applicant: Willamette Factors, Myers & Kroker, Vernon Burda, John Kinsman Retention Schedule: Permanent Location of Microfilm: City Hall Vault Hard Copies of drawings/plans available? ______Yes __no___No Physical copy of file retained? _____Yes __no ___ No See also case files: ____ Other name(s) on file:

_ Initial/Date

sb 3-26-01

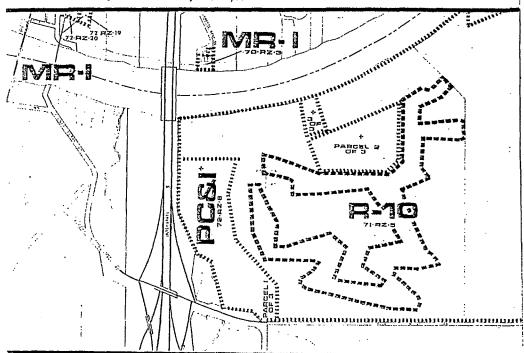
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NOTICE OF PUBLIC HEARING

The Planning Commission of the City of Wilsonville will hold a public hearing at a meeting commencing at 8:00 P.M. on Thursday, July 26, 1973 at the Wilsonville City Hall to consider a request by Willamette Factors (Charbonneau) for a special tax assessment of open space land in R-10 zone, Tax Lot 301, Sec. 25, T3S, RlW, W. M. located north of Miley Road (Eilers Road) and east of 1-5 adjoining Boones Bend Road.

All interested persons may write or appear and be heard regarding this matter.

Display materials concerning this application will be posted in the City Hall one week prior to the meeting and will be available for viewing from 9 A.M. to 1 P.M., weekdays.



For further information or questions, please call:
Wilsonville City Hall
Eldon E. Edwards, Planning Consultant
638-8565 or
636-3306

	Unique Serial Number: (assigned by dbase) 828
	Department: Planning
	Case No: 72RZ01 File creation date: 1972
	Request: Zone Change R to PC & T
	Action: Approved Project expiration date: NA
	Property description: TL Sec. T3SR1W; County C
	Location: Charbonneau / French Prairie Road
in the second of	Street Address:
	Project Name(s): Willamette Factors
	Applicant: same
	Retention Schedule: Permanent
	Location of Microfilm: City Hall Vault
	Hard Copies of drawings/plans available?YesnoNo
	Physical copy of file retained?YesnoNo
	See also case files:
83.225	
	Other name(s) on file:
	Other name(s) on file:

MINUTES

Wilsonville Planning Commission Regular Meeting - April 27, 1972 Public Hearing - 8:00 p.m. Wilsonville City Hall

- I. CALL TO ORDER
 - A. 8:00 p.m.
- II. ROLL CALL
 - A. Present: Chairman Weed, Commissioners Adovnik, Crucchiola, Dady and Klupenger, Planning Consultant Eldon Edwards
 - B. Absent: Commissioners Aden and Wiedemann
- III. APPROVAL OF MINUTES
 - A. It was moved by Klupenger and seconded by Adovnik that the minutes for the regular meetings of February 24, 1972 and March 23, 1972 be approved as submitted.
- LV. COMMEN'TS
 - A. Chairman Weed explained the Planning Commission consists of seven commissioners and five advisors which are appointed by the City Council. The Planning Commission reviews all zone change requests, variance requests, temporary permits, etc. Basically, they make recommendations to the City Council and the City Council can either accept or deny the recommendations. The citizens can appeal to the City Council any action taken by the Planning Commission. The basic charge is an attempt to plan the City of Wilsonville for an orderly growth -- present and future.
- V. PUBLIC HEARING
 - A. Zone Change

Willamette Factors, Applicant (72-RZ-8)

A request to change the zone from residential to P.C. Al. on three parcels of property located next to French Prairie Road in their Charbonneau Planned Unit Development.

- 1. Staff Recommendation
 - a. Eldon Edwards recommended the zone change with the Planning Commission approval required for uses other than retail commercial and professional offices.

- 2. Public Hearing
 - a. Proponents
 - 1. Robert Odermatt explained the basic plan and showed slides
 - b. Opponents
 - l. None
 - c. The public hearing was closed.
- 3. Commission Action
 - a. It was moved by Adovnik and seconded by Dady that the zone change by Willamette Factors from residential to P.C.&I. be approved as presented in its entirety. Motion carried unanamiously.
- B. Zone Change

Henry and Goldie Adovnik, Applicant (72-RZ-7)

A request to change the zone from RA-1 to P.C.&L to establish office, bank and restaurant uses.

- 1. Staff Recommendation
 - a. Eldon Edwards recommended approval of the office complex with two driveways and appropriate dedications, and table bank and restaurant until commercial area location is resolved.
- 2. Public Hearing
 - a. Proponents
 - 1. Henry Adovnik explained and showed plans for the complex.
 - Herb Jenner, real estate broker, stated that he has several people interested in coming into the area.
 - b. Opponents
 - 1. None
 - c. The public hearing was closed.
- 3. Commission Discussion
 - a. Advisor Baisiger stated that we should study this entire corner for commercial use.
 - b. Advisor Baldwin was not in agreement with changing to commercial.
 - c. Commissioner Klupenger stated that a blanket policy on the whole area should be considered if the General Plan is to be changed.
- 4. Commission Action
 - a. It was moved by Klupenger and seconded by Dady that this proposal be referred to the study commission for review of the area and its use. Motion carried unanimously (excepting Adovnik).

OLD BUSINESS:

Millamette Factor Zone Change (72-RZ-8)(Charbonneau): Mayor Balsiger declared the public hearing open. Mayor Balsiger reviewed the action taken by the Planning Commission. Bob Hedges, General Manager of Charbonneau, explained the basic plan and stated that this was mainly a housekeeping item. There being no further proponents of opponents, the public hearing was closed. It was moved by Wehler and seconded by Bruck that the request by Willamette Factors (72-RZ-8) for a zone change from RA-1 Agricultural to P.C. & I. on three parcels of property located next to French Prairie Road in their Charbonneau Planned Unit Development by approved are recommended by the Planning Commission. Upon vote, motion carried unanimously.

Annexation-K.C. Strand: Attorney Bettis was absent so the annexation will be tabled until June 26th Council meeting. Mayor Balsiger said that the public could make comments before the Resolution is voted upon by the Council.

Water Tank: Bill Dorner reported the bottom plates are completed. The tank will be patch-painted at the joints and will be completely painted in five years.

Youth Commission Report: Chairman Patty Montgomery reported the Youth Commission had met and summer employment was the main concern. A job clinic will be set up. A day camp and recreational activities will be provided in the future. It was moved by Balsiger and seconded by Bruck that the Wilson-ville City Council officially recognize the Youth Commission. Upon vote, motion carried unanimously. A report will be given on the Youth Commission activities the second Monday of each month.

NEW BUSINESS

Annexation -- Paul M. Brown & Associates: Mayor Balsiger presented a request for a boundary change consisting of 40 acres south of Ellers Rond, next to Charbonneau. Dr. Brown explained the property annexation consists of three parcels of land. The density will be R-7 or R-10 -- approximately 240 units. Councilman Webler expressed concern about providing sever and water facilities and fire protection. Bill Dorner and Dennis Lively were asked to study what the impact would be on our present facilities and report back at the next Council meeting.

Page 2 - MINUTES OF CITY COUNCIL MEETING - June 12, 1972



June 17, 1977

Mr. Patrick C. Jordan, President Willamette Factors Suite 1620 Benjamin Franklin Plaza 1 S.W. Columbia St. Portland, OR 97258

Dear Mr. Jordan:

The City of Wilsonville very much appreciates the donation of the 12 maple trees from Willamette Factors. The trees have been planted at Boones Ferry Park by our staff.

Your assistance in enhancing our park environment with the addition of the trees is a donation that will be appreciated by future individuals of Wilsonville citizenry.

Thank you.

Very truly yours,

City Administrator/Planner

dt

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A L Pinning Dept Public Werts 266-1115

ATTORNEYS AT LAW

160 N.W. THIRD AVENUE

CANEY, ORGAN SPOIS

June 30, 1977

RECEIVED

JUL 5 1977

SILK OH HULSONVILLE

Wheelock, Niehaus, Baines, Murphy & Ogilvy Attorneys at Law Suite 700, Benj. Franklin Plaza One S.W. Columbia Street Portland, Oregon 97258

Attention: Mr. Edward J. Murphy, Jr.

Re: City of Wilsonville - Willamette Factors, Inc.
Agreement for Prepayment of Sewer Connections

Dear Ed:

I received your letter of June 24, 1977, and copies of your proposed Agreement. I have reviewed the Agreement carefully but haven't submitted it to the Council for approval as yet for the reasons next explained.

for the reasons next explained.

The cost of a sewer connection as shown in Table 2 of Ordinance No. 36 as amended by Ordinance No. 50 depends on the class of service, i.e., residential and type of residential, or commercial and type of commercial. There are also other classes of use with different connection fees. It is therefore necessary that a representative of Willamette Factors review the Ordinances and determine how much of a prepayment for sewer connection fees is allocable for each class of service. According to the Ordinance, commencing July 1, 1977, the connection fee for a single family dwelling unit is \$545, and if the prepayment is intended for only single family dwelling units, then the total cost for 265 sewer connections would be \$144,425 and not \$149,990 as your proposed Agreement specifies. When the class of service is determined for which the advance payment is to be made, then the Agreement must specify the number of each class of service and the current rate for each and for which the total prepayment is to be made. This is necessary in order to establish a record off exactly what is being prepaid; and connections later would have to fall within the class of service for which prepayment has been made. In other words, if the total prepayment is all for residential use and you later apply for connection to a commercial use, none of the prepayments would have been applied to a commercial use.

90AR06 Village Center Plat

Market Commence Some

PLANNING DEPARTMENT SITE DEVELOPMENT APPLICATION AND PERMIT

30000 S.W. Town Center Loop E. P.O. Box 220/Wilsonville, OR 97070-0220 503/682-1011

File No. 70 AR 6 1/4 Sec. — Final action on application or zone change is required within 120 days in accordance with provisions of ORS 227.175.

Pre-App. Mo. Day Yr.

A preapplication conference normally is required prior to submittal of an application.
Please contact the Planning Department at 682-1011 for an appointment.

APPLICANT - COMPLETE

Owner's Name Willowelle Factors Inc Contact Person Bick Frake / With Complet
Address St. 40 Charleman Dave Address
Wilsonville Or 19010
Phone
Owner's Signature Lister & Paythold
Property Description: T 35 R W Mop 25 Tox Lot(s)
Request Condemness Plat revers for Checkomers
Please attach a plot plan (scale: 1"-40") and any other documents to this application. Please review the Planning Department submittal requirements to ensure that your application is complete.
OFFICE USE ONLY
Complete Application Accepted: Dote 2/9/90 Public Heoring Date D/4
Closs I Closs II Closs III
☐ PLAN AMENDMENT ☐ MAJOR PARTITION ☐ DESIGN REVIEW
☐ ZONE CHANGE ☐ MINOR PARTITION ☐ TEXT AMENDMENT ☐ CONDITIONAL USE ☐ SIGN REVIEW
☐ FINAL PLAT ☐ VARIANCE ☐ TEMPORARY USE
[] PLANNED DEVELOPMENT STOTHER Condu Hat
SITE FINDINGS
1. Zaning: PDR 5. Building Area
2. Areo of Lot: 8.5898 AC. 6. Access to Property
3. Building or Sign Height:
(Mox) 7. Other:
4. Zoning Code Minimum Setbacks
Front
Side
Reor
NApproved Denied Approved with Conditions (see attached) See AISO 90 AR 60
Conditions of Development
the trades through with the block or it was
I was a manufact of remain the diaftery
a record of a condeminum glatil
Approval of this development permit, as submitted is based on information submitted by the applicant as outlined above. Any change of plans or incorrect information submitted may-result in revocation of permit. This decision may be appealed in accordance with the pravisions of the Wilsonville Code and ORS 227, 180.
Fee Amount Paid S_/000 Check No. 105/8 = Cash
Permit Approval/Planner's Signature Dote: 3/27/40
City Council or Planning Commission Approval City Yes No
Order Resolution
Older Resolution



31840 Charbonneau Drive Wilsonville, Oregon 97070 (503) 694-1414

Robert L. Foote, President

CHARBONNEAU VILLAGE CENTER PARKING REQUIREMENTS

	<u>Size</u>	Sq.Ft/ Space	Parking Reg'd.
Restaurant Banquet rooms	7,834 2,444 10,278	200	51
Pro Shop	1,977	200	10
Dress Shop	546	200	3
Country Club (Assembly)	2,560	*	43
Tennis Facility	15,000	Max. Play	8
Commercial Building	6,154	250	25
North Retail	9,648	200	48
South Retail (Pad)	9,360	200	47
		TOTAL	235

Proposed Country Club Addition

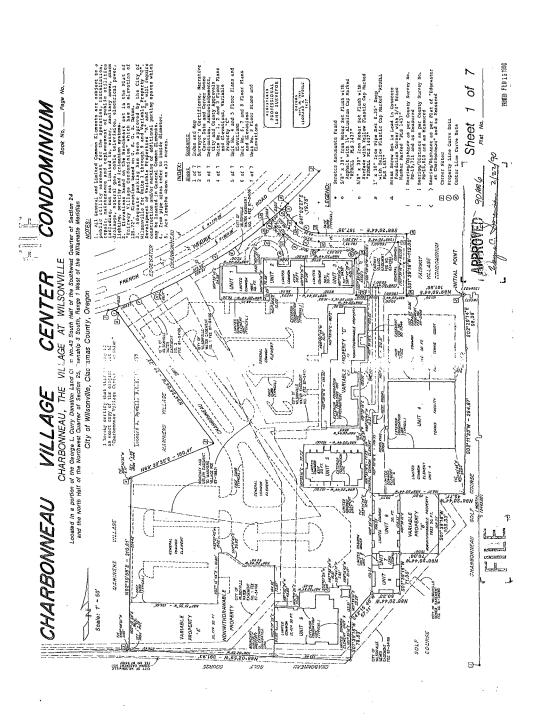
 \star 15 sq. ft. per occupant of assembly area, one parking space per 4 occupants.

Retail - 200 sq. ft. per space

Bank/Office - 250 sq. ft./space

haye C Sommer 2/22/

CHARBONNEAU
The Village At Wilsonville



CHARBONNEAU

VEAU VILAGE CENTER CONL
CHARBONNEAU, THE VILLAGE AT WILSONVILLE
Located in a portion of the Goorge L. Curry Dometion Land Claim No.48 South, Half of the Southwest Quarter of Section 24
and the North Half of the Northwase Quarter of Section 25, Fourship 3 South, Range West of the Williamette Meridian
City of Wilsonville, Clackamas County, Oregon

CONDOMINIUM

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SURVEYOR'S CERTIFICATE Cont'd.

The recent rates are default in "N. D.C. degard and a 17-2.

The recent rate are default in "N. D.C. degard and a 17-2.

The read of large pages and a series of sections of a factor of the section of Tylicary Section of the section of Tylicary Se

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iron pipe with yellow plautic cup markud "RybELI", 0.55° deep in genar, 0.75° West, and 0.2° Soutic corner, 0.2° East of irrigation pipe, appears ent, set by County Surey No. PS-19,711.

 CENTERLINE
 CURVE
 DATA;

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 Badius
 Balta
 Chord

 A. (70.00'
 47* 17' 17"
 N64* 42' 06'W
 56.13'

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominic

Leonard A. Bydell, P.L.S. No. 1437

 \sim ó Sheet 2

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LICHAND A REDGIL Leonard A. Rydell, P. L. S. No. 1437 501 Mandelst Delve Rewbecg, Oregon 97132 Subscribed and morn before me this day of Rebrusry 1990

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NEAU VILAGE CENTER CONL CHARBONNEAU, THE VILLAGE AT WILSONVILLE LODGED In a portion of the George Loury Densition 254 Township 3 South Half of the Southwest Chaurar of Section 254 and the line Northwest Chaurar of Section 254 township 3 South, Range 1 West of the Williamste Medition City of Wilsonville, Clackamas County, Oregon CHARBONNEAU

CONDOMINIUM

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ACKNOWLEDGEMENTS Cont'd.

ind. Like Dr Williamster Factories and Abbert L. Roses, Fresident of Districtions of Milliamster Factories, Health and Charles and Milliamster Factories, Factories and Charles and Charle IN NITNESS NIEREOF, We have set our hands:

Robert L. Foote, President Charbonneau Village Center, Inc. Robert L. Poots, President Willamette Factors, Inc. Walter E. Attridge, Fresident Namcyclare Ralston, Scottary Charbonness Country Club

Robert A. Bitar, Precident Bitar Bros., Robert A. Bitar Corp.

G. Dale Weight, Chairman and Chici Executive Officer Benj. Franklin federal Savings and Loan Asen.

ACKNOWLEDGEMENTS:

on this and the state of the st State of Oregon

NOTARY PUBLIC OREGON My Commission Expires

County of

State of Oregon

Country of

NOTARY PUBLIC OREGON My Commission Expires

CITY OF WILSONVILLE

Date Dace Wilsonville Planning Director Wilsonville Community Dev. Wilsonville Surveyor on this and the state of the st

NOTARY PUBLIC DREGON My Commission Expires

State of Oregon County of __

CLACKAMAS COUNTY APPROVALS:

the description of the state of

All maxes, assessments, fees or other charges as prouded by O. R. S. 100-110 hove been paid as of

Clacksman County Assessor and Tax Collector Approved this

NOTARY PUBLIC DREGON My Commission Expires

County of __

day of

I certify that the within plat was received and duly receded by we in the Clackanas County Records in Book Dy Clockomas County Tax Colloctor Clackemes County Assessor

on this.

In our control in the factings, Prosident and Subsequence the concentration of the factings, Prosident and Subsequence to concentration of the prosident and subsequences of Charles or Control Clabs, who while first day aren tid asy that they are the authorities displant on Charlesmone Control Clabs, who well to expectation, and that the Institution's was signed in least of Charlesmone United The Prosident of Charlesmone United the Institution's Was signed in least of Charlesmone United The Third Charlesmon's United The
State of Oregon

County of

Clackonas County Clerk

NOTARY PUBLIC OREGON My Commission Expires

I herchy certify that this tracing it an easet copy of the exiginal plat of "Charbennest Village Center Condmainium"

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PROFESSIONAL LAND SURVEYOR

Leonard A. Rydell, P.L.S. No. 1437

LEGRARA STREET

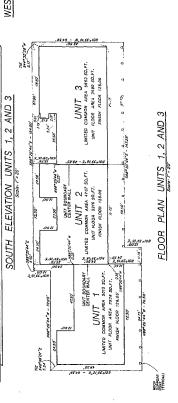
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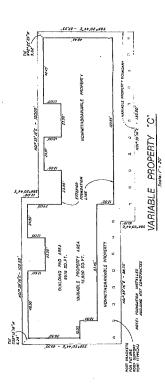
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CONDOMINIUM VEAU VILAGE CENTER CONL
CHARBONNEAU, THE VILLAGE AT WILSONVILLE
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and the North Half of the Northwest Opartor of Section 25, Fourship 8 South, Range 1 Wast of the Williametre Medician
City of Wilsonville, Clackemas County, Oregon CHARBONNEAU

1, 2 AND 3 SUPPOPTS ELEVATION UNITS WEST 1, 2 AND 3 24.25

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I hereby certify that this trucing is an exact copy of the original plat of "Charbonneau Village Center Condominium"

Leonard A. Rydell, P.L.S. No. 1437

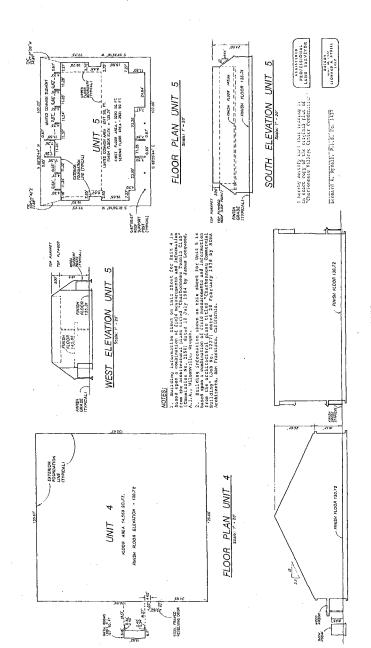
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4 of 7

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and the North Half of the Nord Quarter of Section 25, Fourning 3 South, Range 1 Wast of the Wilsmans Meridan
City of Wilsonville, Clackamas County, Oregon CHARBONNEAU

CONDOMINIUM



SOUTH ELEVATION UNIT 4

WEST ELEVATION UNIT 4

of 7 Ŋ Sheet

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CONDOMINIUM WEAU VILLAGE CENTER CONL
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SOUTH ELEVATION UNIT 8 NORTH ELEVATION UNIT 6

EAST ELEVATION UNITS 6, 7 AND 8

FIRST FLOOR ELEVATION UNITS 6,7 AND 8 UNIT 6

FINST FLOOR AREA 4802 SO.FT.
FINISH FLOOR ELEV. + 138.05

TESSARS A KTUEL I because certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominum"

Leonard A. Rydell, P.L.S. No. 1437

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LIMITED COMMON AREA 5300 SO.FT. SASEMENT FLOOR AREA 4817 SO.FT. BASEMENT FLOOR ELEV. 129.01

LIMITEO COMMON 1. AREA 3725 SO.FT. 19, BASEMENT FLODA AREA 1457 SO.FT.

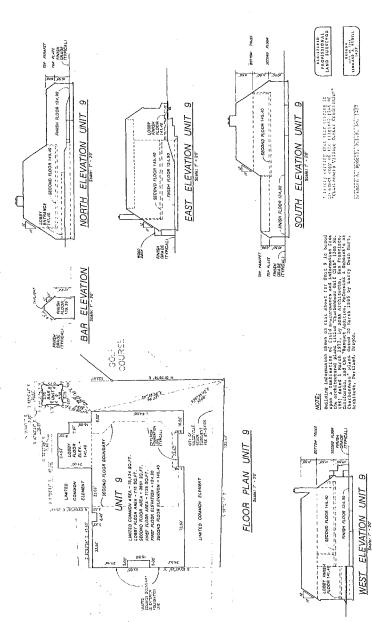
UNIT 8

BUILDING COANER IS PLAT BOUNDARY

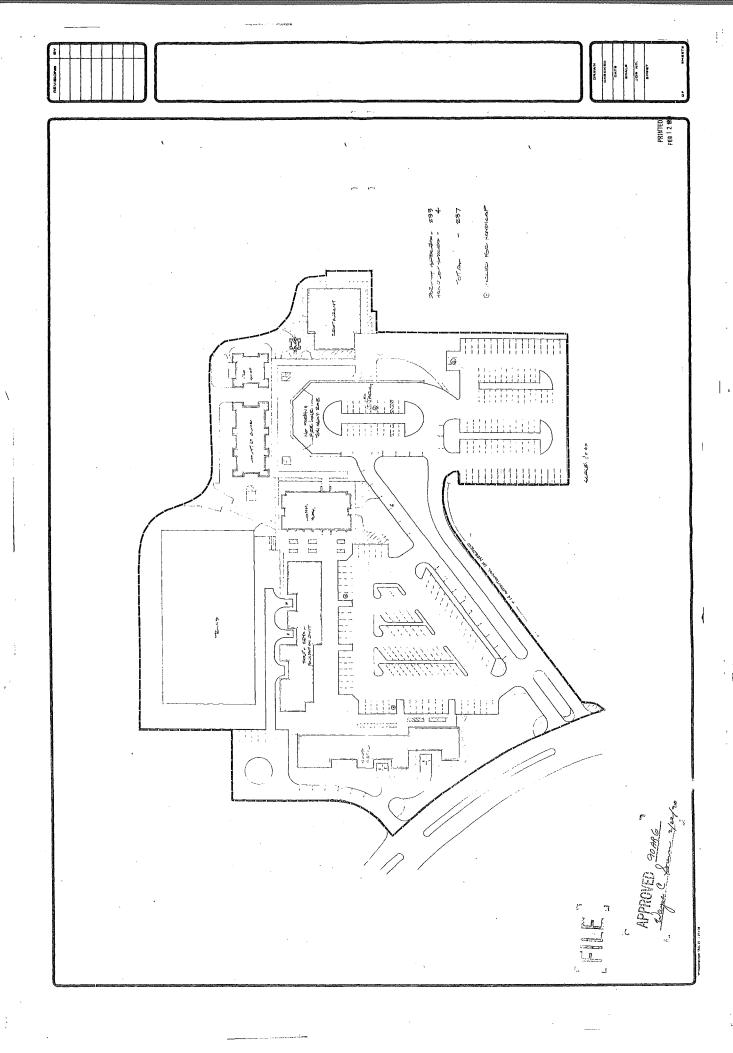
PALE SOURCE BASEMENT FLOOR ELECTION UNITS 6 AND 8

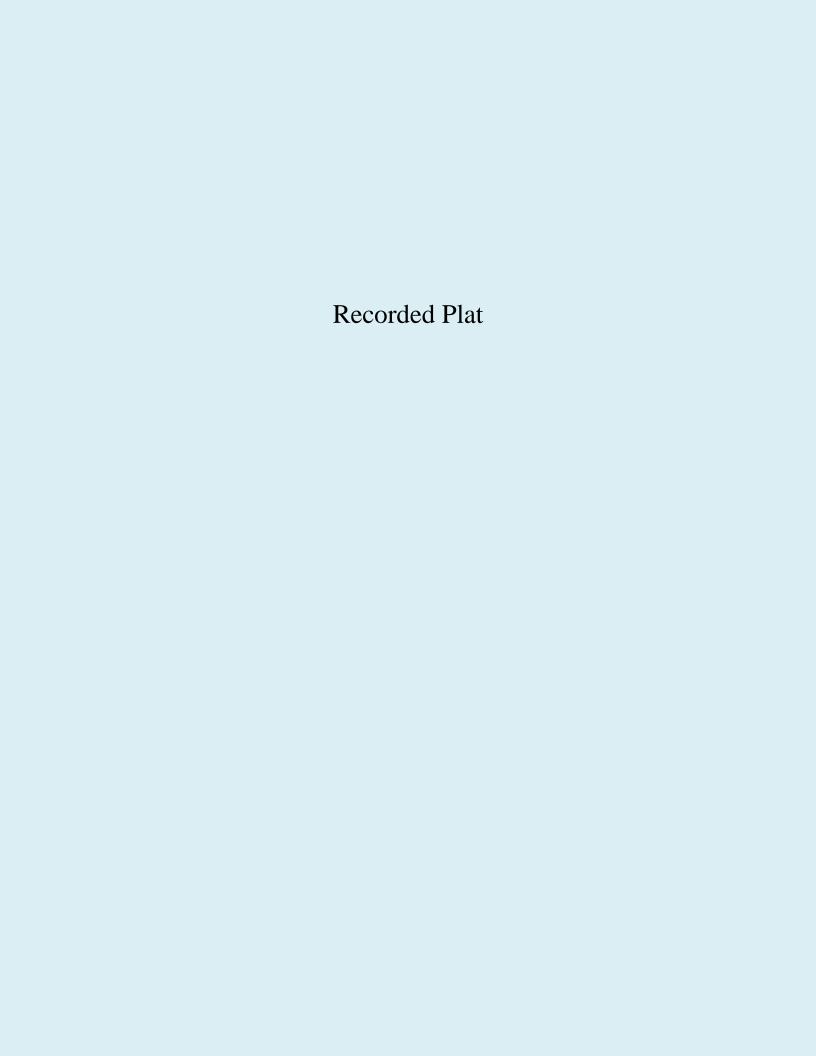
Sheet 6 of 7

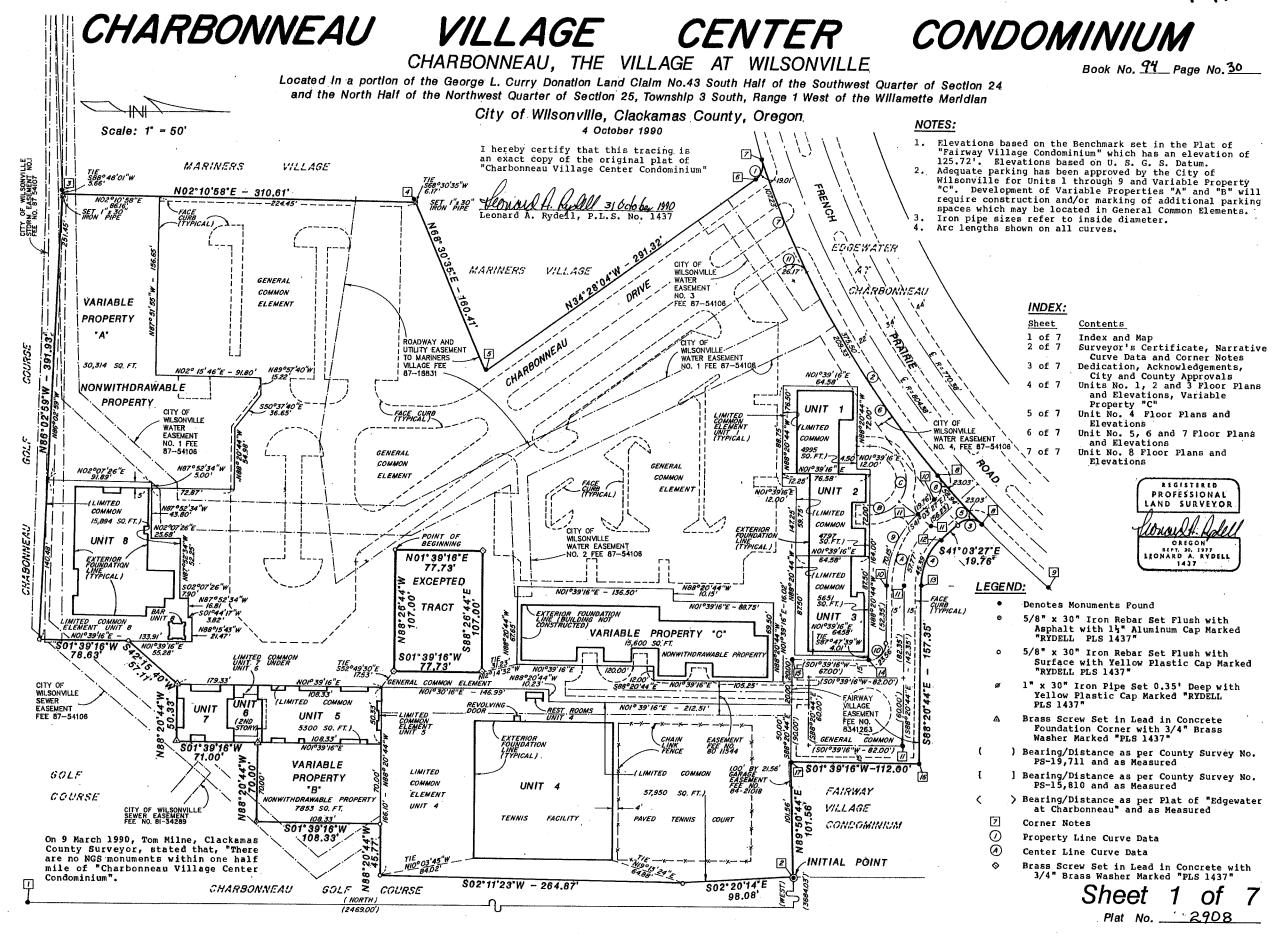
CONDOMINIUM WEAU VILLAGE CENTER CONC CHARBONNEAU, THE VILLAGE AT WILSONVILLE Located in a partion of the George L. Curry Donation Land Claim No.43 South held of the Southwest Quarter of Seatlon 24 and the North held of the Northwest Donates of Seatlon 55, Township 3 South, Range 1 West of the Williamette Maridian City of Wilsonville, Clackamas County, Oregon CHARBONNEAU



Sheet 7 of







CHARBONNEAU

VILLAGE

CENTER

PROFESSIONAL

LAND SURVEYOR

OREGON SEPT. 30, 1977 LEONARD A RYDILL

CONDOMINIUM

CHARBONNEAU. THE VILLAGE AT WILSONVILLE

Book No. 94 Page No. 30

Located In a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian

SURVEYOR'S CERTIFICATE:

I, Leonard A. Rydell, Oregon Registered Professional Land Surveyor No. 1437, being first duly sworn, depose and say that I have surveyed and marked with proper monuments the land hereon shown as "Charbonneau Village Center Condominium", a tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in the South Half of the Southwest Quarter of Section 24 and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

Beginning at a one inch iron pipe set inside a 2-inch by Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron pipe set 6-inches below the surface of the ground, said point being the Initial Point of "Fairway Village Condominium", a condominium recorded 28 June 1984 in Book 86, Page 17, Fee No. 84-22077, and being also North 2469.00 feet and West 3684.03 feet from a stone marked with an "X" at the Southeast corner of the George L. Curry Donation Land Claim No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and said point also being the True Point of Beginning of that tract of land (Charbonneau Golf Course) described in Mortage to Beni, Franklin Federal Savings and Loan of that tract of land (Charbonneau Golf Course) described in Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland recorded 12 August 1971, Fee No. 71 19507 and the True Point of Beginning of a tract of land described in Deed to Charbonneau Country Club recorded 28 March 1980, Fee No. 80 11544; thence South 02° 20' 14" East along the East line of said Country Club Tract and the Charbonneau Golf Course 98.08 feet to a 5/8-inch iron rebar; thence South 02° 11' 23" West along the East line of said Country Club Tract and the Charbonneau Golf Course 264.87 feet to a 5/8-inch iron rebar at the Southeast corner of said Country Club Tract and the Charbonneau Golf Course 204.67 feet to a 5/8-inch iron rebar at the Southeast corner of said Country Club Tract; thence North 88° 20' 44" West along the South line of said Country Club tract 45.77 feet to a 5/8-inch iron rebar; thence South 01° 39' 16" West 108.33 feet to a 5/8-inch iron rebar; thence North 88° 20' 44" West feet to a 5/8-inch iron rebar; thence North 88° 20' 44" West 70.00 feet to a brass screw set in the Southeast foundation corner of the Charbonneau Country Club building; thence South 01° 39' 16" West 71.00 feet to a brass screw set in the Southeast foundation corner of the Charbonneau Pro Shop building; thence North 88° 20' 44" West along the South foundation line of the Charbonneau Pro Shop building 50.33 feet to a brass screw set in the Southwest foundation corner of said Pro Shop; thence South 42° 15' 40" West 57.11 feet to a 5/8-inch iron rebar rebar; thence South 01° 39' 16" of Sald Pro Snop; thence South 42 13 40 west 78.63 feet to a 5/8-inch iron rebar; thence South 01° 39' 16" West 78.63 feet to a 5/8-inch iron rebar at an angle point of said Charbonneau Golf Course; thence North 86° 02' 59" West along said Charbonneau Golf Course; 391.93 feet to a one inch iron pipe at the Southeast corner of Parcel II described in Deed from Willamette Factors, Inc. to Mariners-Marshall, a joint venture, by Bargain and Sale Deed recorded 29 April 1987, Fee No. 87 18831; thence North 02° 10' 58" East along the East line of said Parcel II 310.61 feet to a one inch iron pipe at the Northeast corner of said Parcel II, said point being on the South line of a tract of land described in deed from Willamette Factors, Inc. to Mariners Village Apartments, Inc. and George Marshall, a joint venture, by Bargain and Sale Deed recorded 15 September 1978, Fee No. 78 39923; thence North 68° 30' 35" East along the South line of said Mariners-Marshall tract 160.41 feet to a one inch iron pipe at an angle point of said Mariners-Marshall tract; thence North 34° 28' 04" West along the East line of said Mariners-Marshall tract 291.32 feet to a one inch iron pipe; thence North 34° 28' 04" West along the East line of said Mariners-Marshall tract 291.32 feet to a one inch iron pipe; thence on a 15.00 foot radius curve left (long chord bears North 70° 46' 00" West 17.76 feet) an arc distance of 19.01 feet along the East line of said Mariners-Marshall tract to a one inch iron pipe on the South right-of-way line of French Prairie Road as platted by "Edgewater at Charbonneau", a subdivision recorded 30 December 1983, Book 86, Page 3, Plat No. 2641, Clackamas County Record of Plats; thence on a 826.38 foot radius curve left (long chord bears North 59° 55' 00" East 372.28 feet) along the South right-of-way line of 826.38 foot radius curve left (long chord bears North 39 35 00" East 372.28 feet) along the South right-of-way line of said French Prairie Road an arc distance of 375.50 feet to a one inch iron pipe on the West line of "Fairway Village Condominium", a condominium recorded 28 June 1984 in Book 86, Page 17, Clackamas County Book of Plats; thence on a 15.00 foot radius curve left (long cord bears South 02° 55' 15" West 20.83 feet) along the West line of said "Fairway Village

City of Wilsonville, Clackamas County, Oregon 4 October 1990 SURVEYOR'S CERTIFICATE Cont'd.

Condominium" an arc distance of 23.03 feet to a 5/8-inch iron rebar; thence South 41° 03' 27" East along the West line of said "Fairway Village Condominium" 19.76 feet to a one inch said "Fairway Village Condominium" 19.76 feet to a one inch iron pipe; thence on a 55.00 foot radius curve left (long chord bears South 64° 42' 06" East 44.12 feet) along the South line of said "Fairway Village Condominium" an arc distance of 45.39 feet to a one inch iron pipe; thence South 88° 20' 44" East along the South line of said "Fairway Village Condominium" 157.35 feet to a one inch iron pipe; thence South 01° 39' 16" West along a West line of said "Fairway Village Condominium" 112.00 feet to a one inch iron pipe at the Southwest corner of said "Fairway Village Condominium", said point being on the North line of said Charbonneau Country Club tract; thence North 89° 50' 44" East along the South line of said "Fairway Village Condominium" 101.56 feet to the Initial Point.

Said tract containing 8.5898 acres.

SAVE AND EXCEPT a tract of land conveyed by Willamette Factors, INC. to Mariners Village Apartments, Inc. and George Marshall, a joint venture by Bargain and Sale Deed recorded 15 September 1978, Fee No. 78 39924, Clackamas County Deed Records, and more fully described as follows:

Beginning at a point North 2124.61 feet and West 3977.11 feet from the Southeast corner of the George L. Curry Donation Land Claim No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence North 1° 39' 16" East 77.73 feet; thence South 88° 26' 44" East 107.00 feet; thence South 1° 39' 16" West 77.73 feet; thence North 88° 26' 44" West 107.00 feet to the Point of Beginning.

Said excepted tract containing 0.1909 acres.

I hereby certify that the accompanying plat accurately depicts the above described tract, is drawn to scale and all points monumented in accordance with Oregon Survey Law. I further certify that the plat fully and accurately depicts the boundaries of the units of the buildings and that construction of the units and buildings as depicted on the plat have been REGISTERED

Leonard A. Rydell 31 October 1990
Leonard A. Rydell, P. L. S. No. 1437
601 Pinehurst Drive Newberg, Oregon 97132

Subscribed and sworn before me this 31 day of October 1990

JESS ROY FORDM NOTARY PUBLIC OREGON My Commission Expires 10-30-7L

CENTERLINE CURVE DATA:

No. Radius	Delta	Chord Bearing	Chord	Length
A. (70.00'	47° 17' 17"	N64° 42° 06"W	56.15	57.77)

PROPERTY LINE CURVE DATA:

No.	Radius	Delta	Chord Bearing	Chord	Length
1.	1 15.00	72° 35' 53"	N70° 46' 00"W	17.76'	19.01']
2.	826.38'	26° 02' 06"	N59° 55' 00"E	372.28'	375.50'
3.	(15.00'	87° 57' 24"	s02° 55' 15"W	20.83'	23.03')
4.	(55.00'	47° 17' 17"	S64° 42' 06"E	44.12'	45.39")
5.	(826.38'	4° 05' 12"	848° 56' 33"W	58.93	58.94')
6.	826.38'	14° 30' 50"	N58° 14' 34"E	208.77'	209.33'
7.	826.38'	7° 26' 04"	N69° 13' 01"E	107.15'	107.23'
в.	(15.00'	87° 57' 24"	\$85° 02' 09"E	20.83	23.03')
9.	(85.00'	47° 17' 17"	564° 42' 06"E	68.18'	70.15')
10.	(15.00'	90° 00' 00"	S43° 20' 44"E	21.21'	23.56')
11.	15.00'	99° 58' 05"	N15° 30' 57"E	22.98'	26.17'

CORNER NOTES:

- 1. Found stone marked with an "X", 0.6' deep with a 1/2" rusted iron pipe adjacent to stone on Southwest side.
- Found stone marked with an "X", 0.6' deep with a 1/2" rusted iron pipe adjacent to stone on Southwest side.
 Found 1" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.15' deep in grass and set in 12" iron pipe set 1.15' deep, appears undisturbed, set by County Survey No. PS-19,711 and used as the Initial Point of "Fairway Village Condominium".
 Found 1" iron pipe, 0.35' deep, appears undisturbed, set by County Survey No. PS-15,810.
 Found 1" iron pipe, 0.4' deep in grass, appears undisturbed, set by County Survey No. PS-15,810.
 Found 1" iron pipe, 0.2' deep in grass, appears undisturbed, set by County Survey No. PS-15,810.
 Found 1" iron pipe, 0.7' deep in grass, appears undisturbed, set by County Survey No. PS-15,810.
 Found 1" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.1' deep in grass, appears undisturbed, set by County Survey No. PS-19,86.
 Found 1" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.45' deep in grass, appears undisturbed, set by County Survey No. PS-19,711.
 Found 1" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.45' deep in grass, appears undisturbed, set by County Survey No. PS-19,711.
 Found 1/2" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.45' deep in grass, appears undisturbed, set by County Survey No. PS-19,365.
 Found 1/2" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.35' deep in grass, appears undisturbed, set by County Survey No. PS-19,711.
 Found 1/2" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.3' deep in grass, appears undisturbed, set by County Survey No. PS-19,711.
 Found 1" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.3' deep in grass, appears undisturbed, set by County Survey No. PS-19,711.
 Found 1" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.35' deep in grass, appea

- by County Survey No. PS-19,711.

 Found concrete nail set in sidewalk with yellow plastic cap marked "RYDELL PLS 1437", hald of cap missing, appears undisturbed, set by County Survey No. PS-19,711.

 Found 1" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.9' deep in grass, 0.3' South of steel fence post, appears undisturbed, set by County Survey No. PS-19,711.

 Found 1" iron pipe with yellow plastic cap marked "RYDELL PLS 1437", 0.55' deep in grass, 0.75' West and 0.2' South of garage corner, 0.2' East of irrigation pipe, appears undisturbed, set by County Survey No. PS-19,711.

NARRATIVE:

This plat is based on County Survey No's. P. S. 15,810, P. S. 19,365 and P. S. 19,711, all of which should be refered to when doing work in this area. A random traverse of all corners found was made and the positions of the monuments were compared to their calculated position. A best fit was calculated to most nearly match the monuments tied. This resulted in the found positions of the monuments matching the calculated coordinates within a tenth or less. These errors were ignored. Bearings are based on a calculated bearing of South 44° 14' 35" West between Corners No. 2 and No. 3.

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium"

Homand A. Rydell, P.L.S. No. 1437 Sheet Plat No. 2908

CHARBONNEAU

VILLAGE CENTER

CONDOMINIUM

Book No. 94 Page No. 30

CHARBONNEAU, THE VILLAGE AT WILSONVILLE Located In a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian

City of Wilsonville, Clackamas County, Oregon 4 October 1990

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS that Robert L. Foote, President KNOW ALL MEN BY THESE PRESENTS that Robert L. Foote, President of Willamette Factors, Inc., Robert L. Foote, President of Charbonneau Village Center, Inc., Walter E. Attridge, President and Nancyclare Ralston, Secretary of Charbonneau Country Club, being the owners of the land described in the Surveyor's Certificate hereon made, do hereby commit said land to the operation of The Condominium Laws as laid out in Chapter 100, Oregon Revised Statues. The property and improvements described and depicted on the plat are subject to the provisions of O.R.S. 100.005 to 100.625.

IN WITNESS WHEREOF, we have set our hands:

Robert of facts	Robert L. Foote, President
Robert L. Foote, President	Robert L. Foote, President
Willamette Factors, Inc.	Charbonneau Village Center, Inc.

Walter E. Attridge, President Charbonneau Country Club

Nancyclare Ralston, Secretary Charbonneau Country Club

ACKNOWLEDGEMENTS:

State of Oregon County of CLACKAMAS

On this _____ day of ______ 1990, personally appeared the above-named Robert L. Foote, President of Willamette Factors, Inc., who being first duly sworn did say that he is the authorized signator of Willamette Factors, Inc., and that the instrument was signed in behalf of Willamette Factors, Inc., by authority of its Board of Directers, and acknowledged the instrument to be its voluntary act and deed.

Nessie E. Nhxantel NOTARY PUBLIC OREGON My Commission Expires 4-25-94

State of Oregon County of CLACKAMAS

NOTARY PUBLIC OREGON

My Commission Expires 4-25-9

State of Oregon County of CLACKAMAS

Club by authority of its Board of Directers, and acknowledged the instrument to be its voluntary act and deed.

> Debbir E. Whyander NOTARY PUBLIC OREGON My Commission Expires 4-254

CITY OF	WILSONVILLE	APPROVALS:

Wayne C. Sorenser Wilsonville Planning Director	Mar. 2, 1990 Date
Wilsonville Community Dev. Director	
Wilsonville Surveyor	///oZ/90 Date

CLACKAMAS COUNTY APPROVALS:

All taxes, assessments, fees or other charges as provided by O. R. S. 100.110 have been paid thrus June 30, 1991 Approved this 2044 day of November 1990. Ray Erland
Clackamas County Assessor and Tax Collector

By Par Broot Deputy Clackamas County Tax Collector Clackamas County Assessor

I certify that the within plat was received and duly recorded by me in the Clackamas County Records in Book $\underline{-94}$, Pages ______, on the ______ day of ________, 1990 at ___ o'clock __ M.

John F. Kauff men. Clackamas County Clerk

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium"

Leonard A. Rycell, P.L.S. No. 1437

REGISTERED PROFESSIONAL LAND SURVEYOR

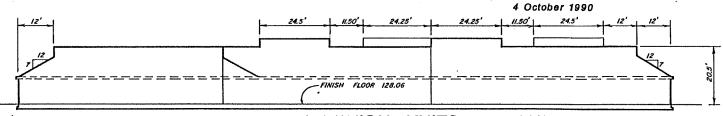
CHARBONNEAU VILLAGE CENTER CONDOMINIUM

Book No. 94 Page No. 30

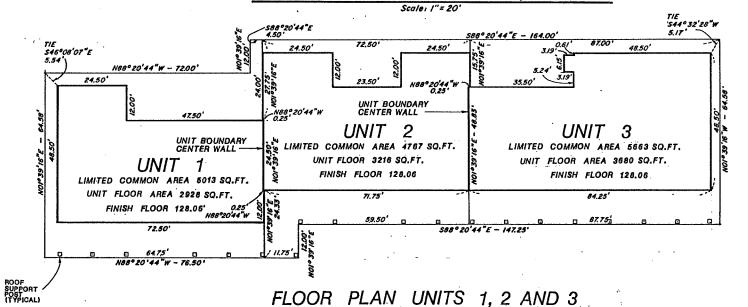
CHARBONNEAU, THE VILLAGE AT WILSONVILLE Located In a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24

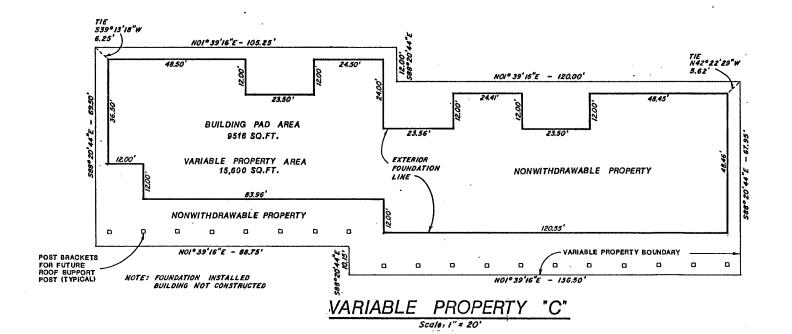
City of WilsonvIlle, Clackamas County, Oregon

and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Williamette Meridian









ELEVATION UNITS 1, 2 AND 3

Building information shown on this sheet based upon a combination of field measurements and information from the architectural plans titled "Charbonneau Village Shopping Center" (Job No. 3232) dated 21 September 1979 by ROMA Architects, San Francisco, California.

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium"

, REGISTERED PROFESSIONAL LAND SURVEYOR

Sheet 4 of 7 Plat No. 2908

CHARBONNEAU VILLAGE CENTER

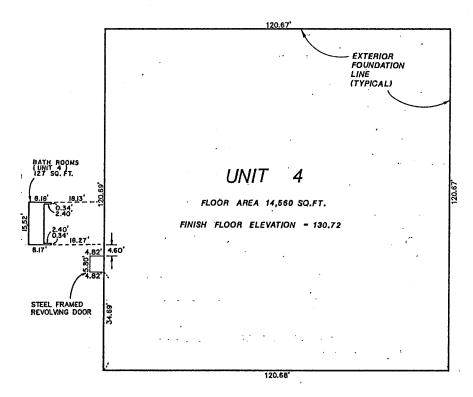
CONDOMINIUM

Book No. 94 Page No. 30

CHARBONNEAU, THE VILLAGE AT WILSONVILLE

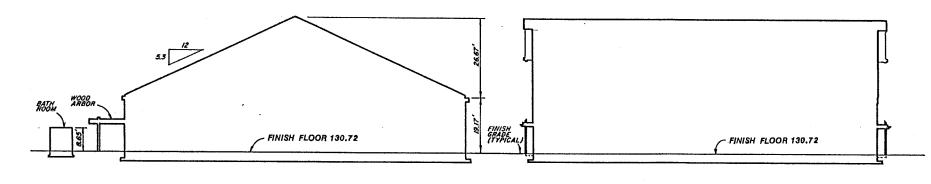
Located In a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian

> City of Wilsonville, Clackamas County, Oregon 4 October 1990



l. Building information shown on this sheet for Unit 4 is based upon a combination of field measurements and information from the architectural plans titled "Charbonneau Tennis Club" (Commission No. 2150) dated 10 July 1984 by James Longwood, A.I.A., Wilsonville, Oregon.

FLOOR PLAN UNIT 4



I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium"

Leonard A. Rydell 31 October 1990 Leonard A. Rydell, P.L.S. No. 1437

PROFESSIONAL LAND SURVEYOR

CHARBONNEAU VILLAGE CENTER

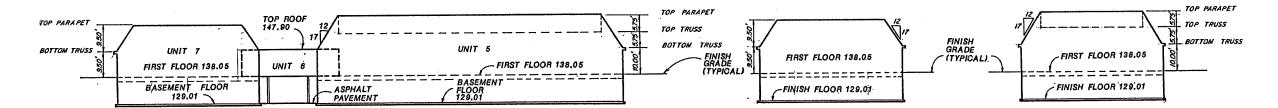
CONDOMINIUM

CHARBONNEAU, THE VILLAGE AT WILSONVILLE

Book No. 94 Page No. 30

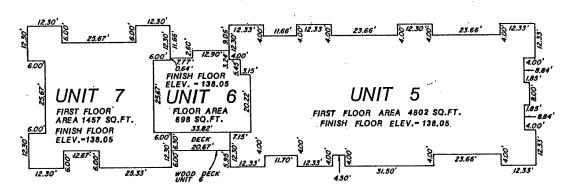
Located In a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian

> City of Wilsonville, Clackamas County, Oregon 4 October 1990

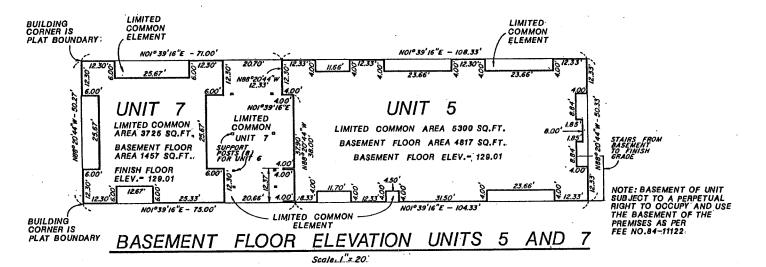


EAST ELEVATION UNITS 5, 6 AND 7

SOUTH ELEVATION UNIT 7 NORTH ELEVATION UNIT 5



FLOOR ELEVATION UNITS 5. 6 AND 7.



NOTE:

Building information shown on this sheet for Units 5, 6 and 7 is based upon a combination of field measurements and information from the architectural plans titled "Charbonneau" Pro Shop" (Job No. 3217) and "Charbonneau Country Club" (Job No. 3216-2) dated 22 September 1977 by ROMA Architects, San Francisco, California.

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium"

Leonard A. Rydell, P.L.S. No. 1437

REGISTERED PROFESSIONAL LAND SURVEYOR OREGON / SEPT. 30, 1977 LEONARD A. RYDELL 1437

CHARBONNEAU VILLAGE CENTER

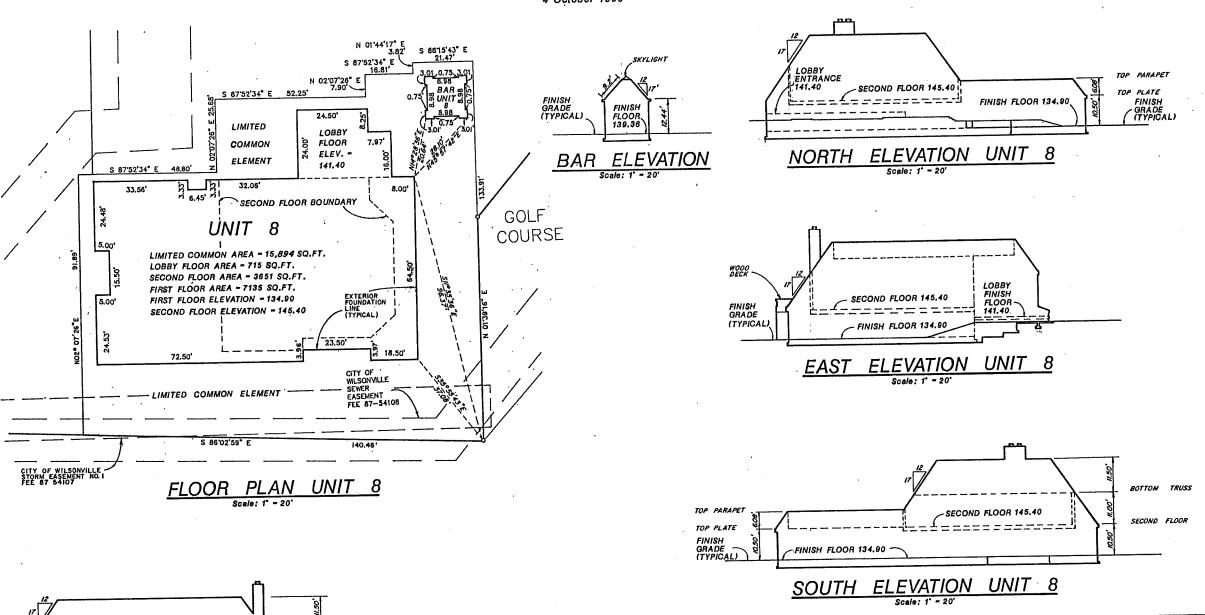
CONDOMINIUM

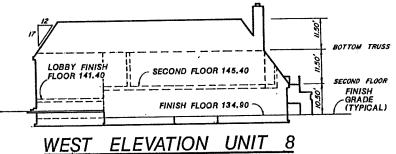
CHARBONNEAU, THE VILLAGE AT WILSONVILLE

Book No. 94 Page No. 30

Located in a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian

City of Wilsonville, Clackamas County, Oregon 4 October 1990





Building information shown on this sheet for Unit 8 is based upon a combination of field measurements and information from the architectural plans titled "Charbonneau Golf Club" (Job No. 486) dated 1 March 1973, by ROMA Architects, San Francisco, California, and the "Banquet Addition, McCormick & Schmick's at Charbonneau" plans dated 20 March 1985 by Larry Dean Hart, Architect, Portland, Oregon.

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium"

Leonard A. Rydell 31 October 1990 Leonard A. Rydell, P.L.S. No. 1437



94AR14 BITAR Plat (Unit 9)

Charbonneau & country club

32000 S.W. Charbonneau Drive • Wilsonville, Oregon 97070 • Phone 503/694-2300



July 26, 1995

Stephan Lashbroek
Planning Director
City of Wilsonville
30000 Town Center Loop East
Wilsonville, Oregon 97070

Dear Mr. Lashbroek,

I have enclosed a copy of a July 14, 1994 "Notice of Administrative Action" but our file does not include a copy of the Planning Director's decision, due on July 25, 1994.

This undoubtedly was received but has been misfiled and this is an attempt to have our file on the Charbonneau Village Condominium Association as complete as possible.

Your office's consideration is appreciated.

Bob Swan,

President

of Charbonneau's

all-residents group

BS:s



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

DATE:

14 July 1994

NOTICE OF ADMINISTRATIVE ACTION

Applicant:

Mike Rumpakis

Owner:

Bitar Bros., Robert Bitar Corp.

Site Location:

Charbonneau Village Condominium, Wilsonville

Tax Lot and Map:

T. 3 S., R. 1 W., Section 24CD, Supp. #2, Tax Lot 3200

City file number:

94 AR 14

Zone:

PDC

The City of Wilsonville Planning Director, pursuant to Section 4.009 - 4.012 and 4.220 of the Development Code, is considering issuing an administrative approval to allow the platting of an area previously excluded from the Charbonneau Village Condominium Plat, and referred to as the "excepted tract". The tract measures 77.73' by 107 feet, 8317.11 square feet

The Planning Director will render a decision on this matter after <u>July 25, 1994</u>. The Director shall approve, approve with conditions, deny or refer the application to the Planning Commission or Design Review Board for a hearing. You are invited to submit information within ten (10) days of the date of this notice relevant to the standards pertinent to the proposal and giving reasons why the application should or should not be approved or proposing conditions you believe are necessary for approval according to City standards. If you would like further information regarding this request, please call Pamela Emmons, Assistant Planner with the Planning Department at 682-4960.

Note: A decision of the Planning Director may be appealed by an affected party or by three (3) Commission or Board members in accordance to Section 4.017, except that the review shall be of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and Planning Director. Any appeal must be filed with the City Recorder within ten (10) working days of notice of the decision. The notice of appeal shall be in writing and indicate the specific issues(s) being appealed and the reason(s) therefor.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

NOTICE OF ADMINISTRATIVE DECISION

Applicant:

Mike Rumpakis

Owner:

Bitar Bros., Robert Bitar Corp.

Site Location:

Charbonneau Village Condominium

Tax Lot and Map:

T. 3 S., R. 1 W., Section 24CD, Supp. #2, Tax Lot 3200

City file number:

94 AR 14

Zone:

PDC

Pursuant to the authority granted by the Development Code (Sections 4.009 - 4.012 and 4.220), the Planning Director finds that:

- The request to allow the platting of an area previously excluded from the Charbonneau Village Condominium Plat, and referred to as the "excepted tract", meets with the guidelines of the Development Code; and
 - (2) Persons designated to receive notice have not filed objections; and
 - (3) The time to respond has lapsed.
 - Mr. Jones's letter, dated July 5, 1994, outlines the procedure to be followed and identified the documents that need to be recorded. This letter and the procedures set forth therein shall be used as a "guide" in recording the final documents. The letter is attached hereto as "Exhibit B".

THEREFORE, based on the above findings, the Planning Director hereby approves the application as requested with the following conditions:

- (A) This approval is only for the changes as stated in (1) above and as shown on the applicant's plot plan, herewith marked Exhibit "A" and on file with the City of Wilsonville's Planning Department.
- (B) Any and/or all easements that pertain to the subject property shall be shown on the final recorded Condominium plat.
- (C) The applicant shall record a final record plat and the "supplemental declaration" with Clackamas County. The final declaration and plat shall be reviewed by the City Engineer prior to recordation with the County.

Dated this 28th day of July, 1994.

ayne C. Sorensen, Planning Director

Note: The decision of the Planning Director may be appealed by an affected party or by three (3) Commission or Board members in accordance with Section 4.017 except that the review shall be of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Planning Director. Any appeal must be filed with the City Recorder within ten (10) working days of notice of the decision. The notice of appeal shall be in writing and indicate the specific issue(s) being appealed and the reason(s) therefor. Should you require further information, please contact Pamela Emmons, Assistant Planner with the Planning Department at 682-4960. Last day to appeal: 4:00 P.M. on 10 August 1994.

CITY OF WILSONVILLE

8445 S.W. Elligsen Road Mail: 30000 S.W. Town Center Loop East Wilsonville, OR 97070-0220 503/682-4960

PLANNING DEPARTMENT SITE DEVELOPMENT APPLICATION AND PERMIT

File No. 94 A/2 14 Final action on application or zone change is required within 120 days in accordance with provisions of ORS 227.175 FAX: 682-7025 Pre-App. Mo. Day Yr. A preapplication conference normally is required prior to submittal of an application. Please contact the Planning Department at 682-4960 for an appointment. APPLICANT - COMPLETE Common Harry Brigh Blos. ROSCRT A. BIRNE CORN Contact Person_ Address 2729 E. BURNS.DE Address FALTLAND, DREGEN 9721d. SAME Vice PRESIDENT 24CD Supp #> Tax Lol(s) 3200 Property Description: T _ Request Please attach a plot plan (scale: 1*-40') and any other documents to this application. Please review the Planning Department submittal requirements to ensure that your application is complete. - OFFICE USE ONLY -Complete Application Accepted: Date 7/11/94 Public Hearing Date NA: Stall Signature Banic Edmints Class II Class I Class III MAJOR PARTITION D DESIGN REVIEW PLAN AMENDMENT MINOR PARTITION ☐ ZONE CHANGE TEXT AMENDMENT ☐ PRELIMINARY PLAT CONDITIONAL USE ☐ SIGN REVIEW ☐ VARIANCE ☐ TEMPORARY USE ☐ FINAL PLAT ☐ PLANNED DEVELOPMENT OTHER___ SITE FINDINGS ppl ___ 5. Building Area SEE FILE 2. Area of Lot: _ ___ 6. Access to Property_ 3. Building or Sign Height: __ 4. Zone Code Minimum Selbacks: Rear Denied Approved with Conditions (see attached) ☐ Approved Conditions of Development Approval of this development permit, as submitted, is based on information submitted by the applicant as outlined above. Any change of plans or incorrect information submitted may result in revocation of permit. This decision may be appealed in accordance with the provisions of the Wilsonville Code and ORS 227.180. Fee Amount Paid \$ 150, vs Check No. 6096 Permit Approval/Planner's Signature Date: City Council or Planning Commission Approval Yes ☐ No Order/Resolution _

Pink --- Finance

Canary --- Fite

White - Applicant's Permit

Goldenrod --- Applicant's Receipt

WILSONVILLE NOTICE OF ADMINISTRATIVE DECISION IN OREGON

Applicant: Owner: Site Location: Tax Lot and Map: City file number:

Mike Rumpakis Wilsonville, Oregon 9
FAX (503) 682-10
Charbonneau Village Condominium
T. 3 S., R. I W., Section 24CD, Supp. #2, Tax Lot 32001

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

94 AR 14 PDC

Pursuant to the authority granted by the Development Code (Sections 4.009 - 4.012 and 4.220), the Planning Director finds that:

- The request to allow the platting of an area previously excluded from the Charbonneau Village Condominium Plat, and referred to as the "excepted tract", meets with the guidelines of the Development Code; and
- (2) Persons designated to receive notice have not filed objections; and
- (3) The time to respond has lapsed.
- Mr. Jones's letter, dated July 5, 1994, outlines the procedure to be followed and identified the documents that need to be recorded. This (4)letter and the procedures set forth therein shall be used as a "guide" in recording the final documents. The letter is attached hereto as "Exhibit B".

THEREFORE, based on the above findings, the Planning Director hereby approves the application as requested with the following conditions:

- This approval is only for the changes as stated in (1) above and as shown on the applicant's plot plan, herewith marked Exhibit "A" and on file with the City of Wilsonville's Planning Department.
- Any and/or all easements that pertain to the subject property shall be shown on the final recorded Condominium plat. (B)
- The applicant shall record a final record plat and the "supplemental (C) declaration" with Clackamas County. The final declaration and plat shall be reviewed by the City Engineer prior to recordation with the County.

Dated this 28th day of July, 1994.

Ukyne C. Sorensen, Planning Director

Note: The decision of the Planning Director may be appealed by an affected party or by three (3) Commission or Board members in accordance with Section 4.017 except that the review shall be of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Planning Director. Any appeal must be filed with the City Recorder within ten (10) working days of notice of the decision. The notice of appeal shall be in writing and indicate the specific issue(s) being appealed and the reason(s) therefor. Should you require further information, please contact Pamela Emmons, Assistant Planner with the Planning Department at 682-450. Last day to appeal: 4:00 P.M. on 10 August 1994.

"Serving The Community With Pride" -

WILSONVILLE in OREGON

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

DATE:

14 July 1994

NOTICE OF ADMINISTRATIVE ACTION

Applicant:

Mike Rumpakis

Owner: Site Location: Tax Lot and Map: City file number: Zone:

Bitar Bros., Robert Bitar Corp. Charbonneau Village Condominium, Wilsonville T. 3 S., R. 1 W., Section 24CD, Supp. #2, Tax Lot 3200 94 AR 14

The City of Wilsonville Planning Director, pursuant to Section 4.009 - 4.012 and 4.220 of the Development Code, is considering issuing an administrative approval to allow the platting of an area previously excluded from the Charbonneau Village Condominium Plat, and referred to as the "excepted tract". The tract measures 77.73' by 107 feet, 8317.11 square feet

The Planning Director will render a decision on this matter after July 25, 1994. The Director shall approve, approve with conditions, deny or refer the application to the Planning Commission or Design Review Board for a hearing. You are invited to submit information within ten (10) days of the date of this notice relevant to the standards pertinent to the proposal and giving reasons why the application should or should not be approved or proposing conditions you believe are necessary for approval according to City standards. If you would like further information regarding this request, please call Pamela Emmons, Assistant Planner with the Planning Department at 682-4960.

Note: A decision of the Planning Director may be appealed by an affected party or by three (3) Commission or Board members in accordance to Section 4.017, except that the review shall be of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and Planning Director. Any appeal must be filed with the City Recorder within ten (10) working days of notice of the decision. The notice of appeal shall be in writing and indicate the specific issues(s) being appealed and the reason(s) therefor.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

"Serving The Community With Pride" -

DUFFY, KEKEL, JONES & BERNARD

ATTORNEYS AT LAW

CHARLES P. DUFFY
DAVID A. KEKEL
WILLIAM F. BERNARD
PHILIP N. JONES'
CAROLYN W. MILLER'
STEVEN A. NICHOLES
EYER J. DUFFY'
STEPHEN J. KLARQUIST'

1200 STANDARD PLAZA 1100 S. W. SIXTH AVENUE PORTLAND, OREGON 97204-1079 (503) 226-1371 FACSIMILE (503) 226-3574

PALSO ADMITTED IN WASHINGTON

July 5, 1994

Mr. Mike K.J. Rumpakis c/o Bitar Brothers 2929 E. Burnside Portland, Oregon 97214

Re: Charbonneau Village Center

Dear Mike:

I am delivering to you three mylar plats of the Charbonneau Village Center Condominium Stage II, along with three copies of the supplemental declaration. All of these documents have now been signed by Jack Rayborn on behalf of the Charbonneau Village Condominium Unit Owners' Association.

You should have all of these documents signed by Robert Bitar on behalf of Bitar Brothers, Robert A. Bitar Corporation.

The next step will be to have the original mylar plats signed by the Wilsonville City Planning Director, the Wilsonville Community Development Director, and the Wilsonville City Surveyor.

Then you will need to obtain the signature of the Clackamas County Assessor and the Clackamas County Tax Collector, and the Clackamas County Surveyor.

You will then need to send the following items to Stan Mayfield in Salem:

- 1. One original supplemental declaration.
- One of the blue-line copies of the plat, signed by Jack Rayborn, Robert Bitar, and our surveyor.
- The condominium guarantee, which is enclosed.

Stan Mayfield will then sign a separate page and attach it to the supplemental declaration. The documents will then be ready to record at the Clackamas County Courthouse.

EXHIBIT "B" PAGE 1 of 5

Mr. Mike K.J. Rumpakis July 5, 1994 Page 2

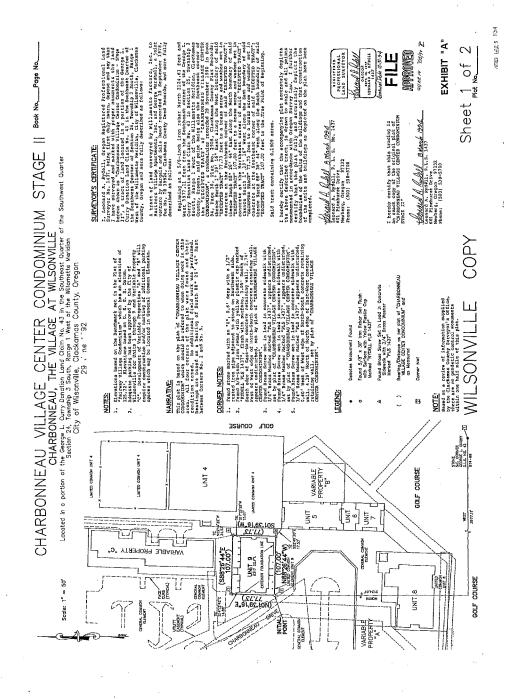
Stan Mayfield has indicated that he will be sending us an invoice for the fees that will be charged by his office, although I have not yet received that invoice. When you send these documents to him, you might remind him that he needs to send us an invoice.

Stan Mayfield seems most familiar with this procedure, so you might call him if you have any questions, although you should not hesitate to call me if I can help in any way.

Mery truly, yours

Philip N. Jones

PNJ:dk Enclosures J:\Charbo.ltr



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Scale: 1' ± 20'		/	SOUTH ELEVATION UNIT 9	Scale: 1' * 20'
	SOOF TEOWN POINT	GRADE	l	

ACKNOW EDGEMENTS: State of Bregon

mess (1998) MEST ELEVATION UNIT

State of Oregon County of

CITY OF WILSONVILLE APPROVALS:

Date	Date	Date
Wilsonville Flanning Director	Wilmonville Community Dev. Director	Wildonwille Surveyor

CLACKAMAS COUNTY APPROVALS:

Alexander Passovoy, Pracident

A. Bitar, President

BERGS., RUBERT A. BITAR CHARGNERD VILLAGE CENTER ATION, AN OKEGON CONDOMINIUM UNIT CHUERS ATION ASSOCIATION

HESS HEEREDP, we have set our hands:

All taxes, assessments, fees or other charges as provided by O. R. S. 100.118 have been paid as of 1994. day of Approved this _

Clackamas County Assossor and Tax Collector.

By By By Deputy By Deputy Clackanas County Aussauc Clackanas County Aussauc

	250 only	1994
Deputy	With 0.R.S. 209.2	1994
Clacksmag County Clerk	Approved for Compliance with O.R.S. 209,250 only	

ob this day of the day of the page 1994, for the carbon page 1994, for the carbon page 1994, for the carbon page 1997, and
Sheet 2 of 2

COPY

WILSONVILLE

PLEASE MENIEW
AND METURN TO
PAM EMMUNS



30000 SW Town Center Loop E • PO Box 220 Wilsonville, OR 97070 (503) 682-1011

CERTIFICATION OF ASSESSMENTS AND LIENS

"It is the policy of the City of Wilsonville that no permits of any kind shall either be issued or application processed for any applicant who cwes or for any property for which there is any payment which is past due owing to the City of Wilsonville until such time as saio sums owed are paid." (Resolution #796)

VILWAFE CENTER

Project/Property Address:	? CHARBONNEAU.
aka Tax Lot(s) 3200	on Map(s) 24 CD S'UPPLEMENTA
	F BURNSIDE.
	P BUZNSIBE:
In reference to the above, the City of Wils amount is due to the City:	coville records show that thefollowing
\$	() Current () Non Current
Comments:	
Dated this <u>13</u>	Till day of Markey 199 M. Sea Markey Markey 199 M. Finance Decarment

(This certification shall be null and void 120 days to lowing the Finance department date of signature.)

..... "Serving The Community With Pride"

SUPPLEMENTAL DECLARATION

CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE II

This Supplemental Declaration, to be effective upon its recording in Clackamas County, Oregon, pursuant to the provisions of the Oregon Condominium Act, is made and executed this ______ day of May, 1994, by Bitar Bros., Robert A. Bitar Corporation, an Oregon Corporation ("Bitar") and by the Charbonneau Village Center Condominium Association, acting through its board of directors.

Certain property owned by Bitar is entirely surrounded by property submitted to condominium ownership pursuant to the Charbonneau Village Center Condominium Declaration dated November 1, 1990, and recorded in the records of Clackamas County on November 29, 1990, as Fee No. 90-59018 ("the Declaration"). The plat of the Charbonneau Village Center Condominium ("the Condominium") was recorded as plat No. 2908, and the bylaws of the Association of Unit Owners of the Charbonneau Village Center Condominium were recorded on November 29, 1990, as Fee No. 90-59019 ("the bylaws").

The property owned by Bitar is described on the attached Exhibit A. It is defined in Declaration paragraph 1.1.14 as the "Excepted Tract," and is described in a drawing attached as Exhibit C to the Declaration.

Article XIX of the Declaration provides that the owners of the property being submitted to condominium ownership have preapproved the inclusion of the Excepted Tract in the Condominium under certain conditions.

Bitar and the Association hereby submit this Supplemental Declaration for the purpose of including the Excepted Tract in the Condominium, and to memorialize their agreement that the conditions stated in Article XIX of the Declaration have now been satisfied.

Accordingly, the parties declare as follows:

- 1. Inclusion of Excepted Tract. The owner of the Excepted Tract hereby submits the Excepted Tract, and the building and improvements on the Excepted Tract, to the Declaration and further declare that the Excepted Tract shall be subject to the covenants and the bylaws. The Excepted Tract is hereby included in the Condominium, to be designated as Unit No. 9.
- 2. Boundary of New Unit. Unit No. 9 shall be bounded by the exterior finished surfaces of the perimeter doors, door frames, walls, windows, window frames, decks, roofs, roof overhangs, roof support posts and foundation of the building presently existing on the Excepted Tract, and by all other materials constituting any part of the perimeter finished surface of the

1 - SUPPLEMENTAL DECLARATION

cabifeetcharbonn suspiciondro

EXHIBIT "B" PAGE 3 of 5

building. A drawing of the unit boundary appears as Exhibit C to the Declaration. The romainder of the Excepted Tract shall be a limited common element, as shown on Exhibit C to the Declaration.

Proportionate Interest. The proportionate interests of the various units shall be as stated on Exhibit B attached hereto. Such proportionate interests of Unit 9 are included therein as determined by the board pursuant to paragraph 19.2.2 of the Declaration. The requirements of paragraph 19.2.3 have been met.

CHARBONNEAU VILLAGE CENTER CONDOMINIUM UNIT OWNERS ASSOCIATION BITAR BROS., ROBERT A. BITAR CORPORATION, an Oregon Corporation

STATE OF OREGON

County of Multnomah)

Owners Association, on behalf of the corporation.



Notary Public for Oregon My commission expires:

STATE OF OREGON

County of Multnomah

The foregoing instrument was acknowledged before me this day of May, 1994, by Robert A. Bitar, head of Bitar Bros., Robert A. Bitar Corporation, an Oregon Corporation, on behalf of the corporation.

OFFICIAL SEAL
PHILIP N. JONES
NOTARY PUBLIC-OREGON
COMMISSION NO. 019872
MY COMMISSION EXPIRES JAN. 17. 1997

2 - SUPPLEMENTAL DECLARATION

My Commission expires clipton

rabi7%%\charbonn rapple3 dec

EXHIBIT "B" PAGE 4 of 5

EXHIBIT A

A tract of land described in the Bargain and Sale Deed by Willamette Factors, Inc., to Mariners Village Apartments, Inc. and George Marshall, a joint venture, recorded September 15, 1978, Fee No. 78-39924, Clackamas County Deed Records, and more fully described as follows:

Beginning at a point North 2124.61 feet and West 3977.11 feet from the southeast corner of the George L. Curry D.L.C. No. 43 in Section 25, Township 3 South, Range 1 West of the W.M., Clackamas County, Oregon; thence North 1° 39' 16" East 77.73 feet; thence South 88° 26' 44" East 107.00 feet; thence South 1° 39' 16" West 77.73 feet; thence North 88° 26' 44" West 107.00 feet to the point of beginning.

EXHIBIT A

rabi744\charboun\exhibit.a

EXHIBIT "B" PAGE 5 of 5



1629 SW SALMON PORTLAND, OREGON 97205 (503) 224-0550

PRELIMINARY REPORT #C624308-TL

Re: 31860 SW Charbonneau Drive Wilsonville, Oregon 97070

MIKE RUMPAKIS - BITAR BROS. 2929 E. BURNSIDE PORTLAND OR 97214

We are prepared to issue title insurance policy(ies) in the usual form as follows: Proposed Policy and Liability:
Lien Search Fee/Government Service Charge: \$20.00 Per Tax Lot

Our title insurance policy(ies) will insure title to the land described as follows:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Vestee:

BITAR BROS., ROBERT A. BITAR CORPORATION

Dated as of August 9, 1994 at 8:00 a.m.

Subject to the exceptions, exclusions, conditions and stipulations which are part of said policy, and to exceptions as shown herein.

TICOR TITLE INSURANCE

Terry Lucas, Senior Ede Officer

DRA/Is

Copies of this report have been sent to:
JIM LONG - CITY ENGINEER/CITY OF WILSONVILLE

Ticor Title Insurance Company

M TICOR TITLE INSURANCE

Report No. C624308

Schedule B of the policy(ies) to be issued will contain the following general and special exceptions unless removed prior to issuance:

GENERAL EXCEPTIONS

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that 1. levies taxes or assessments on real property or by the public records.

 Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings.
 - ь.
- whether or not shown by the records of such agency or by the public records.

 Easements, liens, encumbrances, interests or claims thereof which are not shown by any public records.

 Any facts, rights, interests or claims which are not shown by the public records but which could be 2.
- ascertained by an inspection of the land or by making inquiry of persons in possession hereof.

 Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records. 3.
- 4. Unpatented mitting claims;
 - Reservations or exceptions in patents or in Acts authorizing the issuance thereof;
- Water rights, claims or title to water;
 whether or not the matters excepted under (a), (b), or (c) are shown by the public records,
 Any lien or right to a lien, for services, labor or materials heretofore or hereafter furnished, imposed by law 5. and not shown by the public records.

SPECIAL EXCEPTIONS

NOTE: 1993-94 taxes \$9,086.89; paid. Tax Acct. No. 825520 31W24CD 0320, Code 086014

- 1994-95 taxes which are a lien due but not yet payable.
- City Liens, if any, for Wilsonville. No lien request has been sent. 7.
- Right of way, including the terms and provisions thereof, from Mrs. Maria Miley, Mrs. F. R. 8. Feighner, formerly August M. Miller, John H. Miley, Isaac A. Miley, William J. Miley, Catherine Turner, Dunda Campbell, Legatees to estate of Jacob Miley, deceased, to The Pacific Telephone and Telegraph Company, dated April 11, 1913, recorded May 1, 1913, in Book 5, page 354, Miscellaneous Records. For: Right of way
- Covenants, conditions and restrictions, including the terms and provisions thereof, and the right to levy certain charges and assessments against the subject property, contained in Declaration,

Willamette Factors, Inc. Filed by:

Recorded: April 6, 1977

77 12613, as incorporated by Bargain and Sale Deed to Mariners Village Apartments, Inc., and George Marshall, a joint venture, recorded September 15, 1978 as Fee No. 78 39924

Records of Clackamas County, Oregon.

Homeowners Association Name: Charbonneau County Club

CONTINUED



@ TICOR TITLE INSURANCE

Report No. C624308

Easements for utilities and/or drainage facilities as contained in Declaration of Restrictions set forth as Exception No. 9 above.

END OF REPORT

CONTINUED

M TICOR TITLE INSURANCE



Report No. C624308

LEGAL DESCRIPTION

A tract of land located in a portion of the GEORGE L. CURRY D.L.C. No. 43 in Section 24, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, County of Clackamas and State of Oregon, and more particularly described as follows:

Beginning at a point which is North 2124.61 feet and West 3977.11 feet from the Southeast corner of the GEORGE L. CURRY D.L.C. No. 43, located in Section 25, Township 3 South, Range 1 West of the Willamette Meridian; thence North 1° 39' 16" East 77.73 feet; thence South 88° 26' 44" East 107.00 feet; thence South 1° 39' 16" West 77.73 feet; thence North 88° 26' 44" West 107.00 feet to the point of beginning.

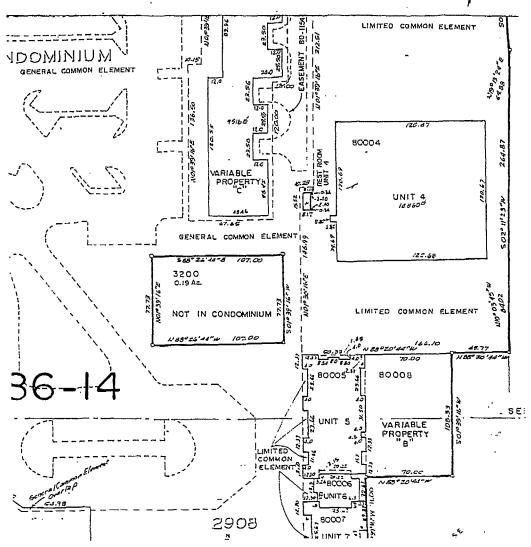
Theor Title Insurance Company

6927925

P.006

The sketch below is made solely for the purpose of assisting in locating said premises and the company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

TICOR TITLE INSURANCE





EXCERPT FROM DECLARATION FOR

CHARBONNEAU VILLAGE CENTER CONDOMINIUM

ARTICLE XIX

ADDITION OF EXCEPTED TRACT

- 19.1 Notwithstanding anything to the contrary herein, the Owners agree that they are hereby pre-approving the inclusion of the Excepted Tract in the Condominium under the following terms:
- $19.2.1\,$ The Excepted Tract must substantially meet the specifications described in Exhibit C at the time the Excepted Tract is submitted to Condominium ownership.
- 19.2.2 Upon its submission to Condominium ownership, the Excepted Tract's Proportionate Interest shall be determined by the Board based on the Board's estimate of the then current use of the General Common and Limited Common Elements by the Excepted Tract.
- A19.2.3 The Owner(s) of the Excepted Tract must have paid any and all amounts due the Association from the date hereof to the date the Excepted Tract is submitted to Condominium ownership; provided, however, that all amounts due the Association for such period for Common Expenses benefiting the Excepted Tract shall not exceed the equivalent of an eight percent (8%) proportionate share of the Common Expenses; and any amounts for Common Expenses which the Owner(s) of the Excepted Tract pays to the Association from the date hereof for Common Expenses shall be applied against said amount due for Common Expenses;
- 19.2.5 This pre-approval shall automatically terminate on the Termination Date; from and after said Termination Date, the Excepted Tract shall only be admitted to the Condominium by a supplemental declaration approved by 100% of the Unit Owners.



TO:

Wayne Sorensen

FROM:

Pamela Emmons

DATE:

12 July '94

RE:

Condo Plat

Wayne.

When I read the Code, it appears to me that you can sign a final Condo Plat, pursuant to 4.009, however, the Planning Commission needs to review it and issue a Development permit. Page 124 of the Code, Section 4.009 (1) (a) 8), is my reference. Let me know if you agree. It appears black and white to me!

EXHIBIT B

DESCRIPTION OF UNITS/PROPORTIONATE INTEREST OF UNITS

Unit Designation	Description	Total Unit Floor Area (Sq. Feet)	Total Unit Proportionate Proportionate Floor Area Interests Prior to Interests After (Sq. Feet) Inclusion of Unit #9 Inclusion of Unit	Proportionate Interests After Inclusion of Unit #	Minimum Proportionate Proportionate Interests After Interests After Development of Inclusion of Unit #9 Variable Proporty
t #1	*Retail/Office	2,928	4.5%	4.14%	
Unit #2	*Retail/Office	3,216	4.5%	4.14%	3.52%
Unit #3	*Retail/Office	3,680	5.0%	4.60%	3.91%
Unit #4	*Covered Tennis Facility	14,560	4.0%	3.68%	3,13%
Unit #5	**Charbonneau Country Club	9,619	26.0%	23,92%	20.33%
Unit #6	*Retail/Office	898	4.0%	3.68%	3,13%
Unit #7	*Retail/Office	2,914	26.0%	23,92%	20.33%
Unit #8	***Restaurant	11,699	26.0%	23.92%	20.33%
Unit #9	***Retail/ Office	8,214	N/A	8.00%	6.80%
	Proposed Units:		100.0%	100.00\$	15.00%

* One story wooden structure without basement. ** One story wooden structure with basement. *** Two story wooden structure without basement.

Scale: 1" = 50'LIMITED COMMON UNIT 4 LIMITED COMMON UNIT 4 GENERAL COMMON ELEMENT بيا FACE ' IABL (TYPICAL) UTILITY EASEMENT (TYPICAL) GENERAL UNIT 4 (S88°26'44"E 31.23 14.88 107.00" COURSE \$17'15'28"W LIMITED COMMON UNIT 4 8317 SQ.FT. EXTERIOR FOUNDATION LINE (107.00) INITIAL N88°26'44"W)
LIMITED COMMON
ELEMENT UNIT 9
552'49'30"E
17.53' POINT 1 ELEMENT UNIT 9 GENERAL COMMON ELEMENT UNIT **VARIABLE** 5 **PROPERTY** "R" UNIT GENERAL COMMON VARIABLE UNIT PROPERTY 7 UNIT 8 **GOLF COURSE**

> WES1 3977.11

LIMITED COMMON

UNIT 8

GOLF COURSE

Located in a portion of the George L. Curry Donation Land Claim No. 43 in the Southeast Quarter of the Southwest Quarter Section 24, Township 3 South, Range 1 West of the Willamette Meridian City of Wilsonville, Clackamas County, Oregon

29 June 1992

NOTES:

 Elevations based on the Benchmark set in the Plat of
 "Pairway Village Condominium" which has an elevation of
 125.72'. Elevations based on U. S. G. S. Datum.
 Adequate parking has been approved by the City of
 wilsonville for Units 1 through 9 and Variable Property
 "C". Development of Variable Properties "A" and "B" will
 require construction and/or marking of additional parking
 spaces which may be located in General Common Elements spaces which may be located in General Common Elements.

NARRATIVE:

This plat is based on the plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM" which should be referred to when doing work in this area. All four corners of the plat were found and their condition noted. No additional field work was performed. Bearings are based on a bearing of South 88° 26' 44" East between Corners No. 2 and No. 5.

CORNER NOTES:

Found stone marked with an "X", 0.6' deep with a 1/2" rusted iron pipe adjacent to stone on Southwest side. Found 5/8-inch iron rebar with yellow plastic cap marked "RYDELL PLS 1437", flush with surface, 3.05' South of South edge of East-West concrete retaining wall, 2.74' West of West edge of North-South concrete retaining wall, appears undisturbed, set by plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM".
Found Brass Screw set in lead in concrete sidewalk with 3/4" Brass Washer Marked "PLS 1437", appears undisturbed, set by plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM".
Found Brass Screw set in lead in concrete sidewalk with

Found Brass Screw set in lead in concrete sidewalk with 3/4" Brass Washer Marked "PLS 1437", appears undisturbed, set by plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM".

set by plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM". Found Brass Screw set in lead in concrete sidewalk with 3/4" Brass Washer Marked "PLS 1437", appears undisturbed, 0.40' West of West edge of North-South concrete retaining wall, 4.39' North of North edge of East-West concrete retaining wall, set by plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM".

LEGEND:

- Denotes Monument Found
- Found 5/8" x 30" Iron Rebar Set Flush О with Surface with Yellow Plastic Cap Marked "RYDELL PLS 1437"
- Found Brass Screw Set in Lead in Concrete Sidewalk with 3/4" Brass Washer Marked "PLS 1437"
- Bearing/Distance as per plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM" and
- 2 Corner Notes

NOTE:

S:E. CORNER GEORGE L. CURRY D.L.C. NO. 43

Based on a review of information supplied by the Clackamas County Surveyor's Office, there are no geodetic control monuments within one half mile of this plat.

Y SURVEYOR COPY

SURVEYOR'S CERTIFICATE:

I, Leonard A. Rydell, Oregon Registered Professional Land Surveyor No. 1437, being first duly sworn, depose and say that I have surveyed and marked with proper monuments the land hereon shown as "Charbonneau Village Center Condominium — Stage II", a tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in the Southeast Quarter of the Southwest Quarter of Section 24, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

A tract of land conveyed by Willamette Factors, Inc. to Mariners Village Apartments, Inc. and George Marshall, a joint venture by Bargain and Sale Deed recorded 15 September 1978, Fee No. 78 39924, Clackamas County Deed Records, and more fully described as \$12,000. described as follows:

Beginning at a 5/8-inch iron rebar North 2124.61 feet and West 3977.11 feet from the Southeast corner of the George L. Curry Donation Land Claim No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, said point being also the Southwest corner of the "EXCEPTED TRACT" of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM", a condominium recorded 29 November 1990 in Book 94, Page 30, Plat No. 2908, Clackamas County Plat Records; thence North 1° 39' 16" East along the West boundary of said "EXCEPTED TRACT" 77.73 feet to a brass screw and washer set in concrete at the Northwest corner of said "EXCEPTED TRACT"; thence South 88° 26' 44" East along the North boundary of said "EXCEPTED TRACT" 107.00 feet to a brass screw and washer set in concrete at the Northeast corner of said "EXCEPTED TRACT"; thence South 1° 39' 16" West along the East boundary of said "EXCEPTED TRACT" 77.73 feet to a brass screw and washer set in concrete TRACT" 77.73 feet to a brass screw and washer set in concrete TRACT" 77.73 feet to a brass screw and washer set in excepted TRACT" 77.73 feet to a brass screw and washer set in set of the set o "EXCEPTED TRACT" 77.73 feet to a brass screw and washer set in concrete at the Southeast corner of said "EXCEPTED TRACT"; thence North 88° 26' 44" West along the South boundary of said "EXCEPTED TRACT" 107.00 feet to the True Point of Beginning.

Said tract containing 0.1909 acres.

I hereby certify that the accompanying plat accurately depicts the above described tract, is drawn to scale and all points monumented in accordance with Oregon Survey Law. I further certify that the plat fully and accurately depicts the boundaries of the units of the buildings and that construction of the units and buildings as depicted on the plat have been

Leonard A. Rydedl, P. L. S. No. 1437 601 Pinehurst Drive Newberg, Oregon 97132 Phone: (503) 538-5700

PROFESSIONAL LAND SURVEYOR OREGON

REGISTERED

LEONARD A RYDELL 1437 Renewal Dake 12-31-94

I hereby certify that this tracing is an exact copy of the original plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM

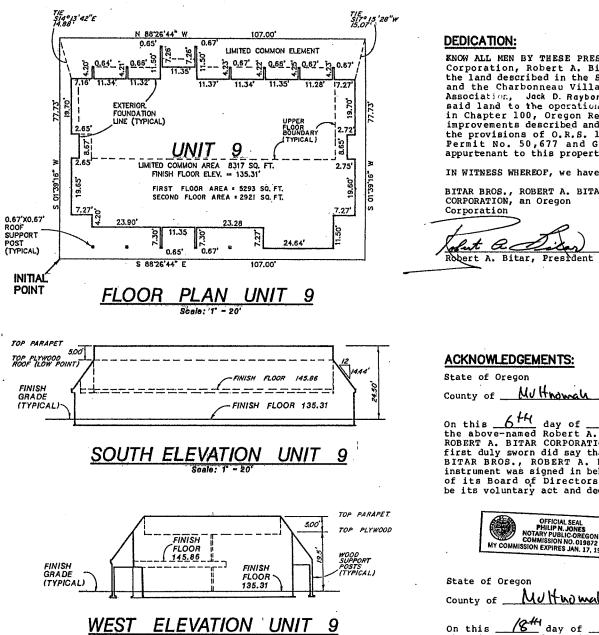
Leonard A. Rydéll, P.L.S. 1437 601 Pinehurst Drive Newberg, Oregon 97132 Phone: (503) 538-5700

CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE I Book No./02 Page No.20 CHARBONNEAU, THE VILLAGE AT WILSONVILLE

Located in a portion of the George L. Curry Donation Land Claim No. 43 in the Southeast Quarter of the Southwest Quarter Section 24, Township 3 South, Range 1 West of the Willamette Meridian

City of Wilsonville, Clackamas County, Oregon

29 June 1992



Building information shown on this sheet for Unit 9 is based upon a combination of field measurements and information from the architectural plans titled "Charbonneau Commercial Building" (Job No. 3227) dated 28 February 1978 by ROMA Architects, San Francisco, California.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS Bitar Bros., Robert A. Bitar Corporation, Robert A. Bitar, President, being the owners of the land described in the Surveyor's Certificate hereon made the land described in the Surveyor's Certificate hereon made and the Charbonneau Village Center Condominium Unit Owner's Association, Jack D. Rayborn, Chairman, do hereby commit said land to the operation or The Condominium Laws as laid out in Chapter 100, Oregon Revised Statues. The property and improvements described and depicted on the plat are subject to the provisions of O.R.S. 100.005 to 100.625. Surface Water Permit No. 50,677 and Ground Water Permit No. G5,500 are applications to this property. appurtenant to this property.

IN WITNESS WHEREOF, we have set our hands:

BITAR BROS., ROBERT A. BITAR CORPORATION, an Oregon Corporation

CHARBONNEAU VILLAGE CENTER CONDOMINIUM UNIT OWNERS ASSOCIATION

ACKNOWLEDGEMENTS:

County of MU Hamah

On this 6th day of 100 1994, personally appeared the above-named Robert A. Bitar, President of BITAR BROS., ROBERT A. BITAR CORPORATION, an Oregon Corporation, who being first duly sworn did say that he is the authorized signator of BITAR BROS., ROBERT A. BITAR CORPORATION, and that the instrument was signed in behalf of the corporation by authority of its Board of Directors, and acknowledged the instrument to be its voluntary act and deed.



MUltuomah) County of __

On this /6/44 day of Lay 1994, personally appeared the above-named Jack D. Rayborn, Chairman, of the CHARBONNEAU VILLAGE CENTER CONTONINION UNIT OWNERS ASSOCIATION, who being first duly sworn did say that he is the authorized signator of CHARBONNEAU VILLAGE CENTER CONDOMINIUM UNIT OWNERS ASSOCIATION, and that the instrument was signed on behalf of the association, by authority of its Board of Directors, and acknowledged the instrument to be its voluntary act and deed.



Notary Public for Organ

mu commission expires 1/17/4

CITY OF WLSONVILLE APPROVALS:

Wilfonville Planning Director	ang 11, 1994
Wilsonville Community Dev. Director	Aug 11, 1994 Date
George Macales Wilsonville Surveyor	Aua 4, 1994 Date

CLACKAMAS COUNTY ADDBOVALS

Leonard A. Rydell, P.L.S. 1437

OLHONAMAS GOONTI ALTROVALS.
All taxes, assessments, fees or other charges as provided b O. R. S. 100.110 have been paid as of June 30, 1995
Approved this 13# day of Tlerember 1994.
Clackamas County Assessor and Tax Collector.
By Clackamas County Tax Collector Clackamas County Assessor
I certify that the within plat was received and dul recorded by me in the Clackamas County Records in Book 102
Pages 20, on the 4 day of December, 1994 a 4:38 o'clock & M.
John Kauffman Melissa Jaylor Clackamas County Clerk Deputy
·
Approved for Compliance with O.R.S. 209.250 only OCTOBER 12, 1994
Thomas A Milne by: Kuntin Kuijes Clackamas County Surveyor Deputy
I hereby certify that this tracing is an exact copy of the original plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE II"

601 Pinehurst Drive Newberg, Oregon 97132 Phone: (503) 538-5700 Renewal Porte 12-31-94 Sheet

OREGON BEPT. 30, 1977 LEONARD A. RYDELL

Unit 10 A-F Stage 3 Plat

CITY OF WILSONVILLE

PLANNING DEPARTMENT SITE DEVELOPMENT APPLICATION AND FERMIT 99 AM S

8445 S.W. Elligsen Road Mall: 30000 S.W. Town Center Loop East

Owner's Name Willamste Vall Address Po Box 760 wilsowill Ora So	Address
Please attach a plot plan (scale 1'-the Planning Department submittal	40') and any other documents to this application. Please review requirements to ensure that your application is complete.
	OFFICE USE ONLY
Complete Application Accepted: 5/28/0	
Staff Signature: R line Elm	m)-
O ZONE CHANGE O M O PRELIMINARY PLAT O C O FINAL PLAT O V	Class II Class III AJOR PARTITION DESIGN REVIEW INOR PARTITION TEXT AMENDMENT ONDITIONAL USE DISIGN REVIEW ARIANCE DITEMPORARY USE ITHER
	SITE FINDINGS
erie de la companya della companya della companya de la companya della companya d	
1. Zoning: PDC	(1) · · · · · · · · · · · · · · · · · · ·
2. Area of Lot:	· · · · · · · · · · · · · · · · · · ·
Building or Sign Height: (Max)	7. Other:
4. Zone Code Minimum Setbacks:	
	アーロットし
Side	
Rear	
☐ Approved ☐ Denied ☐ Conditions of Development	Approved with Conditions (see attached)
Approval of this development permit, as submitted, is bas incorrect information submitted may result in revocation of Code and ORS 227.180.	sed on information submitted by the applicant as outlined above. Any change of plans or permit. This decision may be appealed in accordance with the provisions of the Wilsonville
Foo Amount Paid \$ 60.05 Check No.	2377 7 Cash
Permit Approval/Planner's Signature	Date:
City Council or Development Review Board Appro	val 🗇 Yes 🗇 No
Order/Resolution	

White - Applicant's Permit

Canary - File

Pink - Finance

Goldenrod - Applicant's Receipt



- The Conditions of Approval adopted by the Development Review Board regarding 97DB30 on October 13, 1997 are hereby approved.
- Access to the Variable Property "A" parking and garage from the parking lot drives and from Charbonneau shall be by driveways which are at least 12-feet wide, except the westerly driveway may be reduced to 10 feet at points necessary to save the two trees as shall be determined by the Planning Department.
- QX 3. The front setback shall be 9-foot minimum and the rear setback shall be 14-foot minimum with 6° patio wall allowed within the setback.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of November, 1997, and filed with the City Recorder this same date.

ATTEST:

Sandra C. King, CMC. City Recorder

SUMMARY of Votes:

Mayor Lehan

Councilor Barton

Councilor Helser

Councilor Luper

Councilor Kirk

Excused

Yes Abstain Yes

PAGE 3 of 3

RESOLUTION NO. 1428





LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

24 December 1998

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625 (503) 538-5700 FAX 538-9167

City of Wilsonville 30000 S. W. Town Center Loop East Wilsonville, Oregon 97070

Attn: Blaise Edmonds

Re: "Charbonneau Village Center Condominium - Stage 3"

Dear Blaise,

Enclosed, for your information and use, please find the following items:

- Revised copy of the easement to the City of Wilsonville including the legal l. description and map. Willamette Valley Homes has the original.
- 2. A full size blue line copy of the final plat for your information. A copy has been sent to the Oregon Real Estate Division.
- One original 8.5" by 11" reduction of the final plat for your information. 3.

Note that the Limited Common Elements numbers have been removed as requested by the Real Estate Division. I am mailing copies of the maps to everyone as per the enclosed letters.

Should you have any questions, please feel free to give me a call.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E.

LAR/lar

encl: as stated

Willamette Valley Homes

Ted Troutman, Attorney

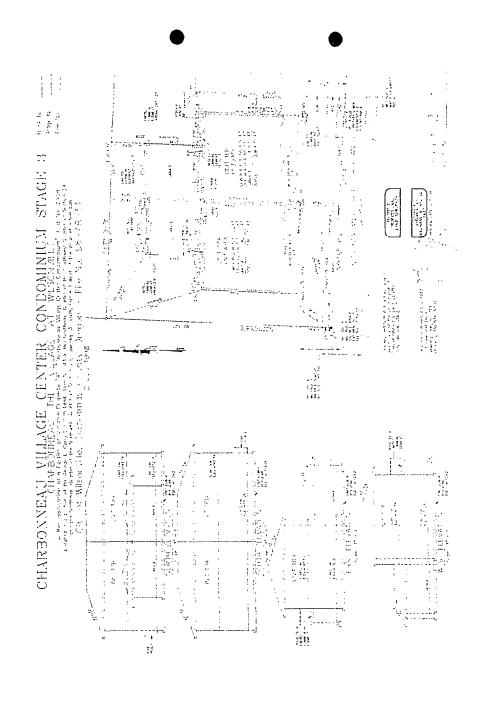
Charbonneau Village Center Condominium Association

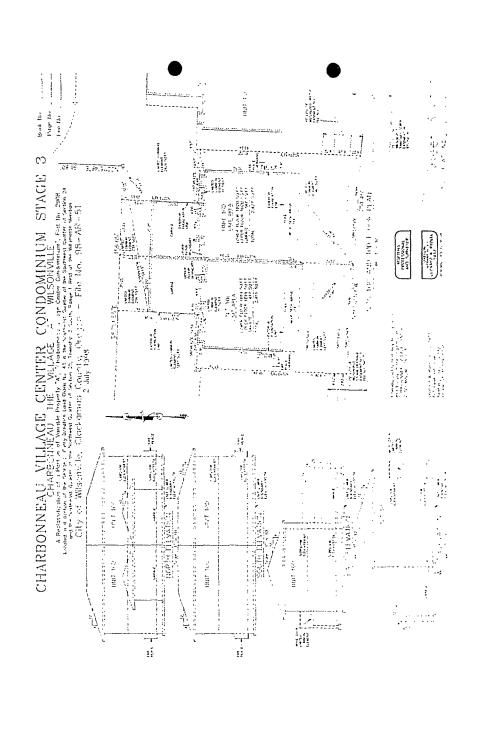
Marge Robinson, Oregon Real Estate Division

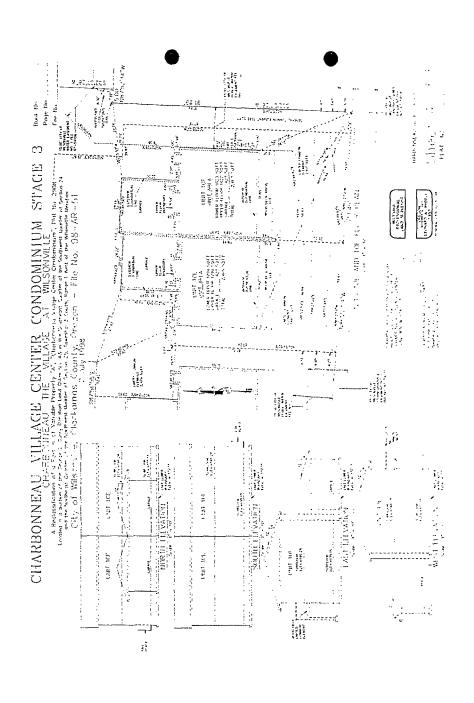
Clackamas County Surveyor

Chicago Title

PLANNED DEVELOPMENTS . RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS . WATER RIGHTS







CHARBONNEAU VILLAGE CHNTER CONDOMINIUM STAGE

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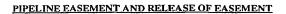
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· 1995年 - 199





KNOW ALL MEN BY THESE PRESENTS, that WAND-NELSON CONTRACTORS, INC., an Oregon Corporation d. b. a. Willamette Valley Homes, Jerome B. Wand, President, and the CHARBONNEAU VILLAGE CENTER CONDOMINIUM UNIT OWNERS ASSOCIATION. Robert Brunmeier, Chairman, and W. O. Traphagen, Secretary, hereinafter referred to as "Grantor" for the consideration hereinafter stated, does forever grant unto the CITY OF WILSONVILLE, a municipal corporation, hereinafter referred to as "Grantee", a permanent right-of-way and easement over and along the full width and length of the premises described as follows, to-wit:

- Legal description is set forth in EXHIBIT "A", "WATER EASEMENT TO BE GRANTED", attached hereto, and incorporated by reference herein.
- A map of the above legal description is set forth in EXHIBIT "B" and incorporated by reference herein.

The Grantee does hereby release the permanent right-of-way and easement over and along the full length of the premises described as follows:

- Legal description is set forth in EXHIBIT "A", "WATER EASEMENT TO RELEASED", attached hereto, and incorporated by reference herein.
- A map of the above legal description is set forth in EXHIBIT "B" and incorporated by reference herein.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$\(\frac{-0-}{2}\). However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In the event the permanent right-of-way and easement shall no longer serve a public purpose, it shall revert back to the Grantor, its successors and/or assigns; and

TO HAVE AND TO HOLD the above described permanent right-of-way and easement unto said Grantee in accordance with the conditions and covenants as follows:

1. The permanent right-of-way and easement shall include the right, privilege, and authority to the said City of Wilsonville, to excavate for, and to construct, build, install, lay, patrol, operate, maintain, repair, replace and remove an underground water pipeline or pipelines, with all appurtenances incident thereto or necessary therewith, including above ground valve boxes or fire hydrants, for the purpose of carrying and conveying potable water in, under, and across the said premises, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines, appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for doing anything necessary, useful, or convenient for the enjoyment of the easement hereby granted. No building shall be constructed over the pipeline easement right-of-way.

Pipeline Easement Rev. 12/22/98 Page 1 of 4

- 2. Grantee will indemnify and hold harmless the Grantor, its successors and/or assigns from claims for injury to person or property as a result of the negligence of the Grantee, its agents or employees in the construction, operation, or maintenance of said pipeline.
- 3. The City of Wilsonville, upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, shall restore the premises of the Grantor, and any improvements disturbed by the City, to as good condition as they were prior to any such installation work, including, but not limited to, the restoration of any topsoil, lawn and nursery stock of like kind and quality subject to reasonable substitution as may be necessitated by obstruction or interference with the use granted herein.
- 4. Grantor may, at its option and expense, relocate said right-of-way, easement and associated public appurtenances and utilities, provided such relocation is accepted by the City as complying with applicable codes and standards, land use laws and regulations.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30,930.

IN WITNESS WHEREOF, the undersigned grante	or has executed this easement, thisday
of, 19	
GRANTOR(S):	
Wand-Nelson Contractors, Inc. d.b.a. Willamette Valley Homes	Charbonneau Village Center Condominium Unit Owners Association
BY: Jerome B. Wand, President	BY:Rohert Brunmeier, Chairman
	BY:

Pipeline Easement Rev. 12/22/98 Page 2 of 4

STATE OF OREGON)) ss			
County of	j			
Contractors, Inc., d.b.a. Will	, 19, before me, a notary public in and personally appeared Jerome B. Wand, President of Wand-Nelson lamette Valley Homes, known to me to be the person whose name ument and acknowledged that he executed the same for the purposes			
IN WITNESS WHER above written.	EOF, I have hereunto set my hand and official seal on the day and year			
	NOTARY PUBLIC FOR OREGON My Commission Expires:			
STATE OF OREGON)) ss			
County of) ss			
On thisday of, 19, before me, a notary public in and for said County and State, personally appeared Robert Brunmeier, Chairman of the Charbonneau Village Center Condominium Unit Owners Association, known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same on behalf of the Association for the purposes therein contained.				
IN WITNESS WHER above written.	EOF, I have hereunto set my hand and official seal on the day and year			
	NOTARY PUBLIC FOR OREGON My Commission Expires:			
After recording, return to: CITY RECORDER, CITY C 30000 SW TOWN CENTER WILSONVILLE OR 97070	LOOP, E.			

Pipeline Easement Rev. 12/22/98 Page 3 of 4

STATE OF OREGON)) ss				
County of)				
On thisday of					
IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.					
		NOTARY PUBLIC F My Commission Exp	FOR OREGON		
APPROVED AS TO LEGAL					
Mike Stone, P.E., City Engin	eer				
APPROVED AS TO FORM this day o	ıf	, 19			
Michael E. Kohlhoff, City A	ttorney				
City of Wilsonville, Orego Easement to be Released on this day of	behalf of the C	ity of Wilsonville, Ore	Granted and RELEASED the gon		
Charlotte Lehan, Mayor					
ATTESTED TO:					
Sandra C. King, City Record	ler		Date:		
Pipeline Easement Rev. 12 Page 4 of 4	2/22/98 .				



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625 (503) 538-5700 FAX 538-9167

EXHIBIT "A"

LEGAL DESCRIPTION - Water Easement

Prepared for Willamette Valley Homes

W.O. No. 9814 24 December 1998 Page 1 of 2

A public water easement across Variable Property "A" of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM", a condominium recorded 29 November 1990 in Book 94. Page 30, Plat Number 2908, Clackamas County Plat Records, and located in a portion of the George L. Curry Donation Land Claim No. 43 in the Northwest Quarter of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described based on the recorded plat of the "CHARBONNEAU VILLAGE CENTER CONDOMINIUM" by Leonard A. Rydell, Professional Land Surveyor No. 1437 as follows:

WATER EASEMENT TO BE RELEASED

A portion of Water Easement No. 1 of Pipeline Easement from Willamette Factors, Inc., to the City of Wilsonville recorded by Fee No. 87-54106, and more fully described as follows:

Beginning at a one-inch iron pipe at the Southwest corner of Variable Property "A" of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM"; thence North 02° 10' 58" East along the West boundary of said Variable Property "A" 4.37 feet to the centerline of said Water Easement No. 1; thence North 00" 00' 00" East 45.42 feet along the centerline of said Water Easement No. 1 to the True Point of Beginning of a 15.00 foot wide easement to be released, 7.50 feet wide on each side of the following described centerline; thence North 90° 00' 00" East 130.93 feet along the centerline of said Water Easement No. 1; thence North 43" 35' 58" East 99.22 feet along the centerline of said Water Easement No. 1 to the Terminus Point of the water easement to be released.

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS • WATER RIGHTS

LEGAL DESCRIPTION - Water Easement Prepared for Willamette Valley Homes

W.O. No. 9814 24 December 1998 Page 2 of 2

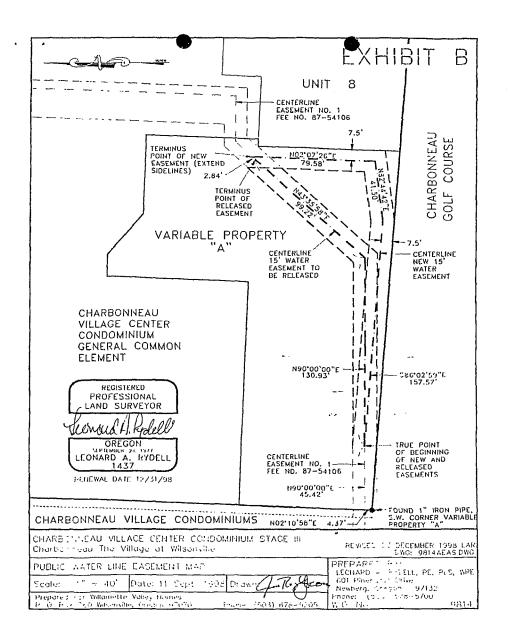
WATER EASEMENT TO BE GRANTED

A 15.00 foot non-exclusive public water easement across a portion of Variable Property "A", 7.50 feet wide on each side of the centerline more fully described as follows:

Beginning at a one-inch iron pipe at the Southwest corner of Variable Property "A" of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM"; thence North 02° 10' 58" East along the West boundary of said Variable Property "A" 4.37 feet to the centerline of said Water Easement No. 1; thence North 90" 00' 00" East 45.42 feet along the centerline of said Water Easement No. 1 to the True Point of Beginning; thence South 86° 02' 89" East 157.57 feet; thence North 82" 44' 42" East 41.50 feet; thence North 02° 07' 26" East 79.58 feet to the Terminus Point on the centerline of said Water Easement No. 1. The sidelines of said easement are to be lengthened where needed to meet the location of the unreleased portion of the existing easement.

OREGON SEPTEMBER 32, 1077 LEONARD A. RYDELL 1437

RENEWAL DATE 12/31/98



3 W.

LEONARD A. RYDELL, P.E., P.L.S., W. D. E. Gonfullifig Civil Engineer - Lanc

11 September 1998

601 PINEHURST DRIVE NEWBERG, OFECON 97132-1625

City of Wilsonville 30000 S. W. Town Center Loop East Wilsonville, Oregon 97070

Aun: Jim Long

Re: "Charbonneau Village Center Condominium - Stage III"

Dear Jim.

Enclosed, for your information and use, please find the following information:

- Copy of the legal description and easement map for the water easement to be released and
 the new water easement to be granted. Please review the easement map and description,
 and if acceptable, please make arrangements to have the existing easement released and
 the new easement conveyed.
- 2. Three copies of the revised plat for the "Charhonneau Village Center Condominium Stage III". Please review the plat on behalf of the City of Wilsonville (including the Planning Department and Community Development Director), and let me know if you have any changes or comments prior to preparation of the final mylars. I am submitting the plat to the Clackamas County Surveyor for their review and approval.

Should there he any fees for the final plat checks or should you have any questions, please let me know.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E.

LAR/lar

enel: as stated

ce: Willamette Valley Homes

Chicago Title

PLANNED DEVELOPMENTS - RESIDENTIAL SUBDIVISIONS WATER, SANITARY SELVER AND STORM DRAINAGE SYSTEMS LAND SURVEYS - WATER RIGHTS



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625 (503) 538-5700 FAX 538-9167

24 September 1998

City of Wilsonville 30000 S. W. Town Center Loop East Wilsonville, Oregon 97070 RECEIVED
SEP 29 1998

Attn: Paul Silver

Re: "Charbonneau Village Center Condominium - Stage III"

Dear Paul,

Thank you for sending the plat vellum and letter of approval to the Clackamas County Surveyor's office for the "Charbonneau Village Center Condominium - Stage III":

Enclosed, please find a check for \$100.00 for the Plat Review Fee.

Again, thank you for your prompt forwarding of the plat vellum and letter of authorization.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E.

LAR/lar encl: as stated

cc: Willamette Valley Homes

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS • WATER RIGHTS



September 23, 1998

Clackamas county Surveyor 104 11th St. Oregon City, OR 97045-1021

RE: Proposed Condominium Plat for Willamette Valley Homes City Planning File Nos. 92PC25, 92PC25A, 92PC52, 92DR37, 97DB03, 98AR51

To Whom It May Concern:

The City of Wilsonville has completed planning and engineering review of the above named condominium plat. The City does not require or anticipate any changes to the plat as presented for review. The plat vellum (quick plot reproducible) as signed by the City is now ready for review by your office of survey related issues.

The purpose of this letter is to comply with item 2 of the Circular Letter to Professional Land Surveyors Practicing in Clackamas Count, "Paper Plat Option," dated May 15, 1996.

The City understands that some changes may be required by the County Surveyor to bring the plat in conformance with State and local laws and regulations. The city will review and approve the final plat mylars after your office has completed the initial plat review and the plat surveyor has made needed amendments, additions or corrections. After City approval and signoif, the final plat mylars will be delivered directly to the County Surveyor's Office.

The City also understands that if any changes are made to the plat which were not requested by the County Surveyor the plat is subject to additional review and inspection fees prior to final plat approval.

Sincerely Yours,

Robert G. Hoffman, Alex Manager of Current Planning

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Applicant: Owner: Site Location: Tax Lot and Map:

Willamette Valley Homes Willamette Valley Homes Charbonneau village Center, Wilsonville T. 3 S., R. 1 W., Section 24CD Tax Lot 8000A

City file number: Zone:

98 AR 51 Planned Development Commercial-PDC

NOTICE OF ADMINISTRATIVE DECISION

Pursuant to the authority granted by the Development Code (Sections 4,009 - 4,012 and 4.153), the Planning Director finds that:

- The applicant has requested preliminary review of the proposed final plat for "Charbonneau Village Center Condominium Stage
- The applicant's preliminary plat with the Conditions of Approval listed below, is in conformance with the City's Development Code and the Conditions of Approval placed upon the project by City Council and the Development Review Board (case file number 97DB03 and 97DB30). (2)

THEREFORE, based on the above findings, the Planning Director hereby approves the application as requested with the following conditions:

- This approval is only for the changes as stated in (1) above, and is on file with the City of Wilsonville's Planning Division (98 AR 51). (A)
- (B) The applicant shall substantially conform with all drawings and plans submitted to the City's Planning Division.
- (C) The fire places shall not extend from the buildings by more than 14
- The applicant shall obtain all necessary permits and approvals from the City's Building Division. (D)

Dated this 3rd day of June, 1998.

Tobul Hoffman ACH, Senior Planner
Stephan A Land

Stephan A. Lashbrook AICP, Planning Director

Note: The decision of the Planning Director may be appealed by an affected party or by three (3) Commission or Board members in accordance with Section 4.017 except that the review shall be of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Planning Director. Any appeal must be filed with the City Recorder within tent (10) working days of notice of the decision. The notice of appeal shall be in writing and indicate the specific issue(s) being appealed and the reason(s) therefor. Should you require further information, please contact with the City Planning Division at 682-4960. Last day to appeal: 4:00 P.M. on the 17th day of June, 1998.

The Administrative Decision and Conditions of Approval for 97 AR 53 have been received and accepted by:

Printed Name	
Authorized Signature	
Title	Date

This decision is not effective unless this form is signed and returned to the planning office as required by Section 4.139(7) of the Wilsonville Code,

In the event of sale, transfer or lease of the property, a copy of these conditions will be forwarded to the successor(s) in interest.

Please return the signed form to the following:

City of Wilsonville Planning Division Attention: Paul Silver, Assistant Planner 30000 S.W. Town Center Loop East Wilsonville, OR 97070



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625 (503) 538-5700 FAX 538-9167

City of Wilsonville 30000 S. W. Town Center Loop East Wilsonville, Oregon 97070

Aun: Blaise Edmonds

Re: "Charbonneau Village Center Condominium - Stage III"

Dear Blaise.

Enclosed, for your information and use, please find three "Preliminary Copies" of the proposed final plat for "Charbonneau Village Center Condominium - Stage III".

This plat has been drawn based on the site and building plans provided to this firm by Willamette Valley Homes and their consultants. It is my understanding that you wanted to review a draft copy of the plat prior to issuance of building permits. In reviewing the plat, please keep in mind the following:

- The plat cannot be recorded until construction is substantially completed. 1.
- The existing water main through Units 14 and 15 will need to be relocated and a portion 2. of the existing water easement released by the City of Wilsonville.

I will notify you when the boundary monuments have been set for a field cheek.

Should you have any questions regarding the project, please feel free to give me a call.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E.

LAR/lar

encl: as stated

Willamette Valley Homes cc:

Ted Troutman, Attorney

Charbonneau Village Center Condominium Association

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS • WATER RIGHTS

- Final construction plans will be reviewed and approved by the Planning Director. City Engineer and the Building Official prior to any construction.
- The applicant shall obtain condominium plat approval from the City of Wilsonville, prior to the sale or conveyance of residential units.
- 12. The applicant shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
- 13. The City Council does not approve the waivers to yard setbacks requested but recognizes that the new Site Design Review application may consider similar requests.
- 14. Since the Tree Ordinance assigns review of proposed tree cutting type "C" permit to Charbonneau Country Club, the applicant shall obtain approval for final tree removal and tree maintenance plan from the Charbonneau Country Club, Board of Directors.

The following conditions concern the public improvements to the subject site. However, the applicant is required to also meet all requirements of the Building Permit process.

- PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from existing connections. The materials, as proposed do not show main line connections that are to be used in conjunction with the construction of the proposed development. Separate Engineering Drawings reflecting the installation of these public utilities may be required.
 - No construction of, or connection to, any existing or proposed public utility/improvement will be permitted until all plans are approved by the Engineering Division, all fees have been paid, all necessary permits, right-of-way and easements obtained and the applicant notifies the Engineering Division a minimum of 24 hours in advance.
- PF 2. The Engineering Division reserves the right to revise/modify the public improvement construction plans and completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.
- PF 3. All public utility/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 Public Work's Standards.
- PF 4. Record drawings are to be furnished by the applicant for all public utility improvements (0/3 mil mylar) before the final Punch List inspection will be performed.
- PF 5. 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.
- PF 6. Any proposed construction plans submitted for review shall meet the following general format;
 - A. Composite Utility Plan





FROM:

Honorable Mayor and City Council Ben Altman, Representing Willamette Valley Homes March 28, 1997

DATE:

RE:

Supplemental Testimony and Evidence Regarding Appeal of Charbonneau Variable Property "A", Willamette Valley Homes, 97DB03A.

We are providing the following supplemental testimony and evidence for your consideration in your final decision. We are focusing on the issues and concerns raised during the Council's

We are also directing our testimony and evidence to support Councilor Luper's motion to adopt Resolution 1371, approving the land use portion and remanding the design review. Although, we have some recommended revisions to the Resolution and findings prepared by staff.

The following is a summary of the issues as presented by Council, to which we are responding:

Mr. Luper seemed the most comfortable with the proposed development, but wanted the DRB to reconsider landscaping and elevations, particularly on the golf course side. He made the motion to adopt Resolution 1371, but it failed for lack of a second.

RESPONSES

We certainly support Councilor Luper's conclusions and hope the supplemental testimony swings the other Councilors to support Resolution 1371. Although, we are recommending certain revisions to the language of Res. 1371, which we will coordinate with

We need to clarify what is approved and what is remanded. Of particular concern seemed to be setbacks, architectural elevations and relief along the fairway, and tree removal, which also relates to setbacks. We and DRB need to know to what degree site plan and/or building plans must be revised.

We would hope that the council finally agrees that the setbacks are appropriate. Any revisions for setbacks will force major unit redesigns, which could easily cost \$20,000, plus associated engineering and landscaping revisions, etc. We farther put additional dollars into larger trees then into redesigning the

10885 S.W. Merlin Ct. ▲ Wilsonville, Oregon 97070 ▲ Telephone (503) 682-9361 ▲ Fax 682-9365

With some guidance from Council, we are prepared to submit revised architectural details to dress-up the fairway elevations. We note we submitted revised drawings for your hearing. We need to know if these are considered more desirable, or not.

As to trees, we hope the council finally agrees with our arborist's recommendation that the large London Plains are inappropriate and should be removed. However, we are prepared to submit a revised landscaping and tree replacement plan which provides for larger replacement trees in comparison to the building bulk and scale. On remand, the DRB would review types, sizes, numbers, and locations of replacement trees.

Barton

Mr. Barton seemed to be generally supportive of Mr. Luper's position, although at the time of the motion was not comfortable making the second. Further discussions, particularly clarifying the golf course setbacks, appeared to move him closer to supporting approval. Towards the end of the discussion, he stated he also felt the plan was generally consistent with Charbonneau patterns.

RESPONSES

We certainly support Councilor Barton's leaning towards supporting Resolution 1371. We hope our supplemental testimony, including aerial and site plan in relation to the fairway and other existing units, provides additional support for his position, and answers his questions as to setbacks along the fairway.

We have provided a larger scale drawing and aerial to better reflect the proposed development in direct comparison to the existing units along the Red l Fairway. There seemed to be confusion as to the actual setbacks from the fairway versus the property line.

As noted, by staff, the residential units will be in about the same line of setback as the restaurant. I would also ask you to look at the colored aerial provided in out large 11X17 booklet, and compare our setbacks from the cart paths to those across the fairway. The existing units are much closer to the cart path on the south side than our units will be on the north side. Again, I ask you to consider the established context of orientation to the golf course more than to specific property lines.

Lehan

Mayor Lehan, as she stated was very conflicted about the choices and which direction to support. One of her primary concerns was eliminating or otherwise harming the long term viability of the commercial center by converting the residential use. She was also concerned over parking being adequate to support commercial

ALTMAN

Designing & Dervering

Urban Solutions

development of Variable Property "C". This concerned would seem to be tempered if there were general support from the Charbonneau community. In this regard, there was concern related to the 100 people Ms. Pebbles stated were opposed. She had concerns regarding landscaping materials and sizes, elevations, preferring more variety of details and relief, and tree removal/replacement, particularly as to size compared to those being removed. And, she was uncomfortable making final design decisions rather than having the DRB consider those details.

RESPONSES

We appreciate Mayor Lehan's concern for the viability of the commercial center. This is a legitimate concern. However, we submit that conversion of Variable Property "A" will not by itself eliminate options for future commercial use of Variable "C"

Variable "C" is better situated next to the other retail and office uses, north of the club house area. The residential use of Variable "C" will contribute additional customers within the Village Center, all within walking distance to the commercial uses. The residents (of Variable "A") and their quests will likely use the restaurant, golf club and other commercial uses, because they are very convenient. The residential use provides all its required parking on-site and therefore does not result in a net loss of commercial parking spaces.

There are options available for additional parking, including restripping for compact spaces, some reduction of the wide landscaped islands, and even a small parking structure, and/or under structure parking.

Plus, under Metro's 2040 Plan, there is a provision for lower parking ratio standards. With all these factors there are options available for future consideration.

However, to date, there has not been any market demand for more commercial within the Village Center. If, over time, there is market demand, Variable "C" can be used, as noted. The building foot print can be changed to a two story structure providing for more surface parking. Plus there are always redevelopment options as land values continue to increase.

Any or all of the existing buildings could be demolished and replaced, since none are particularly high value structures. They are all simple wood frame units, and at 15-20 years in age, may be do for major repairs and/or replacement. So, consider there is 9.96 acres of commercial available. You can see there is ample potential for the future viability of the Center.

It is also important to recognize that the Village Center owners themselves have decided to sell the property for this particular use. They are not concerned over the future viability of the Center, so we do not see why the City should be more concerned they are.

As to the so called 100 people in opposition, I have yet to see the petition. She said she had a petition, but did not submit one into the record.

I noted that at the DRB hearing, Ms. Pebbles made a similar statement of some 100 people see represented in opposition. Yet, when pressed, by the Assistant City Attorney, to identify the actual people, she could not provide even one name.

At this point, we are not convinced there are 100 people in opposition. The history of land use actions in Charbonneau, including the last two round for this property, have packed the house, when there is true opposition. The evidence in the record shows we have only two people on record as testifying in opposition, and one of those, Mr. Johnson, failed to address applicable code criteria in desire to keep the parcel as open space.

As to landscaping materials, sizes, and replacement of trees, we are prepared to submit revised plans to DRB. However, we believe it is imperative that the Council give clear direction as to the application of the Tree Ordinance.

We are providing additional information from our arborist and landscape architect. It is his (our) conclusion that the London Plains must be removed. These are just the wrong trees in the wrong location. Construction impacts for access will cause trauma and potential future loss of any preserved trees. As they continue to mature they will cause damage to each other, being too closely spaced with intermingled roots structures, and to the parking lot and/or buildings. We are, however, willing to have DRB consider the type, number, size and location of replacement trees, upon remand.

We simply ask that the Council finds in our favor on removal. I note that the Tree Ordinance did assign implementation to Charbonneau, who have approved removal. You could, however, further find that the Charbonneau review did not adequately consider replacement relative to size, location, etc. This would give both us and DRB direction for appropriate revisions.

MacDonald He stated he started out in support, but then became concerned over too intense of development on such a small parcel. This was coupled with concerns regarding the overall aesthetic quality of views from the fairway side. Given these concerns he was leaning towards denial. But, in further discussion it became more clear to him that the fairway setbacks were greater than he thought.

RESPONSES

We believe Councilor MacDonald had the right understanding, but then became confused as to the lot area coverage. Again, please refer to the aerial and the supplemental drawing which better show the direct comparability of our site plan to existing unit configurations. We ask that you carefully consider the lot coverage and building separation patterns that already exist across the fairway. These units have 10 foot setbacks between the buildings and are only 15 feet from the cart path, which means they are even less to their actual property lines. The lot lines are generally rectangles around the buildings, with common areas including the fairway.

Our design provides 15 feet between the buildings. The units are setback between 13.8 and 26+ feet from the property line, and an additional 20-26 feet from the cart path. In isolation, the lot coverage may seem excessive, but we hope you come to agree that in direct comparison our plan is no more intense than the units agrees the fairway. across the fairway.

Again, we note the townhomes across the fairway are the units we were designing to, not the adjacent condo's which were originally built as apartments. The applicants do not desire to build apartment type units, or even more compact row house type units. We believe these units are contextually consistent, and ask for you affirmation.

Questioned if the proposed use complied with Section 4.133(2) (e), which requires that the "majority" of a PDC area to be commercial in a mixed use development.

RESPONSES

The total area of the Village Center, which is zoned PDC is 19.9 acres. The total area remaining commercial, with the proposed residential use of Variable Property "A" is 9.96 acres, or right at 50%. The total residential area, including Variable "A", is 9.95 acres, also approximately 50%. However, the commercial portion is .06 acres more than the residential area. Therefore the majority is technically commercial.

REQUEST

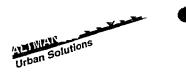
In summary we ask that the Council reverse the DRB by approving the Stage I Master Plan amendment, and the Stage II Final Development permit, thereby confirming the allowed use as residential, the density at 6 units, the two accesses, and setback waivers. We further ask that Council accept the arborist's recommendation to remove the London Planes (trees 12-19).

Then, rather than outright denial of Site Design Review per Resolution 1371, we ask that the Council remand a narrowly defined scope of remaining design related details, including architectural elevations, building materials and colors, landscaping, replacement trees (type, size, number, and location) to the DRB, with direction to the applicant to submit revised plans for hearing before the Board.

To accommodate the remand, we will waive the $120\ \mathrm{day}\ \mathrm{time}\ \mathrm{limit}$ for final decision.

Our concern over complete denial of design review is that it leaves us totally exposed to undirected redesign, with who knows what challenges and objections as to incompatible design, etc. And, as noted such a redesign will be very expensive, which we believe to be unnecessary and unwarranted.

Thank you for your careful reconsideration of this matter.





TO:

FROM: DATE: Honorable Mayor and City Council Ben Altman, Representing Willamette Valley Homes March 28, 1997

RE:

Supplemental Testimony and Evidence Regarding Appeal of Charbonneau Variable Property "A", Willamette Valley

Homes, 97DB03A.

We are providing the following supplemental testimony and evidence for your consideration in your final decision. We are focusing on the issues and concerns raised during the Council's deliberations.

We are also directing our testimony and evidence to support Councilor Luper's motion to adopt Resolution 1371, approving the land use portion and remanding the design review. Although, we have some recommended revisions to the Resolution and findings prepared by staff.

The following is a summary of the issues as presented by Council, to which we are responding:

Luper

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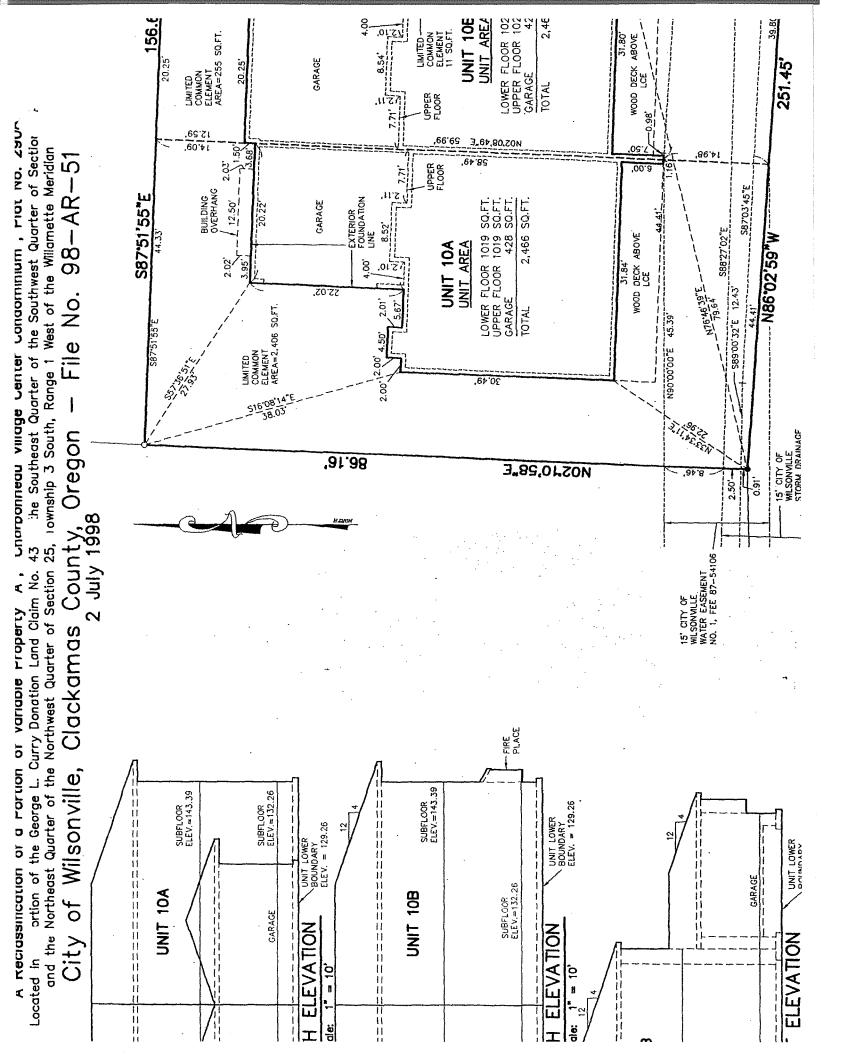
RESPONSES

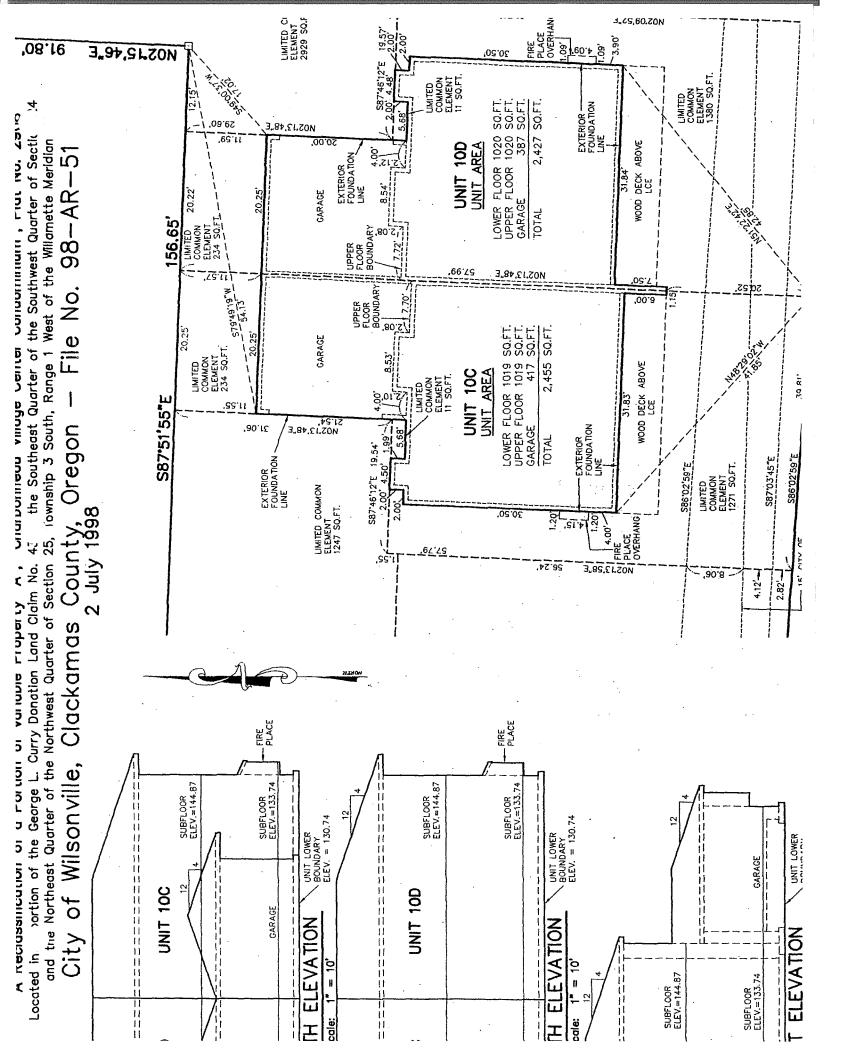
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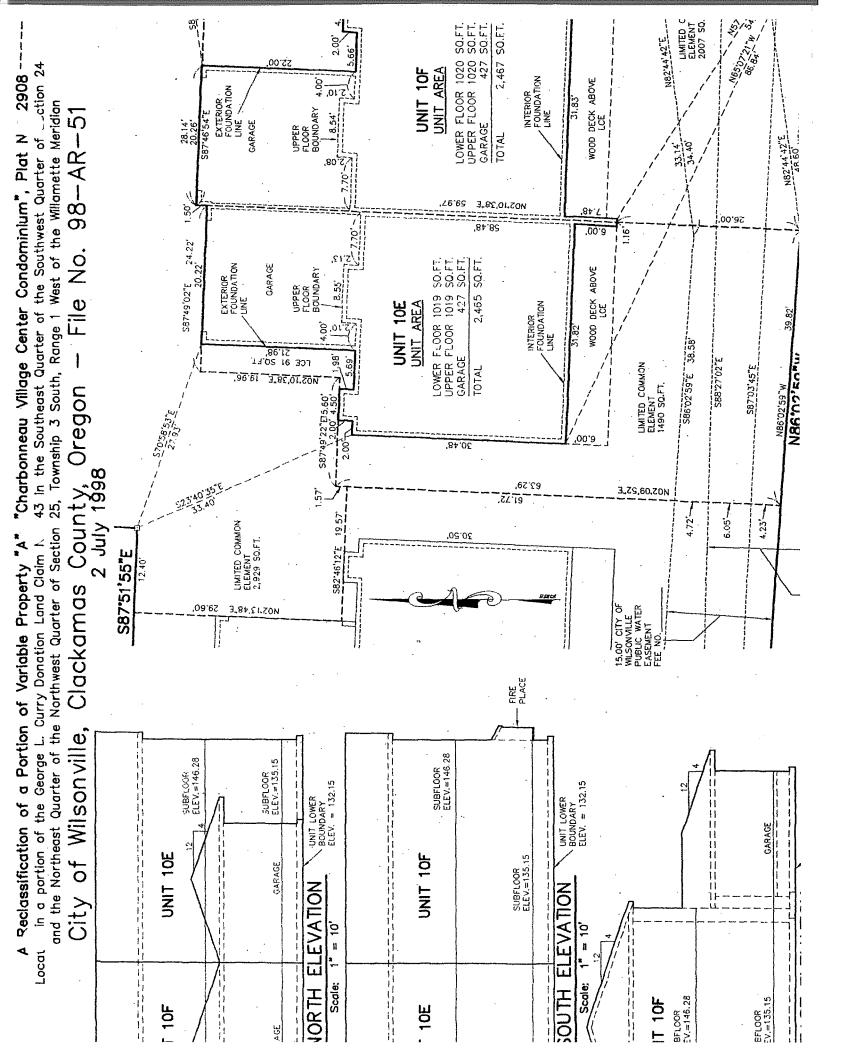
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10885 S.W. Merlin Ct. ▲ Wilsonville, Oregon 97070 ▲ Telephone (503) 682-9361 ▲ Fax 682-9365







A Reclarification of a Portion of Variable Property "A", "Charronneau Village Center Condominium", Plat No. 2908 ited in a tion of the George L. Curry Donation Land Claim No. 43 it. e Southeast Quarter of the Southwest Quarter of Section and the Northeast Quarter of the Willamette Meridian 98-AR-51 File No. City of Wilsonville, Clackamas County, Oregon 2 July 1998 Located in a

DECLARATION

RNOW ALL MEN BY THESE PRESENTS that Wand Nelson Contractors, Inc., Doing Business As Willamette Valley Homes, Jerome B. Wand, President, and the Chárbanneau Village Center Condominium Unit Owners Association, Robert Brunneier Chairman and W. O. Traphagen, Secretary, being the owners of the land represented on the attached map and more particularly described in the Surveyor's Certificate hereon made, and the Charbanneau Village Center Condominium Unit Owners Association, Robert Brunneier Chairman and W. O. Traphagen, Secretary, do hereby commit said land to the operation of The Condominium Laws as laid out in Chapter 100, Oregon Revised Statues. The property and improvements described and depicted on the plat are subject to the provisions of O. R. S. 100.005 to 100.625. All easements are hereby granted as shown or noted on said plat.

IN WITNESS WHEREOF, we have set our hands:

ALLAGE AT WILSONVILLE", a 4, Pages 30 through 36, Plat No. cords, and located in a portion Jackamas County, Oregon, CHARBONNEAU VILLAGE CENTER Jownship 3 South, Range 1 Land Surveyor No. 1437, . irked with proper monuments BONNEAU VILLAGE CENTER .GE:A WILSONVILLE", a located in "CHARBONNEAU ALLAGE AT WILSONVILLE", a the Southwest Quarter of NVILLE" as follows: e with a yellow plastic cap her of said "CHARBONNEAU VILLAGE : AT WILSONVILLE", said iron pipe from a stone marked with an "X" onation Land Claim No. 43 and rass screw; thence North 02: thence South 89: 57' 40" e South 50' 37' 40" East 36.65 East 54.98 feet to a 5/8-inch feet to a 5/8-inch iron reBar Element of Unit 8 of said to a 5/8-inch iron rebar on NTER CONDOMINIUM, CHARBONNEAU, 2. 10' 58" East along the East 02' 59" West along the South ARBONNEAU THE VILLAGE AT OMINIUM, CHARBONNEAU THE 00 feet to a 5/8-inch iron gain and Sale Deed to il 1987, Fee No. 87—18831.

accompanying plat accurately and that construction of the monumented in accordance aly depicts the above en completed.

OREGON SEPTEMBER 30, 1977 LEONARD A. RYDELL 1437 PROFESSIONAL LAND SURVEYOR

RENEWAL DATE 12/31/98

Charbonneau Village Center Condominium Unit Owners Association Robert Brunmeier, Chairman O.B.A. Willamette Valley Homes Jerome B. Wand, President Wand-Nelson Contractors, Inc.

Charbonneau Village Center Condominium Unit Owners Association W. O. Traphagen, Secretary

ACKNOWLEDGEMENTS:

me Jerome B. Wand, President of Wand-Nelson Contractors, Inc., Doing Business As Willamette Valley Homes, who being first duly sworn did say that he is the , 1998, personally appeared before State of Oregon County of On this

authorized signator of Wand-Nelson Controctors, Inc.. Doing Business As Willamette Valley Homes, owners of the land described in the Surveyor's Certificate herein, and that the instrument was signed in behalf of Wand-Nelson Contractors, Inc., Doing Business As Willamette Valley Homes, by authority of its Baard of Directors, and acknowledged the instrument to be its voluntary act and

County of

On this me Robert Brunmeier, Chairman and W. O. Traphagen, Secretary, of the Charbonneau Village Center Condominium Unit Owners Association, who being first duly sworn did say that they are the authorized signatar of the Charbonneau Village Center Condominium Unit Owners Association, and that the instrument was signed in behalf of the Charbonneau Village Center Condominium Unit Owners Association by

APPROVA MLSONVILLE

	Director	
-	e Planning Director	
	Wilsonville	

Wilsonville Community Development Director

APPROVAL COUNTY CLACKAMAS

By Clackamas	
By Deputy Clackamas County Tax Collector	

Clackamas County Assessor and Tax Collector

day of

Approved this

County of Clackamas State of Oregon

I do hereby certify that this condominium plat recorded in the County Clerk Records day of

Clackamas County Clerk

PLANNING DIVISION MEMORANDUM

Date: November 10, 1997

To: Honorable Mayor and City Council

From: Robert G. Hoffman AICP

Manager of Current Planning

Re: Appeal of Development Review Board Decision of October 13, 1997
Willamette Valley Homes - Charbonneau Variable Property "A"
Case File No. 97DB30(Appeal) filed by Ms. Sharon Peebles

SUMMARY:

A de novo public hearing is scheduled to consider Ms. Peebles' appeal of the Development Review Board's approval of a design review application for six dwelling units on Variable Property "A" in Charbonneau Village Center adjacent to the golf course and restaurant. The City Council previously approved the use of this property for five to six dwelling units and approved a Planned Unit Development for the site but remanded details to the Development Review Board for futher review. Ms. Peebles has listed six bases for her appeal. The staff response to each basis is listed below:

RECOMMENDATION:

<u>Deny</u> the appeal and uphold the Development Review Board approval, adding findings and conditions to clarify that the project meets the approval criteria. Adopt Resolution No. 1428. Staff has concluded that there is no basis for Ms. Peebles' appeal.

BACKGROUND:

Sumi	mary Chronology:	시대회 그리아 얼마나 이 아니 이를 먹다고 있다
1.	October 28, 1997:	Notice of Appeal by Sharon Peebles
2.	October 13, 1997:	DRB Approval of Site and Design Review
		Resolution No. 97DB30
3.		September 8, 1997: DRB Public Hearing - (continued to October 13, 1997)
4.	August 14, 1997	Site and Design Review Application filed by Willamette Valley Homes - Case File No. 97DB30
5.	May 12, 1997	LUBA Appeal by Sharon Peebles
6.	April 21, 1997	City Council Resolution No. 1371 approves Stage I and II and Remands Site and Design Review to DRB
7.	February 25, 1997	Willamette Valley Homes Appeal of DRB Denial
8.	February 13, 1997	DRB Denial of 97DB03

SHARON PEEBLES BASIS FOR APPEAL #1

"Resolution 1371 expressly requires revision to architecture and setbacks. The new design plan submitted by the applicant changes the setbacks requested but neither improves them nor justifies them. Therefore, the DRB approved the new setback waivers without requiring any justification from the applicant to support the granting of the waivers."

"Section 4.010(3)(a) of the Zoning Code requires the DRB to make a finding for each of the applicable policies, criteria and standards, including whether the proposal conforms to the Comprehensive Plan. The DRB adopted a Planning Division Memorandum dated September 26, 1997, which it referred to as the "Staff Report", with the findings contained therein. There are no findings contained in the Staff Report relating to the justification for waivers, merely unsupported conclusions, opinions and facts that are irrelevant to the issues raised in my memorandum. For example the Staff Report says that the discussion about which standards to apply for review is most since the front and rear yard setbacks are the same 25 ft.". That statement does not in any way justify the granting of a setback waiver to the applicant. Thus, the DRB failed to comply with its review obligations under the Code."

STAFF REPLY:

Conclusion regarding Basis #1 - There is no basis as shown below:

There are numerous findings in the various staff report and applicants documents which were used by the DRB as the basis for their actions including waivers as follows: The adopting motion of the DRB was as follows: (from transcript from DRB hearing of October 13, 1997)

"David Lake moved that we approve 97DB30 and note that we adopt the memo dated September 26, 1997 from Bob Hoffman as a finding and the memo dated October 13, 1997 from Joan Kelsey as a finding and that we approve 97DB30 with the proposed conditions as outlined by staff with the following amendments: (emphasis added)

Condition #7: delete the word "Pin Oak" and change to "London Planetree"

add Condition #10: The relocated parking proposed curbside in front of the restaurant, pro shop, and office is to be limited so as to restrict which parking by locating "No Parking" signs at the entry and end of the circular parking as indicated on Exhibit M' which is from Martin Brown.

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The board also adopts the staff report dated September 8, 1997 as a finding. (emphasis added)

Mary Sinclair seconded the motion, which passed unanimously 3-0."

WC4.136(1)(a) "any residential uses shall be subject to the <u>applicable</u> Sections 4.120 to 4.124 and 4.170 to 4.173....(emphasis added). This reference is to nine pages of standards. The DRB has selected the relevant standards as follows:

1. The following findings are from the September 8, 1997, staff report:

Response Findings: FINDING:

7. Residential (R) Standards:

The Development Code does not set clear and objective site development standards for residential development within the PDC zone. Nevertheless, the development standards listed in Subsection 4.122(7)(h) for the Residential (R) zone for attached dwelling units with a minimum lot size of 8,000 sq. ft. were applied in this review. Through the planned development process, (Subsection 4.136(2)(a): Waivers) the applicant is seeking waivers from minimum yard setbacks. In City Council Resolution No. 1371, Council found that the "requested waivers require further justification and the applicant has not adequately carried his burden in supporting the waivers". The subject to being 30,315 sf., exceeds the required 8,000 sf. minimum. (3 duplex structures x 8,000 = 24,000 sf.). The following standards are reasonable:

Subsection 4.122(7)(h):

- 4) Minimum Front Yard Setback. Twenty-five (25) feet, Structures on corner of through lots shall observe the minimum front yard setback on both streets. No structures shall be erected closer than fifty (50) feet from the center line of any public, county or state road. WC Definition 107 defines yard front as "Any yard abutting a street." WC Definition (87) defines street "as entire right of-way of a dedicated public way."
- 5) Minimum Rear Yard Setback: Twenty-five (25) feet.
- 6) Minimum Side Yard Setback:
 - a) One Story: Five (5) feet.
 - b) Two Stories: Seven (7) feet.
 - c) Two and one-half Stories: Eleven (11) feet.

- Maximum Height: Two and one-half (2 1/2) stories or thirtyfive (35) feet.
- 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.
- 9) Frontage 80 feet.

Response Findings:

FINDING:

8. Lot coverage/size:

The Stage II Final Plan for condominiums (town houses) was not regulated by Chapter 4 of the Wilsonville Code and by the Oregon Revised Statues as a "subdivision" with typical lot size requirements. Thus, the requested waivers to increase lot coverage and to reduce lot size/dimensions are not required. However, in case file 97DB03, building setbacks was an issue as the City Council denied the applicant's request to waive minimum yard setbacks on the basis; "they (the applicant) have not designed the site in relation to the irregular shape but have simply used the rectangular portion so that the irregular shape of the lot had little or no impact on their design and, therefore, that is not supported by there testimony." The applicant's amended findings justify approving the revised waivers which are found on pages 8 and 9 of the submittal report, (Exhibit 'E') (emphasis added)

The Stage II, Final Plan setback waivers measured from the outermost property lines were denied in Council Resolution No. 1371. (bold type represents denied setback request):

9. Duplex '1' Front (north)	
Right side (east) 7' 10.8' Left side (west) 7' 15' Between buildings Rear side (south) 25' 26.36'	'n,
Left side (west) 7' 15' Between buildings Rear side (south) 25' 26.36'	
Rear side (south) 25' 26.36'	j
	1
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Minimum Proposed	
Duplex '2"	A
Front (north) 25' 5'	
Right (east) 25' 15' Between buildings	4
Left side (west) 7' 15' Between building	S
Rear side (south) 25' 19.5'	

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	<u>Minimum</u>	Proposed	
Duplex '3'			
Front (north)	25'	5'	
Right (east)	7'	15' Between	buildings.
Left side (west)	7'	5'	1.7 F
Rear side (south)	25'	13.83'	

19.9 average setback from the golf course.

Frontage	2.	80'	O' property is not
			adjacent to public street.

Proposed revisions to setback waivers:

•		Minimum	<u>Proposed</u>	
10.	All town houses:	4-1-13-1-19	ali was fa raga	146 / 144 - 015
	Front (north)	25'	10' to 78' @	parking lot
	Side (east)	7'	7', 15' between	n buildings
	Rear side (south)	25'	22' to 25' @	Green # 1

23.5 average setback from the golf course.

Proposed setbacks in **bold** letters do not comply with minimum yard setbacks. Though this is a Condominium Plat, it is reasonable and practical to require this project to observe minimum yard setbacks or as otherwise approved by the DRB.

* Fireplaces may encroach the side yard setback 2" for each foot of side yard. In this instance, 14",

Note! The redesigned site plan shows greater average setbacks from the golf course from what was proposed in case file 97DB03 (from 19.9' first request to 23.5' revised request).

The following findings are adopted by Development Review Board on October 13, 1997:

From Ben Altman's Report from Application Materials Exhibit E rec'd Aug 13, 1997

The units are oriented to the golf course consistent with the fairway development pattern throughout Charbonneau. Specific elevations have been provided as they will be viewed from the north and south side of the fairway, and between the units. Consistent with the current landscaping, the units will be screened from the Village Center parking lots as the arborvitae hedge will be retained. A fence and landscaped screening will also buffer the eastern unit from the restaurant.

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Provisions to modify the patio and relocate the sidewalk at the west side of the restaurant have also been made, in coordination with the manager. A portion of the existing sidewalk will be relocated around the screen fence. This sidewalk provides handicapped access to the restaurant. The combination of existing trees together with proposed additional trees and landscaping will provide high quality visually pleasing buffers for the residential uses south of the fairway, while presenting exceptional views to and from the fairway.

The units will be supportive of existing commercial units within the Village Center. Residents will most likely be golfers, who will use the golf course, country club and restaurant. They may also use the retail services offered within the Center.

We acknowledge that Article VIII of the Country Club CC&Rs requires Architectural Review of the building and landscaping. It does not, however, relative to zoning and land use decisions. Therefore the unit designs and landscaping have been submitted for Charbonneau Architectural Review per Article VIII of the CC&Rs.

Unit Design

The unit designs are shown in several elevations and perspectives to reflect an accurate as possible view of how they will fit within the context of the Village Center and fairway. They have been designed to be compatible with the unit styles, bulk and scale of the buildings closest to them, while being sensitive to the character of those across the fairway. They are all two story attached structures containing 1900 to 2000 square feet. Each unit also has a two car garage.

The parking lot side of the development is and will remain screened by the existing trees and evergreen hedge. Although limited portions of the hedge will need to be removed to accommodate the driveways, but no tree will be removed. Therefore the most sensitive view will be from across the fairway. For this reason, special architectural detailing and paved patios are provided to enhance the visual quality and to extend the interiors of the units to the outside, thus capturing the fairway views.

Exterior materials have been selected to present quality and durability. The materials, consisting of stucco, codar, tile and brick are also consistent with the established character of the adjacent neighborhoods.

Lot Standards

There are no specific minimum lot standards in the PDC or PDR zones. However, guidance for residential planned development zoning is provided in the R Zone. Standards for attached units are provided in Section 4.122(7)(h). There are as follows:

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(Continued #2 Reply to Basis #1

Lot Size

8,000 square feet

Lot Width Lot Frontage 60 feet, plus 5 feet for each additional story 80 feet, plus 5 feet for each additional story

Lot Depth Front Yard 80 feet, plus 5 feet for each additional story 25 feet

Rear Yard

25 feet

Side Yard

5 feet, one story 7 feet, two story

Height Parking 2 1/2 stories or 35 feet Two spaces per unit

Coverage

None specified

The subject property, Variable "A" contains 30,315 square feet. The lot dimensions exceed the minimums for the R zone listed above. The site plan provides setbacks that meet the R standards to the greatest degree possible, given the narrowness of the lot and the additional constraints of preserving existing trees on the north, and the utility easement on the south. Consequently not all standard setbacks could be maintained. However, reduced setbacks are common in Charbonneau, so this development will remain in character.

Waivers

Section 4.136(2) grants the Planning Commission discretion the adapt the base standards as follows:

- (2) Notwithstanding the provisions of Section 4.136(1) to the contrary, the Planning Commission in order to implement the purposes and objectives of Sections 4.130 to 4.140 may:
 - (a) Waive the minimum lot area, width and frontage, height and yard requirements which otherwise would apply.
 - (b) Locate individual building, accessory buildings, off-street parking and londing facilities, open space and landscaping and screening without reference to the lot lines; and
 - (c) Adopt additional requirements and restrictions,....

The proposed minimum set backs standards are as follows:

Lot size:

30,315 square feet

Lot Width

252 feet

Lot Frontage

0 feet

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(Continued #2 Reply to Basis #1)

Lot Depth 86 feet at the narrowest point

Front Yard (north) 9 feet, from garage to parking lot curb
Rear Yard (south) 14 to foundation, and 6 feet to patio/terrace

Side Yard 7 feet Height 2 stories

Parking Two spaces per unit

Requested Waivers

The applicant requests the following waivers from:

- The 80 foot minimum frontage for all lots, as this parcel has no frontage on a public street;
- The 25 foot front yard, as the front yards abut the General Common Area parking lot, within the Commercial Village center; and
- 4. The 25 foot rear yard, as the property abuts the golf course and a utility

The proposed condominiums all share a common lot containing 30,315 square feet. The units are designed as townhouses with essentially foundation property lines, but including fenced side yards. So, there is not real lot size per unit, but the average for the entire site is 5052 square feet per unit.

However the size and shape of the parent parcel does not allow for an even distribution of the total lot area to each building relative to yard areas. The building foot prints are, however, consistent with the established pattern and size in Charbonneau development generally does not, and was not intended to, conform to the City's standard zoning. General waivers were previously granted for townhouse lots along the fairways. Many of the units are sited and designed based on the Building Code minimum building separation and common wall standards for condominiums and townhomes, with setbacks as little as 3 feet, rather than the City's base R zone standards. Further, we emphasize that these condominiums are located within the commercial center where other buildings are sited without reference to standard yard setbacks. Technically, the front yard for the Village Center is French Prairie Drive, which is about 500 feet from the site.

This site is somewhat unique in that it does not have any frontage on a public street. The Village Center is served by a common access drive and shared parking lot, which was previously approved by the Planning commission. Therefore the proposed lots also do not and cannot, have any street frontage. They do, however, have sufficient access for the proposed use. This access is consistent with the existing access approved for the adjacent condominiums (formerly Mariners Village).

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The front and rear yard setbacks waivers are requested in order to allow the units to fit on this lot, which is irregularly shaped and further constrained by trees and easements. These reduced setbacks are against the fairway and common purking lot rather than from a street or other residential lot. The closest structure is the restaurant, which has been provided with a 15 foot separation from building I. While less than the R zone standards for attached units, these setbacks are all consistent with the established pattern within the Village Center and along the fairways. All of the units will comply with the height standard, so no height waiver is requested.

3. 3rd Response to Basis #1 of appeal:

From Robert G. Hoffman testimony from October 13, 1997 meeting (Transcript attached)

"Staff would like to read in just a few additional remarks regarding the setback requirements if we might, something we hadn't submitted in writing but after looking at issues that Ms. Peebles raised and the staff reply, we though it might be supplemented slightly.

Hoffman: "The purpose of side and front and rear yard setbacks is to provide for adequate light, air and architectural relationships and minimize fire hazards. That's the purpose of setbacks. The building code provides for three foot yards or setbacks for fire protection, light and air, or you can have a higher fire rating for the walls separating. In terms of architectural or aesthetic relationships, a landscaped hedge and entry area are proposed adjacent to the parking and drive areas along the north side of the proposed complex. A hedge and landscaped area exist between the apartments and the proposed units on the western edge. A ten foot buffer area and sidewalk are proposed along the eastern side between the duplex and the country club with the total separation of about fifteen feet. Along the critice south side is the golf course fairway and pad. Thus, in the opinion of staff, the waivers requested regarding setbacks are appropriate in this situation."

4. 4th Response to Basis #1 of appeal:

City Planning Commission action of 1980 attached approved 3 ft minimum sideyards for Charbonneau (Attachment to staff's Exhibit O -October 13, 1997 hearing)

The Design Review Criteria is three pages long and is listed at the front of the September 8, 1997 staff report. Criteria 4,400(2)(a), (b), (c), (d) and 4,421(1)(b)(c) appear to be relevant to yard waivers. As can be found from descriptions of the project and its relationship to the surroundings, the project by its sensitive design does provide for proper functioning of the site, high quality environment, provides

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in its design for originality, flexibility and innovation. The project is not drab, unsightly, dreary or inharmonious but relates well to the adjacent development. Proper attention has been given to exterior appearances of structures and other improvements. The design has been prepared by a registered and well-known architect and landscape architect. In the professional opinion of staff, including a graduate architect and member of the American Institute of Planners with over 37 years of professional planning experience, the waivers for yards are appropriate and adequately supported by findings.

5. 5th Response to Basis #1 of appeal:

From Staff Report of Robert G. Hoffman dated September 26, 1997 adopted by DRB.

"The discussion about which standards apply for review is most since the front and rear yard standards are the same 25 ft. The side yard standards are 10 ft vs. 7 ft for two story buildings and the board has the right to vary the side lot standards for PUD projects in any case. Attached you will find that on November 10, 1980, the Planning Commission approved a standard modification of side yard standard in Charbonneau to allow 3-foot minimum side yards consistent with the building code. This has been standard practice since 1980 according to Ben Altman and Blaise Edmonds, previous and current staff members. WC Section 4.420 - Jurisdiction of the Board - explicitly provides the Board the authority to review projects in conformity with WC Sections 4.100 to 4.160. This includes authority given in WC 4.136(2)(a) to waive standards for minimum lot size, width, frontage and yard requirements. This is what staff is proposing that the Board do.

In terms of whether the waiver standards are niet, Ms. Peebles refers to the purpose of a PD project as being the appropriate review standard. The City Council has already reviewed and approved the project as a Planned Development Project (Stage I and II) and, thus, that process has made the determination that those purposes on a PUD have been met."

6. 6th Response to Basis #1 of appeal:

Regarding architecture analysis see Finding #14 of September 8, 1997 staff report (later in this document & under Basis for Appeal #7, pg. 16 of this report)

Ms. Peebles' basis states that findings must be made for each of the applicable policies, criteria, and standards including the Comprehensive Plan. WC 4.136(2) states, "Notwithstanding the provisions of 4.136(1) to the contrary, the Planning Commission (now DRB) in order to implement the purposes and objectives of Sections 4.130 to 4.140 may: (a) waive the minimum lot area, width and frontage, height and yard requirements..."(emphasis added). The express language does not require each waiver to be reviewed against each policy criteria and standards.

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including the Comprehensive Plan. This is done for the project as a whole and DRB has complied with this requirement.

Conclusion regarding Basis for Appeal #1:
There is no basis. The waivers requested are adequately supported by findings.

SHARON PEEBLES BASIS FOR APPEAL #3:

"The new plan does not preserve the maximum amount of open space and what little open space that exists is not dedicated open space and could be converted to parking or some other use at the option of the applicant."

Conclusion Regarding Basis #3: There is no basis. See below:

FINDING from Staff Report dated September 8, 1997

Subsection 4.136(e)(1) and (2) (Outdoor living area), and Conditions No. 2e of City Council Resolution 1371, requested the applicant to address the following issue:

"Consider increasing the provision of more useable open space on the site, especially private patio areas in front (facing the parking lot)."

Council determined the applicant did not meet the burden of proof: "the Site and Design Review application as submitted does not support the master plan in existence which requires the preservation of the maximum open space". Charbonneau is master planned with the golf course serving as the primary outdoor living area with living areas of housing facing it. The revised Site and Design Plan shows much stronger design attention to the relationship of private space (the proposed town houses), semi-public space (proposed patios), and public space (golf course and pathways). Those areas are better defined with larger patios where homeowners would tend to recreate along the golf course. The proposed foot print of the easterly town house building is not as spread out which leaves a larger pocket of landscaping between it and the Village Green parking lot. Again, the proposed town houses show more consolidated building foot prints which allows for more useable outdoor living space as compared to the previous proposal. The proposal to construct private patios next to the fairway side of the golf course is more preferable than facing patios at the parking lot which serves commercial businesses. The fairway side is more conducive for outdoor recreation and would make more effective use of the entire site. particularly along the golf course side of the project. Thus, the applicant has met Council's concern with a revised Site and Design Review which supports the

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master plan in existence which requires the preservation of the maximum open

Applicant's application pg. 5 b) 2nd paragraph. Exhibit E: "The perspective drawings show the horizontal profile of how these units fit and blend into the existing landscape and buildings along the north side of the fairway. The new design provides a high quality open feel addressing the fairway. Lots of glass is used together with loggia and terrace to capture to view opportunities presented by the golf course.

Nowhere does code require "dedicated open space". DRB approval requires return to DRB before changing landscaping. This is not at the option of the applicant, owner or user.

Conclusion regarding Appeal Basis #3

There is no basis for this appeal item.

SHARON PEEBLES BASIS FOR APPEAL #4:

"The DRB failed to make findings of fact regarding the street requirements set out in 4.167(h) of the Code. The Staff Report addresses the matter as follows: "Variable "A" is part of an approved Condo Plat which has an approved private street and parking system as part of the approval." While the Staff Report clearly states a true fact, that fact is in no way related to the express requirement of the Code which states that "an access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions for a minimum width of 15 feet for one way traffic and 24 feet for two way traffic". No such travel lane exists but there is no finding either that the standard does not apply or that the standard applies but need not be met for some articulable reason. In short, this project defies the express language of the Code without rationale or justification from the DRB."

STAFF REPLY:

Conclusion for appeal #4: There is no basis but conditions may be added (See proposed condition #2 of Proposed Resolution 1428)

The main access to the site is by way of French Prairie Road and Charbonneau Drive and through the approved parking lot which in all cases exceeds the 24-ft requirement and is a part of an approved plat. Each individual duplex unit is served by a short driveway to the entrance and garage area. The code does not specify the width of these short segments but long standing practice is to require these driveways to be a minimum of 12-ft in width provided they are not longer than 100 ft and fire protection requirements are met. The 12-ft requirement could be conditioned or could be covered at time of building permit. Fire requirements are that no more than 150 ft of hose lay from the fire truck. The Building Official and the Fire Marshall have reviewed the plan to ensure that this is met. This

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requirement is met from the parking lot by the 204 ft aisle widths. WC4.167(I)(h)4) provides that "minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation." The three driveways are intended to service individual dwelling units and range in number of units served from one to three units. 12 ft. is considered adequate for driveway width for short segments.

- 2. From Ben Altman's Applicant's Application Narrative, Pg. 5 Exhibit E
 - "e) <u>Drives, Parking and Circulation.</u> The units share common driveways and also share a common access with the Village Center. Adequate parking, at 2+ per unit, and safe and convenient circulation are provided. The eastern driveway has been relocated to preserve the mature trees, landscaping, and walkway along the front entry to the restaurant. This design allows for a shorter driveway and better parking and maneuvering area.....

The applicable fire safety standards for one and two family dwellings call for fire access to 150 feet (hoselay) from the parking lot to all exterior walls, and fire hydrants within 500 feet. Both of these standards are met by the proposed plan,"

Conclusion regarding Basis for Appeal #4:

Basis for Appeal #4 is not supported. However, a condition should be added by City Council to clear up any ambiguity. (See Condition #2 in Proposed Resolution No. 1428)

SHARON PEEBLES BASIS FOR APPEAL #5:

5. "The DRB failed to address the issue raised in my memorandum regarding lot size. The City Council approved three single family dwellings for Variable A. The requirements for single family dwellings are set out in 4.122(e) of the Code. That section requires "lots" to be at least 95 feet deep. Variable A is approximately 85 feet deep and 250 yards wide according to the way the dwellings are configured. The Staff Report concludes that since Variable A is 85 feet by 250 feet it meets the ordinance requirements for width and depth. That conclusion no way addresses the issue raised in the sections of my memorandum entitled Development Standards and Proposed Development Does not Conform to Standards Applied. Again, the DRB failed to apply the appropriate standard or to state why the standard does not apply and the "findings" in Staff Report fail to do so.

STAFF REPLY:

Conclusion regarding Basis #5: There is no basis.

Resolution 1371 of City Council in Condition #4 clearly approved five to six, not three single-family housing units, to be configured in a variety of ways.

From Robert G. Hoffman Staff Report dated September 26, 1997

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"....The parent lot size requirements for this proposed complex of 6 dwelling units are given in WC 4,122(7)(a). At 3-5 du/ac (as proposed in the Comprehensive Plan for the General Charbonneau are a required minimum lot size is 5,000 sq. ft./ du or 6 x 5,000 = 30,000 sq. ft. For commercial developments, there are no minimum yards or lot size (WC4.136(1)(e)7)."

This is approximately the lot size of the subject parcel (30,315 sq. ft). The Variable Property "A" was part of an original Planned Development project and was applied for as a Planned Development project and approved by City Council as a Stage I and II Planned Development. It is entitled to be treated as an approved PUD in the Design Review phase provided the LUBA appeal is resolved.

Since the subject site meets the minimum lot size of 8,000 sq. ft and the type of occupancy is attached Family Dwelling units the appropriate standards to apply are 4.122(7)(h) not WC 4.177(7)(e). WC 4.122(7)(e) would not permit the density allowed in 4.122(7)(a) and would be required to be between 10,000 to 20,000 sq. ft lots which is not appropriate for Charbonneau and not what City Council approved which was 5-6 units on a 30,000 sq. ft. lot. WC4.122(7)(e) referred to by Ms. Peebles is for single family units "with a minimum lot size of ten thousand (10,000) square feet, but less than twenty thousand (20,000) square feet." This is clearly not the case here. The lot size is over 30,000 square feet.

Conclusion Regarding Appenl Basis #5:

There is no basis for appeal under Basis #5.

SHARON PEEBLES BASIS FOR APPEAL #6:

6. "The DRB failed to address the issue raised in my memorandum regarding street frontage and failed to make any findings with respect thereto. The basic question that I raised is: must residential developments in the City of Wilsonville have street frontage on a public or private road. If not, why not, given the express language of Code 4.122(e)? The Staff Report does not appear to make any factual findings with respect to this issue. If the street frontage requirement is waivable because Variable A is part of a condo plat, then where in the Code are approval standards for condo plats set out? If the requirement is waivable on some other basis, what is that basis and what standards apply to obtain a waiver?"

STAFF REPLY:

Conclusion Regarding Basis #6: There is no basis.

From Robert G. Hoffman Testimony of October 8, 1997 meeting (transcript attachedltem No. 9 in Index listing)

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- 1. "Ms. Peebles in a later communication which is in your packet raised some question about the frontage issue. Frontage is required under some interpretations of the code. The purpose of frontage is for ensuring adequate access. Variable Property "A" is part of a previously approved planned unit and condo plant. Access was always expected from the beginning of approval of that plat to be provided to Variable Property "A: from private drives. Numerous developments in Charbonneau and in the immediate vicinity have their entrances from the private drives and, in fact, nearby, there are two or three that have their access through this specific parking area and thus have zero frontage on a public street and were previously approved as such. This is consistent and appropriate, in this case to provide zero frontage and to waive that requirement in the opinion of staff"
- 2. In addition, WC4.136(2)(a) explicitly allows waiving frontage "in order to implement the purposes and objectives of WC 4.130-140," which are listed below. The express language does not require each waiver to be reviewed against each policy criteria and standards, under the Comprehensive Plan. This is done for the project as a whole and DRB has complied with this requirement.

4.130 Planned Development Regulations - Purposes:

- (1) The provisions of Sections 4.130 to 4.140 shall be known as the PLANNED DEVELOPMENT REGULATIONS. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.
- (2) It is the further purpose of Sections 4.130 to 4.140:
- (a) To take advantage of advances in technology, architectural design, and functional land use design:
- (b) To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan.
- (c) To produce a comprehensive development equal to or better than that resulting from traditional lot land use development:
- (d) To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography.

Willamette Valley Homes Appeal of DRB decision on 97DB30

topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other natural or man-made hazards;

- (e) To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development. (Amended by Ord #210, April 19, 1982)
- (f) To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities
- (g) To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- (h) To allow flexibility and innovation in adapting to changes in the economic and technological climate.

The City Council in their approval of Stage I and II Planned Development Project has already determined that these purposes and objectives are met by the development approved in Resolution #1371. Access approved was from Charbonneau Drive and through the parking lot as is the case in the subject application.

Conclusion regarding Basis for Appeal #6:

There is no basis.

SHARON PEEBLES BASIS FOR APPEAL #7:

7. "The DRB generally ignored the remand criteria in Resolution 1371".

STAFF REPLY:

Conclusion regarding Condition #7: There is no basis.

The staff has carefully analyzed each of the criteria of Resolution #1371. For example, review Finding #14 from pg. Il and I2 of Staff Report dated September 8, 1997 (shown below) and also Finding #7 of the report shown in response to appeal #1 above). Also see applicant's narrative with application received August I3, 1997, and also reply to Basis for Appeal #4, above.

Architecture:

FINDING:

shiSR11179797drb3097drbproplugamiex

14. Conditions No. 2b, c, d and f of City Council Resolution 1371, requested the applicant to address the following issues:

Provide more articulation of the facades facing the golf course.

 Take advantages of existing site strengths and respect the view of the golf course and tree buffer.

d) Restudy site edge architecture and landscaping to provide more adequate light, air and a better relationship to the site's surrounding buildings.

f) Increase buffering of units from parking area.

Furthermore, in Resolution No. 1371, Council determined the applicant did not meet the burden of proof to demonstrate that Section 4.400 Design Standards by finding that Section 4.400" requires a high quality visual environment, in that the forms are poorly resolved especially along the golf course face, and that the setbacks as proposed by the applicant are not compatible with surrounding existing development. They are, in effect, too much for this small site. The blank, essentially straight-line wall of the units along the golf course side presents a monotonous front. The design as presented also ignores the view of the golf course."

Finally, Sections 4.400 to 4.450 (Site Design Review), Subsection 4.400(2)(c) "Discourages monotonous, drab, unsightly, dreary and inharmonious developments", and Subsection 4.400(2)(d): Requires "that structures be properly related to their sites."

One issue is if the proposed town houses will be architecturally compatible with Village Center, its relationship with the golf course, and with the Village at Wilsonville Master Plan development concept. The matter of compatibility is not clearly defined or identified within the Village at Wilsonville Master Plan planning goals. To be thorough, compatibility is to be viewed in the context of neighboring properties and is to also be evaluated in terms of the greater Charbonneau community. In the professional opinion of staff, the proposed redesigned town house architecture is compatible with Village Center and with adjacent housing development for the following reasons;

a) The most significant changes from the previous plans approved in case file 97DB03 are higher quality architecture, and better designed patio areas facing the golf course. The lack of good architecture along the golf course was the one of the major issues considered at the previous City Council public hearing. The project architect designed the site plan to orient the living and recreation uses of the town houses facing the golf course. The proposed town houses now show improved architecture particularly at the south building elevations which now shows strong shadows from caves an desks fenced, at grade patios and large windows. Thus, the proposed driveways and garages will be adjacent to Village

Willamette Valley Homes
Appeal of DRB decision on 97DB30

Center parking lot which is the appropriate building orientation. Slightly greater setbacks are proposed from the parking lot with the intent of retaining the existing row of Pin Oaks and Arborvitae as a solid buffer. The proposed, redesigned, two story town houses have more consolidated building foot prints which allows for more useable outdoor living space, particularly along the golf course side of the project. The mix of horizontal siding with stucco panels will further enhance the overall architecture. Proposed hip roofs will have concrete tile. Exterior siding is 1/2" bevel cedar with 6" exposure, and stucco panels.

- b) The proposed landscape plan is carefully designed to integrate existing trees with new plant materials to establish landscape edges/buffers from the more intense, adjacent commercial uses.
- c) Furthermore, the project will augment the residential orientation of Charbonneau without the introduction of the more unpleasant aspects of typical retail and commercial development such as heavier automobile use, congestion, pedestrian-automobile conflicts, noise and intensity of use associated with Commercial activity which is the alternative land use allowed in the site.
- d) The proposed architecture is designed to be architecturally compatible with Village Center and with the adjacent housing. Thus, the redesigned project is more consistent with Sections 4,400 to 4,450 (Site Design Review), Subsection 4,400(2)(e) (Discourages monotonous, drab. unsightly, dreary and inharmonious developments), and Subsection 4,400(2)(d)(Requires that structures be properly related to their sites). The elevations facing the golf course are more articulated than the previous proposal provided more detailing.
- e) Applicants narrative pages 1 to 10, staff supports these statements. Proposed Finding No. 14 addresses this issue. (emphasis added)

Conclusion Regarding Basis of Appeal #7
The appellant's Basis #7 has no basis.

STAFF OVERALL CONCLUSION REGARDING BASIS FOR APPEAL:
The appellant has not shown that the application fails to meet the requirements for approval.

RGH:sh

sh:SR11179797drb3097drbproplugamaex

Willamette Valley Homes Appeal of DRB decision on 97DB30 Page 19

CASE FILE NO. 97DB30A (APPEAL) NOVEMBER 17, 1997 CITY COUNCIL PUBLIC HEARING INDEX (of record)

ITEM NO.

- 1. Resolution No. 1428
- Staff Report to City Council dated November 10, 1997(Exhibit A to Resolution No. 1428)
- 3. Notice of Appeal of Development Review Board Decision dated October 13, 1997 filed by Sharon E. Pecbles
- 4. Development Review Board Notice of Decision dated October 15, 1997 including
 - Resolution No. 97DB30
 - Amended and Adopted Staff Report dated September 8, 1997 including Conditions of Approval (Exhibit A to Resolution 97DB30)
 - Planning Memorandum from Robert G. Hoffman dated September 26, 1997 (Response to 9/2/97 memo from Sharon Peebles) (Exhibit B to Resolution 97DB30) including attachments:
 - Memorandum from Sharon Peebles received September 8, 1997 by city
 - Memorandum dated October 30, 1980 from Ben Altman to the Planning Commission regarding setbacks in Charbonneau
 - Planning Commission minutes from November 10, 1980 Planning Commission meeting regarding setbacks in Charbonneau
 - Legal Department Memorandum from Joan S. Kelsey dated October 13, 1997 (Exhibit C to Resolution 97DB30) including referenced
 - City Council Resolution No. 1371 of April 21, 1997
 - Development Review Board's motion to approve (Exhibit D to Resolution 97DB30)

Willamette Valley Homes Appeal of DRB decision on 97DB30 Page 20

5. EXHIBITS ENTERED INTO THE RECORD AND REVIEWED BY THE DEVELOPMENT REVIEW BOARD ON OCTOBER 13, 1997

EXHIBIT NO.

- M. Memorandum, Martin Brown, Building Official and Gene Birchill, Deputy Fire Marshall, September 18, 1997.
- N. Letter/memorandum, Sharon Peebles, September 25, 1997
- O. Planning Division Memorandum, Robert G. Hoffman AICP, September 26, 1997. Response to 9/2/97 Memo from Sharon Peebles (See Exhibit B of Resolution 97DB30 - Item No. 4 above)
- P. Memorandum from Joan Kelsey, Legal Department, dated October 13, 1997 (See Exhibit C of Resolution 97DB30 -Item No. 4 above)
- 6. EXHIBITS ENTERED INTO THE RECORD AND REVIEWED BY THE DEVELOPMENT REVIEW BOARD AT THE SEPTEMBER 8, 1997 HEARING:
 - K. Letter/ H.L. Crawshaw dated September 2, 1997
 - L. Letter/memorandum, Sharon Peebles dated September 2, 1997 (See Exhibit B of Resolution 97DB30 - Item No. 4 above)
- 7. EXHIBITS ENTERED INTO THE RECORD AND REVIEWED BY THE DEVELOPMENT REVIEW BOARD AS CONFIRMATION OF ITS CONSIDERATION OF THE APPLICATION AT THE FIRST PUBLIC HEARING ON SEPTEMBER 8, 1997

EXHIBIT NO.

- A. Findings and conditions of approval.
 (STAFF REPORT DATED September 8, 1997)
 (See Item No. 4 above)
- B. City of Wilsonville Comprehensive Plan. (By reference: available in the Planning Department)

sh:SRI1179797drb3097drbpropingumex

Willamette Valley Homes
Appeal of DRB decision on 97DB30

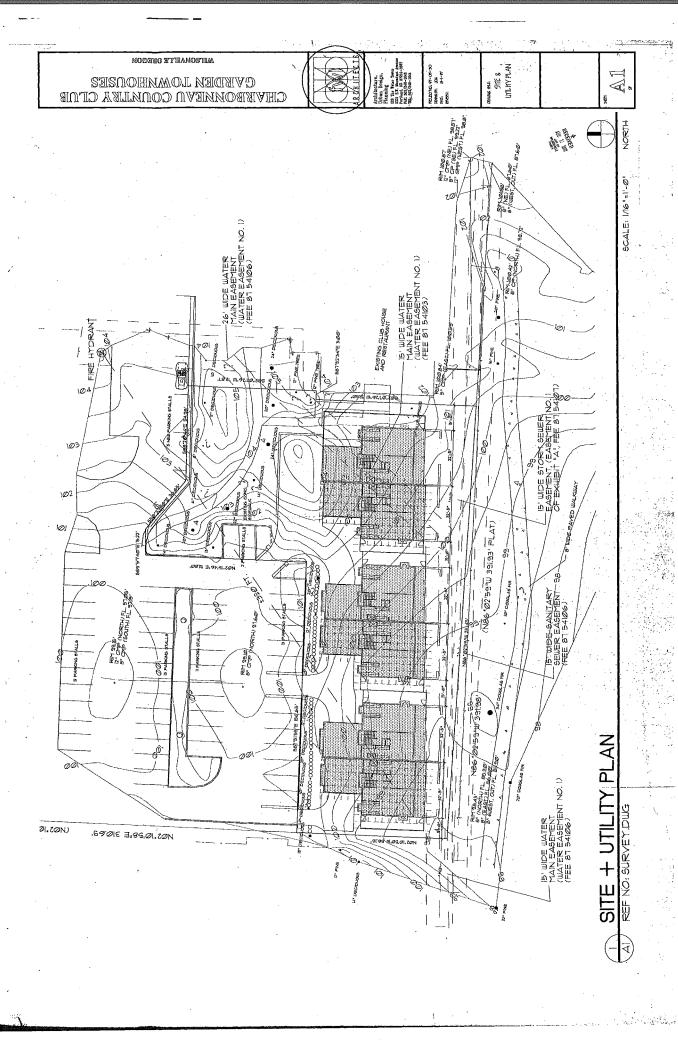
- C. Chapter 4 of the Wilsonville Code (By reference: available in the Planning Department)
- D. Village at Wilsonville Master Plan and map dated May 27, 1971, on file.
- E. Applicant's submittal documents included as a separate document to this staff report. MARKED AS APPLICANT'S SUBMITTAL DOCUMENTS EXHIBIT E
- F. Arborist Report.
- G. City Council Resolution No. 1371 (See Exhibit C Item No. 4 above)
- H. Letter, H.L. Crawshaw, dated April 17, 1997.
- I. City arborist report.
- J. Charbonneau Country Club Architectural Review Application Architectural Review Committee Approval dated August 14, 1997

8. NOTICE OF PUBLIC HEARING

- Affidavit of Publication
- Affidavit of Posting
- Affidavit of Mailing

9. TRANSCRIPTS OF DEVELOPMENT REVIEW BOARD PUBLIC HEARINGS

- October 13, 1997
- September 8, 1997



CITY OF WILSONVILLE PUBLIC HEARING NOTICE Development Review Board Decision Panel A 97DB30 (Appeal)

Public Notice is hereby given that a public hearing will be held before the Wilsonville City Council on Monday, November 17, 1997, beginning at 7 p.m., in the City Hall Annex, 8445 SW Elligsen Road, Wilsonville, OR, or to such other place or time to which the Council may adjourn, to consider the land use issues in connection with the following matter:

A de novo public hearing of an oppest filed by Sharon E. Peebles of the Development Review Board's - Panel A, decision relating to Approval of Site and Design Review of Garden Townhomes on the Green ("Proposed Development"); Charbonneau Village Center, DRB Resolution No. 97DB30, dated October 13, 1997.

Project Name:

Garden Townhomes on the Green

Applicant/Owner:

DRB Action;

Charbonneau Village Center Condominium Association, DELETE
Willametre Valle.

Willamene Valley Homes, Contract Purchaser

Approval of site and design review of a duplex housing project; review was remanded by the City Council in Resolution No. 1371 on April 21, 1997. On October 13, 1997, the DRB approved the

site and design review with conditions.

T3S-R1W, 24CD (Supplemental Map No. 2)

Map No. Tax Lot No. Location:

2000A; Clackamas County, Wilsonville, Oregon Variable Property "A" Charbonneau Village Center

CRITERIA:

City of Wilsonville Code

Zoning: Section 4.012 Section 4.017

Hearing Procedures

Section 4.008

Application procedures - General

Residential (R) zone Section 4,122

Subsection 4.122(7)(h)

Section 4.123

Attached housing standards
Planned Development Residential zone (PDR)

Section 4.124 Section 4.130 to 4.168

Planned Development Commercial zone (PDC)

Planned Development Regulations

Development Standard

Subsection 4.130(2)(c) Sections 4.130 to 4.168

Planned Development Regulations

Subsection 4.136(2)(a)

Waivers

Subsection 4.136(e)(1) and (2) Outdoor Living Area
Section 4.150
Off-street Parking
Subsection 4.161(4)(a)(2) Requires that all developments shall be planned...so

that, existing wooded areas, significant clumps/groves of trees and all conifers and oaks with a diameter of 6" or greater shall be incorporated into the development

whorever feasible.

Subsection 4.161(1)(b) Preservation of trees

Section 4.166

Sections 4.400 to 4.450

Buffering and Screening Landscaping Site Design Review

Public Hearing Notice
Garden Townhomes on the Green 97DB30 Appeal
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30000 SW Town Center Loop E Wilsonville, Oregon 97070 (503) 682-1011 (503) 682-1015 Fox (503) 682-0843 TDD

NOTICE OF DECISION

WILSONVILLE CITY COUNCIL

Project Name:

Garden Townhouses on the Green

File No.:

97DB30 (Appeal)

Applicant/Owner:

Willamette Valley Homes

Appellant:

Sharon E. Peebles

Proposed Action:

Appeal of Development Review Board Decision of October 13,

1997, Willamette Valley Homes - Charbonneau Variable Property "A"; Case File No. 97DB30(Appeal) filed by Sharon

Peebles.

Map No.:

T3S-R1W, 24CD (Supplemental Map No. 2)

Tax Lot No.: Location:

8000A; Clackamas County, Wilsonville, Oregon Variable Property "A" Charbonneau Village Center

On November 17, 1997 at the meeting of the Wilsonville City Council, the following decision was made on the above-referenced proposed development action:

APPEAL DENIED

This decision has been finalized in written form and placed on file in the city records at the Wilsonville City Hall this 17th day of November, 1997, and is available for public inspection. The date of the filing is the date of the decision. Any notice of appeal must be filed with the Land Use Board of Appeals (LUBA) within 21 days from the date of the decision.

Resolution No. 1428 is attached.

For further information please contact the City Recorder, 30000 SW Town Center Loop East, Wilsonville, OR. (503)570-1506.

Attachments:

Resolution No. 1428

n:ciryre\notice\97DB30

Serving The Community With Pride

RESOLUTION NO. 1428

A RESOLUTION ADOPTING FINDINGS AND DENYING THE APPEAL OF SHARON PEEBLES REGARDING THE DEVELOPMENT REVIEW BOARD'S APPROVAL OF SITE AND DESIGN PLANS FOR THE VILLAGE AT WILSONVILLE (CHARBONNEAU). THE SITE IS LOCATED ON VARIABLE PROPERTY "A" IN CHARBONNEAU VILLAGE CENTER ON TAX LOT 8000A, SECTION 24CD (Supplemental Map), CLACKAMAS COUNTY, OREGON. CHARBONNEAU VILLAGE CENTER CONDOMINIUM ASSOCIATION/WILLAMETTE VALLEY HOMES, CONTRACT PURCHASERS/ APPLICANTS and SHARON PEEBLES, APPELLANT. CASE FILE NO. 97DB30(Appeal)

WHEREAS, on April 21, 1997, City Council adopted Resolution 1371 approving with conditions Stage I and II Plans and remanded to the Development Review Board (the Board) site and design review; and

WHEREAS, an application and appeal, together with planning exhibits for the above-captioned development, have been submitted in accordance with the procedures set forth in Sections 4.008(4) and (3) and Section 4.017 of the Wilsonville Code; and

WHEREAS, the Planning Staff has prepared a report on the above-captioned subject; and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on September 8, 1997 and October 13, 1997, at which time said exhibits, together with findings and public testimony, were entered into the public record; and

WHEREAS, the Board duly considered the subject and the recommendations contained in the staff report, and testimony and approved the subject application with conditions and reasons as stated in the Development Review Board Resolution No. 97DB30 dated October 13, 1997, and;

WHEREAS, the Wilsonville City Council received an appeal of the Board's decision of subject application; and

WHEREAS, the appeal and record and staff report dated November 10, 1997, (Exhibit A) were presented for review by the City Council at a De Novo public hearing scheduled for November 17, 1997; and

WHEREAS, the record shall now reflect Willamene Valley Homes has purchased the property and is the sole applicant.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby deny the appeal of Ms. Peebles of the decision of the Development Review Board of October 13, 1997, and does hereby reaffirm and approve, with conditions, the application for Site and Design Review for the Village at Wilsonville and for development of six units of attached housing and adopts the following Findings and Conditions of Approval:

FINDINGS:

- The above recitals are adopted as City Council findings:
- The findings of the staff report memorandum dated September 8, 1997; the staff memorandum dated September 26, 1997; the memorandum dated October 13, 1997 from the legal department; and the staff memorandum dated November 10, 1997; and the legal memorandum dated November 10, 1997 are hereby adopted and incorporated by reference herein.
- The DRB approved site plan and requested waiver by the applicant are not in agreement with DRB approved waivers. The site plan shows 9-foot minimum front yard and 14-foot minimum rear yard. The DRB intended to approve the site plan as drawn and the setback conditions shall be corrected.
- 4. Applicants' objection to the November 17, 1997, facsimile offering of Appellant of the Planning and Design Review files is well taken. The files are rejected on the basis that neither a sufficient foundation, relevancy, or materiality has been established for the City Council to determine which of the many documents, if any, contained in the files apply to the Appellants' points of appeal.
- The Appellant has not carried her arguments on appeal by a preponderance of the evidence. The Applicant has carried his burden of persuasion.

RESOLUTION NO. 1428

PAGE 2 of 3

CONDITIONS OF APPROVAL:

- The Conditions of Approval adopted by the Development Review Board regarding 97DB30 on October 13, 1997 are hereby approved.
- Access to the Variable Property "A" parking and garage from the parking
 lot drives and from Charbonneau shall be by driveways which are at least
 12-feet wide, except the westerly driveway may be reduced to 10 feet at
 points necessary to save the two trees as shall be determined by the
 Planning Department.
- The front setback shall be 9-foot minimum and the rear setback shall be 14-foot minimum with 6' patio wall allowed within the setback.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of November. 1997, and filed with the City Recorder this same date.

JOHN HELSER, City Council President

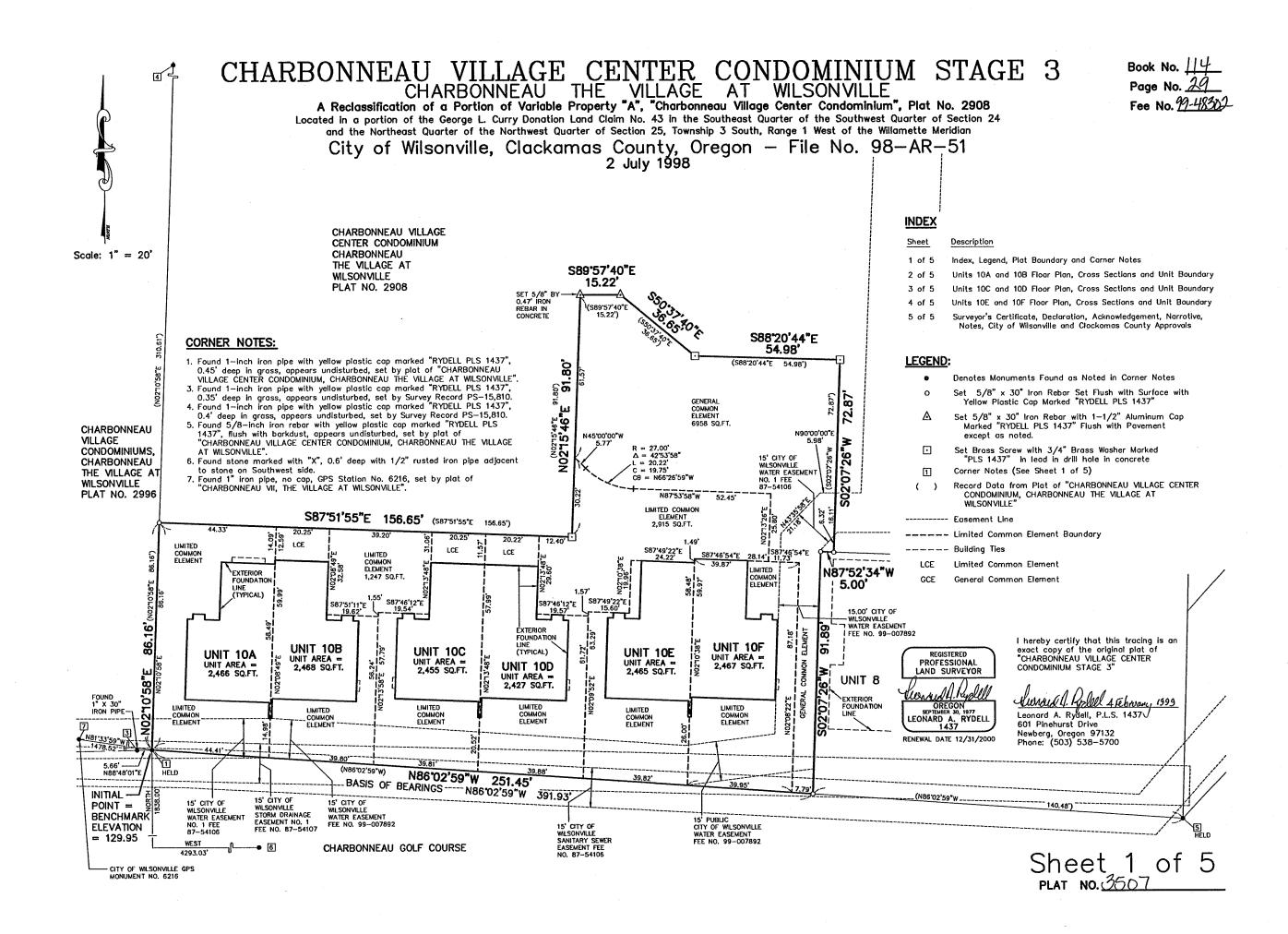
ATTEST:

Sandra C. King, CMC, City Recorder

SUMMARY of Votes:

Mayor Lehan Excuse
Councilor Barton Yes
Councilor Helser Abstair
Councilor Luper Yes

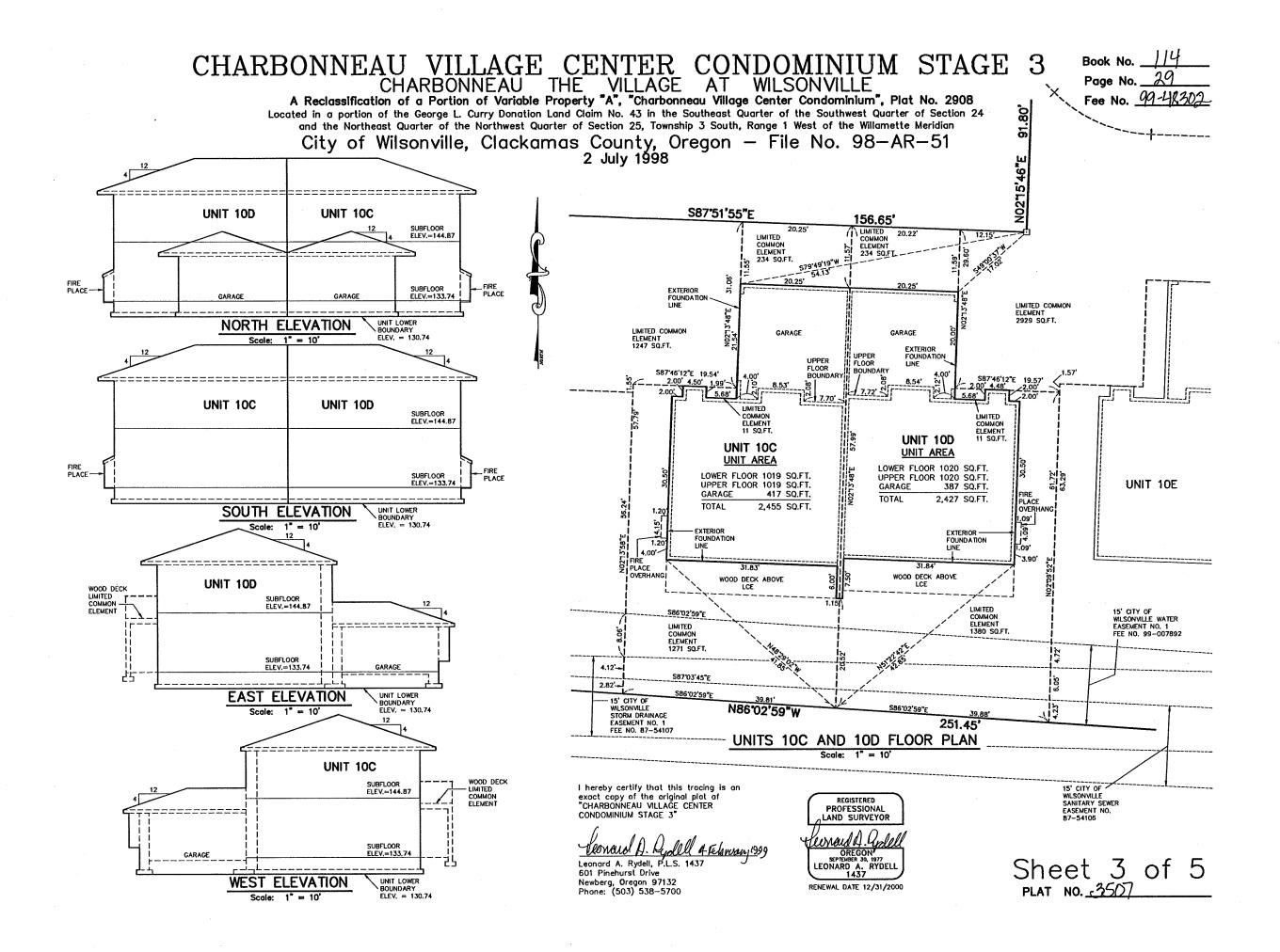
Councilor Luper Ye

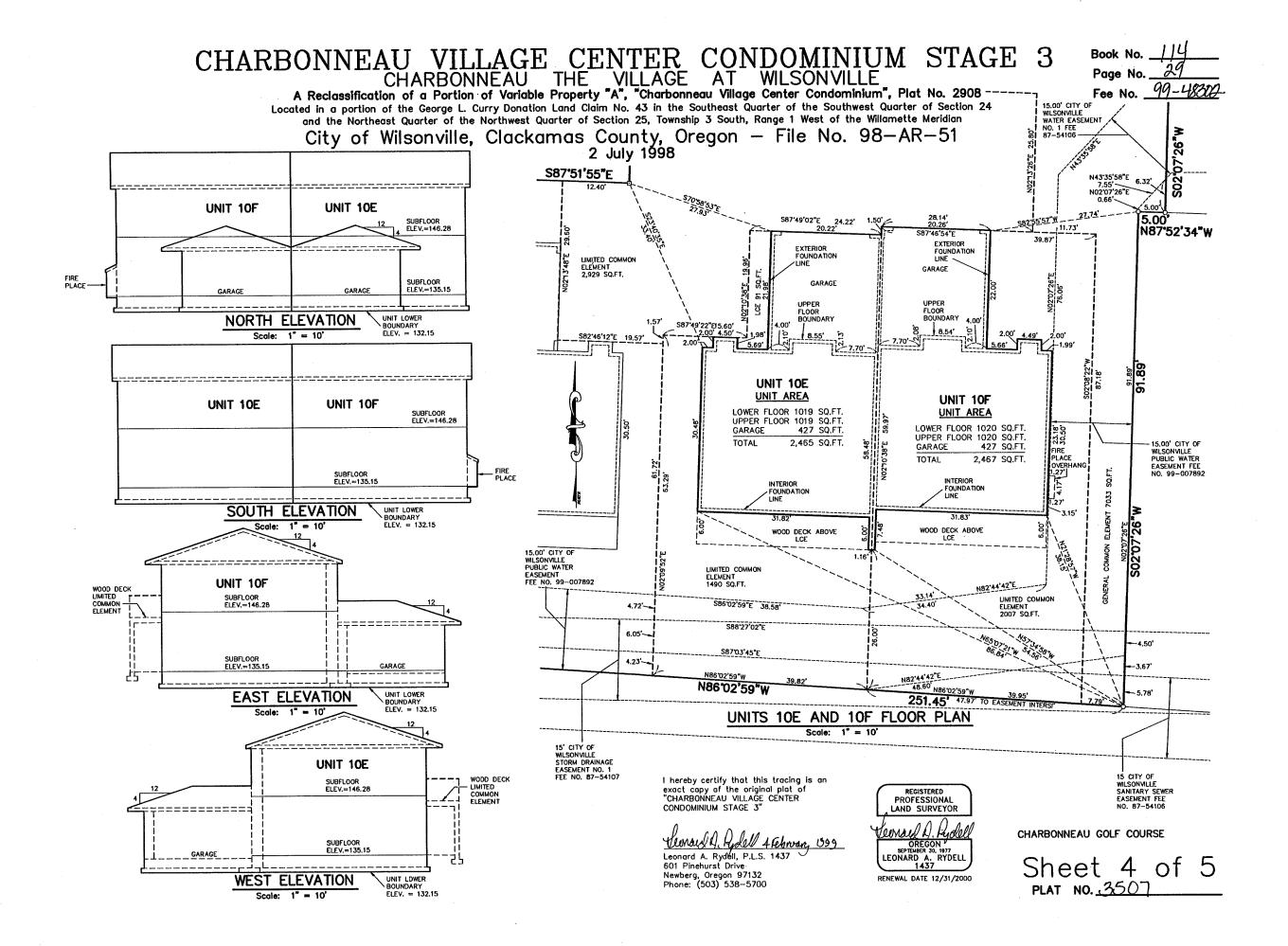


CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3 CHARBONNEAU THE VILLAGE AT WILSONVILLE A Reclassification of a Portion of Variable Property "A", "Charbonneau Village Center Condominium", Plat No. 2908 Located in a portion of the George L. Curry Donation Land Claim No. 43 in the Southeast Quarter of the Southwest Quarter of Section 24 and the Northeast Quarter of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Williamette Meridian

Book No. Page No. Fee No. 99-48302

City of Wilsonville, Clackamas County, Oregon — File No. 98—AR—51 2 July 1998 S87'51'55"E 156.65 UNIT 10B **UNIT 10A** SUBFLOOR ELEV.=143.39 LIMITED COMMON ELEMENT AREA=255 SQ.FT. BUILDING OVERHANG 12.50 LIMITED COMMON ELEMENT AREA=1,247 SQ.FT. COMMON ELEMENT AREA=2,406 SQ.FT. FIRE PLACE~ SUBFLOOR ELEV.≃132.26 GARAGE UNIT LOWER BOUNDARY ELEV. = 129,26 NORTH ELEVATION GARAGE GARAGE EXTERIOR FOUNDATION LINE S87'51'11"E Scale: 1" = 10' - EXTERIOR FOUNDATION 86. 4.00' 1.55 UNIT 10B **UNIT 10A** UMITED -SUBFLOOR ELEV,=143.39 UPPER FLOOR UNIT 10A UNIT AREA **UNIT 10B** UNIT AREA LOWER FLOOR 1019 SQ.FT. UPPER FLOOR 1019 SQ.FT. GARAGE 428 SQ.FT. LOWER FLOOR 1020 SQ.FT. UPPER FLOOR 1020 SQ.FT. GARAGE 428 SQ.FT. SUBFLOOR ELEV.=132.26 FIRE PLACE 2,466 SQ.FT. 2,468 SQ.FT. UNIT LOWER
BOUNDARY
ELEV. = 129.26 SOUTH ELEVATION 4027.538"E 57.79 Scale: 1" = 10' WOOD DECK ABOVE WOOD DECK ABOVE **UNIT 10B** -0.98 WOOD DECK LIMITED COMMON ---ELEMENT SUBFLOOR ELEV,=143.39 \$86*02*59*E 15' CITY OF WILSONVILLE WATER EASEMENT LIMITED COMMON ELEMENT 1160 SQ.FT. 8.06 2.50 - S89'00'32"E 12.43" 4.12'-GARAGE N86'02'59"W 2.82 15' CITY OF WILSONVILLE 251,45 15' CITY OF WILSONVILLE - SANITARY SEWER EASEMENT FEE NO. 87-54106 EAST ELEVATION UNIT LOWER STORM DRAINAGE EASEMENT NO. 1 FEE NO. 87-54107 BOUNDARY ELEV. = 129.26 UNITS 10A AND 10B FLOOR PLAN Scale: 1" = 10' 15' CITY OF WILSONVILLE WATER EASEMENT FEE NO. 99-007892 **UNIT 10A** I hereby certify that this tracing is an exact copy of the original plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3" PROFESSIONAL LAND SURVEYOR SUBFLOOR ELEV.=143.39 Secroud 4-April Gerard H. Roll 4 Ebruary 1999 OREGON / SEPTEMBER 30, 1977 LEONARD A. RYDELL 1437 Leonard A. Rydell, P.L.S. 1437 SUBFLOOR ELEV,=132.26 601 Pinehurst Drive Newberg, Oregon 97132 Phone: (503) 538-5700 RENEWAL DATE 12/31/2000 Sheet 2 of 5 WEST ELEVATION PLAT NO. 3507 Scale: 1" = 10' ELEV. = 129.26





CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE CHARBONNEAU THE VILLAGE AT WILSONVILLE A Reclassification of a Portion of Variable Property "A", "Charbonneau Village Center Condominium", Plat No. 2908 Located in a portion of the George L. Curry Donation Land Claim No. 43 in the Southeast Quarter of the Southwest Quarter of Section 24

and the Northeast Quarter of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian City of Wilsonville, Clackamas County, Oregon — File No. 98—AR—51 2 July 1998

SURVEYOR'S CERTIFICATE

I, Leonard A. Rydell, Oregon Registered Professional Land Surveyor No. 1437, hereby certify that I have correctly surveyed and marked with proper monuments the land represented on the attached plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM — STAGE 3, CHARBONNEAU, THE VILLAGE A WILSONVILLE", a reclassification of a portion of Voriable Property "A" located in "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE", a condominium recorded 29 November 1990 in Book 94, Pages 30 through 36, Plat No. 2908, Fee No. 90—59018, Clackamas County Plat Records, and located in a portion of the George L. Curry Donation Land Claim Na.43 in the Southwest Quarter of Section 24 and the Northwest Quarter of Section 25, Tawnship 3 South, Ronge 1 West of the Willamette Meridian, City af Wilsonville, Clackamas County, Oregan, and mare fully described based on the plat of the "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE" as follows:

Beginning at the Initial Point, a 1—inch iron pipe with a yellaw plastic cap marked "RYDELL PLS 1437" at the Southwest corner of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE", said iron pipe being North 1838.00 feet and West 4293.03 feet from a stone marked with an "X" at the Southeast corner of the George L. Curry Donation Land Claim No. 43 and the Southeast corner of Parcel II described in Bargain and Sale Deed to Mariner-Marshall, a joint venture, recorded 29 April 1987, Fee No. 87-18831, Clackamas Caunty Deed Records; thence North 02° 10′ 58″ East along the East line of said Mariner-Marshall tract 88.16 feet to a 5/8-inch iron rebor; thence South 87' 51' 55" East 156.65 feet to a brass screw; thence North 02' 15' 46" East 91.80 feet to a 5/8-inch iron rebor; thence South 89' 57' 40" East 15.22 feet to a 5/8-inch iron rebor; thence South 89' 57' 40" East 15.22 feet to a 5/8-inch iron rebor; thence South 50' 37' 40" East 36.65 feet to a brass screw; thence South 88' 20' 44" East 54.98 feet to a 5/8-inch iron rebor; thence South 02' 07' 26" West 72.87 feet to a 5/8-inch iron rebor; the Northwest Course of the Limited Course Element of Lies 9.0' acid at the Northwest Corner of the Limited Common Element of Unit 8 of sold "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WLSONVILLE"; thence North 87' 52' 34" West 5.00 feet to a 5/8-inch iron rebar; thence South 02' 07' 26" West 91.89 feet to a 5/8-inch iron rebar are the South line of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU, THE VILLAGE AT WILSONVILLE"; thence North 86 02 59 West along the South line of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE" 251.45 feet to the Initial Point.

Said tract containing 30,314 square feet.

I hereby certify that the accompanying plat occurately depicts the above described tract, is drawn to scale and all paints are monumented in accordance with Oregon Survey Law. I further certify that the accompanying plat accurately depicts the boundaries of the units of the buildings and that construction of the units and buildings as depicted on the plat have been campleted.

Leanord A. Rydell, P. L. S. No. 1439 601 Pinehurst Drive

Newberg, Oregon 97132 Phone: (503) 538-5700

REGISTERED LAND SURVEYOR OREGON SEPTEMBER 30, 1977 LEONARD A. RYDELL

RENEWAL DATE 12/31/2000

NOTES:

- 1. This plat is subject to the "Declaration submitting the Charbanneau Village Center Condaminium to Condominium Ownership" recarded 29 November 1990, Document No. 90-59018, Clackamas County Deed Records, and as amended by Dacument No. 94-095428 recorded 14 December 1994 and Document No. 97-090153 recorded 17 November 1997.
- 2. This plat is subject to the By-Laws, including the terms and provisions thereof, of the Association of Unity Owners of the Charbonneau Village Center Condominium recorded 29 Navember 1990, Document No. 90-59019, Clackamas County Deed Records, and as amended by Document Na. 97-090153 recorded 17 November 1997.

 3. This plot is subject to the "Amendment to Declarotion submitting the

- Clackamas Caunty Deed Records.

 5. This plot is subject to the "Bylaws of Villas on the Greens Homeowners Association" recorded as Document Na. 99-024250. Clackomas County Deed Records.

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that Wond Nelson Contractors, Inc., Doing Business As Willamette Valley Homes, Jerome B. Wand, President, and the Charbonneau Village Center Condominium Unit Owners Association, Robert Brunmeier Chairman and W. O. Traphagen, Secretary, being the owners of the land represented on the attached map and more particularly described in the Surveyor's Certificate hereon made, and the Charbonneau Village Center Condominium Unit Owners Association, Robert Brunmeier Chairman and W. O. Trophagen, Secretary, do hereby reclassify the herein described real property into units and their associated general and limited common elements in accordance with the Condominium Lows as laid out in Chapter 100, Oregan Revised Statues. The property and improvements described and depicted on the plat are subject to the provisions of O. R. S. 100.005 to 100.625. All easements are hereby granted as shown or noted on said plat.

IN WITNESS WHEREOF, we have set our hands:

me B. Wand, President Wand-Nelsan Contractors, Inc. D.B.A. Willamette Valley Homes

Charbonneau Village Center Candominium Unit Owners Association

Charbonneau Village Center Condaminium Unit Owners Association

COMMISSION NO DETENT

ACKNOWLEDGEMENTS:

State of Oregon

County of Clackamas

Willamette Valley Homes, owners of the land described in the Surveyor's Certificate herein, and that the instrument was signed in behalf of Wand-Nelson Contractors, Inc., Daing Business As Willamette Valley Homes, by authority of its Board of Directors, and acknowledged the instrument to be its voluntary act and

Comm exp.: 2-17-2001 Notary : 0 OFFICIAL SEA ELICAN L STSVERS NOTARY FLELIC CIVEGO

State of Oregon

County of Chekamas

behalf of the Charbanneau Village Center Condominium Unit Owners Association by authority of its Board of Directors, and ocknowledged the instrument to be its

Comme eng ! 4-17-2001 valuntary act and deed. Notary: Sum Stevens COMMISSION ENPIRES FEB 17 2861

NARRATIVE:

The purpose of this survey was to prepare a Condominium Plat. Basis of Bearings is South 86' 02' 59" East 391.93 feet between Corners 1 and 5 as per the recorded plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE" which was prepared by this firm. Field ties of buildings and improvements were made using a Topcon GTS 3B electronic total station with a stated angular accuracy of 2" and a distance accuracy of ±(5mm ± 3ppm). Corners were found within 0.03' of their stated position, and these minor measurement differences were ignored. GPS and DLC tie based on calculated distance from Charbanneau Coordinate System from previous wark by this firm.

Elevations based on the Benchmark set in the Plat of "FAIRWAY VILLAGE CONDOMINIUM" which has an elevation of 125.72. Elevations based on U. S. G. S.

There is no Clockamos County Geodetic Control Point within one-half mile of the boundary of this plot.

CITY	OF	WLSO	NVILLE	APPF	ROVALS:
				,	

PACLE STEPHENS Wilsonville Planking Director LASHBEOOK	MARCH 2, 1999
Wilsonville Planking Director LASHIBLOOK	Date
Flor A. Oshow Wilsonville Community Development Director	3/2/99
Milsonville Community Development Director	Date

CLACKAMAS COUNTY APPROVAL	_S:
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CLACKAMAS COUNTY APPROVALS:
Approved this A day of May 1999.
20
Clackamas Caunty Surveyor
Ву
·
All taxes, fees, assessments or other charges as provided by
O. R. S. 100.110 have been poid through #
Approved this day of 1999.
Clackamas County Assessor and Tax Collector
By Lanette Florke Deputy By Craig Terra Deputy
Clackamas County Tax Collector Clackamas County Assessor
State of Oregan ss
County of Clackamas }
I do hereby certify that this condominium plat was received for record on t
12th day of May , 1999 at 2:31 o'clock PM. and
recorded in the County Clerk Recards.
Clarkeman County Clark

I hereby certify that this tracing is an exact copy of the original plat of "CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3"

Leonard A. Rydell 4 February 1999
Leonard A. Rydell, P.L.S. 1437 601 Pinehurst Drive Newberg, Oregon 97132 Phone: (503) 538-5700

Sheet 5 of 5 PLAT NO. 3507

Recorded Declaration & By-Laws

CHARBONNEAU VILLAGE CENTER CONDOMINIUM Charbonneau Drive Wilsonville, Oregon 97070

McEwen, Gisvold, Rankin & Stewart
Attorneys at Law
1600 Standard Plaza
Portland, Oregon 97204

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CONDOMINIUM DOCUMENTS

RECORDED NOVEMBER 29, 1990 CLACKAMAS COUNTY DEED RECORDS

CHARBONNEAU VILLAGE CENTER CONDOMINIUM Charbonneau Drive Wilsonville, Oregon 97070

- 1. DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP, Recorded as Fee No. 90-59018
- 2. PLAT OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM, 7 sheets, Recorded as Plat No. 2908
- 3. BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM, Recorded as Fee No. 90-59019
- 4. POWER OF ATTORNEY from Willamette Factors, Inc. to Charbonneau Country Club, Inc. granting Charbonneau Country Club, Inc. the power to execute future documents admitting the Excepted Tract to the Condominium, Recorded as Fee No. 90-59023
- 5. POWER OF ATTORNEY from Charbonneau Village Center, Inc. granting Charbonneau Country Club, Inc. the power to execute future documents admitting the Excepted Tract to the Condominium, Recorded as Fee No. 90-59024

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DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

Declarant intends by this Declaration to submit the property described below to the form of condominium ownership and use as provided by the Oregon Condominium Act. Declarant proposes to create a condominium known as the Charbonneau Village Center Condominium consisting of residential, recreational and commercial units. The use of the recreational and commercial units shall be compatible with Charbonneau, defined below.

NOW, THEREFORE, Declarant hereby declares and provides as follows:

ARTICLE I

DEFINITIONS AND INTERPRETATION

- 1.1 <u>Definitions</u>. For all purposes of this Declaration each term or expression set forth below in this Article I has the meaning stated immediately after it:
- 1.1.1 <u>Act</u>. Oregon Condominium Act, Chapter 100.005 et seq., of the Oregon Revised Statutes, as amended to the date of the recording of this Declaration.
- 1.1.2 <u>Association</u>. The Charbonneau Village Center Condominium Association, an unincorporated association which is the organization of the Unit Owners, owned by Unit Owners, and subject to the Covenants used by them to manage and regulate the Condominium, as provided in the Bylaws.
- 1.1.3 <u>Board</u>. The Board of Directors which is the managing Board of the Association as provided by the Bylaws.
- 1.1.4 <u>Buildings</u>. The four (4) buildings presently situated on the Land and which comprise the Units as shown on the Plat.

- 1.1.5 <u>Bylaws</u>. The bylaws, and any amendments thereto, governing the organization and operation of the Association pursuant to the Act and Section 11.4 herein.
- 1.1.6 <u>Charbonneau</u>. The residential village adjacent to the Condominium and which is subject to and further described in the Covenants.
- 1.1.7 <u>Club</u>. The Charbonneau Country Club which is a nonprofit corporation organized under the laws of the State of Oregon as further described in the Covenants.
- 1.1.8 <u>General Common Elements</u>. The general common elements and facilities of the Condominium which are more specifically defined and described in Article IV hereof and which include the Land and the Improvements (except for the Units); and which shall not be deemed "Common Areas" as defined in the Covenants.
- 1.1.9 <u>Common Expenses</u>. The expenses of administration, maintenance, repair or replacement of General Common and/or Limited Common Elements and expenses declared to be a Common Expense by (i) the Act, (ii) the Bylaws or (iii) the Association acting pursuant to the Bylaws.
- 1.1.10 <u>Common Profits</u>. The profits, if any, derived from the Common Expenses.
- 1.1.11 <u>Condominium</u>. The Land, the Buildings, the Improvements and all easements, rights and appurtenances belonging to any of the foregoing upon the recording of this Declaration. The Condominium shall be known as the Charbonneau Village Center Condominium.
- 1.1.12 <u>Covenants</u>. Charbonneau Covenants, Conditions and Restrictions for Charbonneau Country Club dated April 5, 1977, and recorded on April 6, 1977, Recorder's Fee #7712613, in the deed records of Clackamas County, Oregon, and any amendments thereto.
- 1.1.13 <u>Declarant</u>. Willamette Factors, Inc., an Oregon corporation, its successors and assigns.
- 1.1.14 Excepted Tract. The Parcel labeled "Excepted Tract" on the Plat and the structures and fixtures thereon, as more specifically described in Exhibit C hereof, which Excepted Tract may become part of the Condominium under the terms described in Article XIX.

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- 1.1.15 Improvements. All improvements and cructures (other than the Units) now or at any time upon the Land including, but not limited to, the sidewalks, walkways, paved driveways, roads and parking areas, electric light poles and the lights thereon, underground utility lines serving the units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and shrubs now or hereafter units, all lawns, trees, plants and the lawns, trees, plants and the lawns now or hereafter units, all lawns, trees, plants and the lawns now or hereafter units, all lawns now
- 1.1.16 Land. The parcels of Land (not including the Units, the Variable Property or the Improvements) described in Exhibit \underline{A} , attached hereto.
- elements which are more specifically described in Article IV hereof and which are reserved for the use of a certain Unit to the exclusion of the other units; and which shall not be deemed "Common Areas" as defined in the Covenants.
- 1.1.18 Occupancy Arrangement. A lease for any period of time (whether or not in writing), a tenancy at will or tenancy at sufferance or any other arrangement (whether or not in writing for any period of time entered into with either the Unit writing for any period of time entered into which a Person occupies a Unit Owner or other Person) pursuant to which a Person occupies a Unit for a Permitted Use.
- 1.1.19 Owners. The Persons, including the Declarant, holding the Variable Property and the Land, together with the Improvements and the Buildings thereon, in fee simple estates as of the date hereof.
- 1.1.20 <u>Percent (%) of Unit Owners</u>. With reference to any given percentage (%), the Unit Owners of that aggregate proportionate interest.
- 1.1.21 <u>Permitted Use</u>. The use of a Unit or any part thereof for residential, recreational or commercial use in accordance with the design of the Unit and as approved by the accordance with the provisions herein and in the Bylaws and Board pursuant to the provisions herein and in the Bylaws and Covenants.
- 1.1.22 <u>Person</u>. An individual, a corporation, a company, a voluntary association, a partnership, a trust, an unincorporated organization or a government or any agency, instrumentality or political subdivision thereof.
- and signed on October 31, 1990 by Leonard A. Rydell, P.E., P.L.S., registered land surveyor, 601 Pinehurst Drive, Newberg, Oregon 97132, consisting of seven sheets, incorporated herein and recorded herewith, which shows the Land, the Improvements, the
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Units, the Buildings, the Variable Property, the Excepted Tract and the location, floor plan and elevation of each Unit.

- 1.1.24 <u>Proportionate Interest</u>. With respect to each Unit, the percentage of interest in the undivided ownership of the General Common Elements and Limited Common Elements as set forth in <u>Exhibit B</u> hereof.
- 1.1.25 <u>Qualified Occupant</u>. A Unit Owner, or other Person who occupies a Unit pursuant to an Occupancy Arrangement, who, in either case and at the relevant time of occupancy, uses the Unit for a Permitted Use and for no other purpose.
- 1.1.26 <u>Termination Date</u>. The date which is seven years from the recording of the conveyance of the first Unit in the Condominium to a Person other than the Declarant.
- 1.1.27 <u>Unit</u>. A Unit (as defined in the Act) in the Condominium, more specifically described in Article III and Exhibit B hereof.
- 1.1.28 <u>Unit Designation</u>. With respect to each Unit, the number used to identify the Unit on Exhibit B hereof, and on any amendments to Exhibit B.
- 1.1.29 <u>Unit Owner</u>. The owner or owners of legal title to a Unit as shown by the records of the Clackamas County Real Property Records.
- 1.1.30 <u>Variable Property</u>. Parcels labeled "A," "B" and "C" on the Plat and the structures and fixtures thereon, all of which may not be withdrawn from the Condominium. The Plat shows the location and dimensions of said parcels and labels them as "Nonwithdrawable, Variable Property." A metes and bounds legal description is attached at Exhibit A-1.
- 1.2 <u>Liberal Construction</u>. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of this Condominium under the provisions of the Act. The terms used herein are intended to have the same meaning given in the Act unless the context clearly requires otherwise or to so define the terms would produce an illegal or improper result.
- 1.3 <u>Exhibits</u>. The various exhibits referred to and attached are incorporated into this Declaration by this reference as though fully set forth where such reference is made.

1.4 <u>Miscellaneous</u>. All terms and words used in this Declaration, regardless of the number or gender in which they are used, shall be deemed to include any other number and any other gender as the context may require. "And/or" when applied to two or more matters or things shall be construed to apply to any one or all thereof as the circumstances warrant at the time in question. "Herein," "hereof" and "hereunder," and words of similar import, shall be construed to refer to this Declaration as a whole, and not to any particular section, unless expressly so stated.

ARTICLE II

SUBMISSION OF LAND AND PROPERTY TO THE ACT

The Owners, being the respective Owners of the Land and the Variable Property described in Exhibits A and A-1, respectively, and the Buildings and Improvements on the Land, by executing and recording this Declaration and filing herewith the Plat, submit their respective fee simple interests in the Land and the Variable Property, together with the Buildings and Improvements, to the provisions of the Act; and further declare that said property shall be subject to the Covenants, except, however, that the General and Limited Common Elements of the Condominium shall not be deemed "Common Areas" as defined in the Covenants.

ARTICLE III

DESCRIPTION OF UNITS

- 3.1 <u>General Description</u>. The Unit Designations and the approximate area of each are set forth in Exhibit B attached hereto and made a part hereof. The Units comprise the Buildings as shown on the Plat, which Buildings are primarily of wood frame construction with concrete foundations.
- 3.2 <u>Location and Unit Designation</u>. The Condominium consists of a total of 8 Units, designated as Units #1 through #8. The Units are further described in Exhibit B and the dimensions, designations, and location of each Unit are shown on the Plat.
- 3.3 <u>Boundaries of Units</u>. The boundaries of each Unit are as follows:
- 3.3.1 Units #4 and #8 are bounded by the exterior finished surfaces of each Unit's perimeter doors, door frames, walls, windows, window frames, decks, roofs, roof overhangs, roof

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support posts and foundation, as presently existing, and by all other materials constituting any part of the perimeter finished surface of each Unit.

- 3.3.2 Units #1, #2, #3, #5, #6 and #7 are bounded by the same boundaries as the Units described in paragraph 3.3.1 above, except that (a) the boundaries of Units #1, #2 and #3 on the side of their respective common walls are the planes of the centers of their respective common walls extending from the exterior finished surface of each Unit's roof to the lower surface of each Unit's foundation; (b) the boundaries of Units #5 and #7 on the side of their respective common walls with Unit #6 are the planes of the exterior surfaces of the common wall studs facing Unit #6 extending from the exterior finished surface of each Unit's roof to the plane of the bottom surface of Unit #6's suspended floor; and (c) the boundaries of Unit #6 are the planes of the interior surfaces facing Unit #6 of the respective common walls with Units #5 and #7 and the plane of the bottom surface of Unit #6's suspended floor.
- 3.3.3 In addition, subject to Section 3.3.4 . below, each Unit shall include: (a) any permanent planter boxes adjacent to the Unit, (b) the outlet of any utility service lines, including but not limited to water, sewage, gas, electricity, and ventilating ducts within the Unit, and (c) the utility lines or ducts within five (5) feet of the Unit.
- 3.3.4 If any utility service line or duct or any outlet or portion thereof serves more than one Unit or any portion of the General or Limited Common Elements, then said line, duct and/or outlet is a part of the General Common Elements.

ARTICLE IV

GENERAL COMMON AND LIMITED COMMON ELEMENTS

- 4.1 <u>Description of General Common Elements</u>. The General Common Elements consist of the Improvements and the Land (other than the Units, Limited Common Elements, and Variable Property) and include, without limitation, the following:
- 4.1.1 Pathways, driveways, fences, grounds and parking areas; and
- 4.1.2 All other elements of the Land and the Improvements existing for common use or necessary or convenient to the existence, maintenance or safety of the Condominium, except as may be expressly designated in this Declaration as a part of a Unit, Limited Common Element, or Variable Property.
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- 4.2 <u>Description of Limited Common Elements</u>. The Limited Common Elements consist of the portions of the Land immediately adjacent to and under the respective Units and the Improvements thereon, including but not limited to the sidewalks, restrooms, walkways and landscaping, as more particularly described in the Plat. The use of each of said Limited Common Elements is limited to the Unit which is adjacent to the Limited Common Element as shown on the Plat, to the exclusion of the other Units.
- 4.3 <u>Use of General Common and Limited Common Elements</u>. No Person shall use the General Common and/or Limited Common Elements or any part thereof in any manner contrary to or not in accordance with this Declaration, the Bylaws or such rules and regulations pertaining thereto which from time to time may be promulgated by the Board.
- 4.4 Maintenance, Repair and Replacement by the Board. The necessary work to maintain, repair or replace the General Common Elements and all sidewalks and landscaping on the Limited Common Elements (except for non-permanent planter boxes) shall be the responsibility of the Board and shall be carried out as provided by the Bylaws. Nothing herein, however, shall be construed so as to preclude the Board from delegating any of its duties to the Club or to any other Persons.
- 4.5 <u>Maintenance</u>, <u>Repair and Replacement by Unit Owners</u>. Except as provided in Paragraph 4.4 above, all Improvements and Land which are part of the Limited Common Elements shall be maintained, repaired, replaced and kept in good order by the respective owners of the Units which have exclusive use of the respective Limited Common Elements as shown on the Plat.
- 4.6 Failure to Maintain Limited Common Elements. If a Unit Owner fails to maintain, repair and keep in good order the Limited Common Elements appurtenant to that owner's Unit pursuant to Section 4.5 above, the Board, after reasonable notice, may do so as provided in the Bylaws.
- 4.7 Allocation of Undivided Interest in the General Common and Limited Common Elements. Each Unit will be entitled to an undivided ownership interest in the General Common and the Limited Common Elements as provided in the attached Exhibit B. The Proportionate Interests have been determined by the Owners based on the Owners' estimate of each Unit's use of the General Common and Limited Common Elements and other equitable considerations as of this date and are set forth in Exhibit B.

ARTICLE V

USE AND MAINTENANCE OF UNITS

- Use of Units. A Unit may be owned by one or more Persons in any form of ownership. No Unit shall be used or occupied for any purpose other than the Permitted use by one or more Qualified Occupants and agents, independent contractors and employees of such Qualified Occupants. No commercial Unit may be used for any use which in the reasonable opinion of the Board is incompatible with Charbonneau and/or inconsistent with maintaining the general character of a first class retail and general commercial condominium in the quality of its maintenance, use and occupancy; provided that general office/retail use shall be deemed a Permitted Use. No recreational Unit may be used for any use which in the reasonable opinion of the Board is incompatible with the general purpose of providing recreation for the residents of the Condominium and/or Charbonneau. In addition to the foregoing, the use of each Unit shall be limited in accordance with the Bylaws and the Covenants.
- 5.2 <u>Limitation on Use of Units for Food Service</u>. Notwithstanding the provisions in Section 5.1 above, no Unit may be used for food and/or beverage service (alcoholic and/or non-alcoholic) which directly and materially competes with any other Unit's food and/or beverage service, unless such competing use is expressly approved in writing by the Board and by the owner(s) of the affected Unit(s); except that the use of Units #1, #5 and #8 as described below shall not be prohibited under this Section:
 - 5.2.1 Unit #1: sale of products usually sold in a convenience food market;
 - 5.2.2 Unit #5: private club food and bar service for Club members and guests only;
 - 5.2.3 Unit #8: "Class A" full service restaurant and bar for the public.

The restriction described in this Section 5.2 shall automatically terminate on January 31, 2003.

5.3 <u>Maintenance of Units</u>. Each Unit Owner shall be obligated to maintain and keep in good order and repair his/her own Unit, including, but not limited to the structural integrity of his/her Unit, in accordance with the Bylaws and the Covenants.

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ARTICLE VI

DECLARANT'S RESERVED RIGHTS TO CONSTRUCT AND DEVELOP THE VARIABLE PROPERTY

- 6.1 Reservation of Rights to Variable Property. The Declarant hereby expressly reserves the right, power and exclusive easement under the Act (ORS 100.150(1)) to develop and construct on the Variable Property on or before the Termination Date, a maximum of five (5) Units on Variable Property "A", "B" and/or "C" (creating a maximum of thirteen (13) Units for the Condominium), as follows:
- 6.1.1 Prior to the development of Variable Property "B," the Declarant shall obtain the written consent of the owner of Unit #5;
- 6.1.2 Development of the Variable Property must comply with the City of Wilsonville's zoning regulations as amended, including but not limited to parking space requirements; and
- 6.1.3 Declarant, its successors or assigns, may create no more than three (3) Units on Variable Property "A"; no more than one (1) Unit on Variable Property "B" and no more than one (1) Unit on Variable Property "C".
- 6.1.4 The Units on the Variable Property shall be for residential, recreational, or commercial use and shall be subject to the restrictions herein. Notwithstanding anything to the contrary in this Declaration, Declarant's original construction on the Variable Property shall not be subject to any approvals by the Board and/or Association and Declarant, in its sole discretion, may, in the supplemental Declaration and Bylaws, allocate voting rights for the new Units to be less than an aggregate of one vote per Unit.
- Limited Common Elements. In addition to all other rights of Declarant hereunder, Declarant reserves unto itself, its agents, servants, employees, independent contractors, workmen, work crews, successors, and assigns the right and easement to use, occupy, and alter the General Common Elements and the Limited Common Elements for all purposes necessary in order to construct the Condominium Units on the Variable Property and the General Common and Limited Common Elements and facilities therefor including but not limited to the creation of additional permanent parking areas in the General Common Elements and the right to grant easements across said General Common and Limited Common Elements for the installation of utilities and the right to grant easements to others to use any roadways and paths for vehicular and pedestrian traffic.
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Without limiting the generality of the foregoing and in furtherance thereof, the Declarant reserves unto itself, its agents, servants, employees, independent contractors, workmen, work crews, successors, and assigns, the following rights to be in full force and effect until the last of the Units, including any Units constructed on the Variable Property, is conveyed of record by the Declarant, its successors or assigns: the right of access, ingress, and egress, including that deemed by the Declarant to be necessary for marketing purposes and for the work of construction, reconstruction, rehabilitation, improvement, and other work in progress or contemplated by Declarant, over and upon the Variable Property and/or the General Common and Limited Common Elements; the right to lay, maintain, repair and replace, construct, and install all utilities, utility lines, poles, ducts, conduits, and similar facilities to serve any or all of the Units and the General Common and Limited Common Elements and all conduits, ducts, plumbing, wiring, and other facilities for the furnishing of power, light, air, and all sewer and drainage pipes, septic tanks, and sewerage disposal systems to serve any or all of the Units and the General Common and Limited Common Elements; to store construction materials, equipment, and supplies on the General Common and Limited Common Elements; to restrict (for periods of not more than eight (8) hours at any time during any day) the use by Unit Owners of General Common and Limited Common Elements to facilitate construction or for purposes of safety (provided, of course, no Unit Owner shall be denied at least one means of access to his or her Unit during such periods of restriction); the right to leave debris resulting from construction in the General Common and Limited Common Elements, but only during working periods, provided the same do not endanger safety and provided Declarant removes all such debris as soon as reasonably practicable; the right to interrupt for brief intervals of time, water, electric, and other utilities necessary to facilitate construction or the installation of appliances or fixtures in the Units or General Common and Limited Common Elements and facilities under construction; the right to park vehicles used in connection with the construction work or incident thereto in parking areas; and, in general, the right to do all things necessary or desirable in order to construct and complete the Units on the Variable Property and the General Common and Limited Common Elements and facilities therefore. Declarant's use and alterations of the General and Limited Common Elements shall be at Declarant's expense. Declarant shall repair and restore any damaged General and Limited Common Elements, and Declarant shall use reasonable efforts to minimize interference with the use of Units during business hours.

6.3 Assignment of Declarant's Rights. The Declarant, by deed or separate assignment, shall be entitled to sell, convey, transfer and/or assign any and all of its rights and

^{10 -} DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM. DEC 10/19/90

reserved rights hereunder and in the Bylaws at any time, and from time to time, to any Person, trust, firm, or entity as may be determined by Declarant.

- 6.4 Interest in General Common and Limited Common Elements After Development. The minimum Proportionate Interest upon completion of the development of all Units on the Variable Property is provided in Exhibit B. Upon the creation of additional Units, the Proportionate Interests shall be determined by the Declarant based on the Declarant's estimate of the use of the General Common and Limited Common Elements by each Unit, including the newly created Units, as of the date each supplemental declaration is recorded to reclassify all or a portion of the Variable Property.
- 6.5 <u>Reclassification</u>. Declarant may reclassify all or a portion of the Variable Property as one or more Units and/or Limited Common Elements and/or General Common Elements or a combination of the aforesaid. The Limited Common and/or General Common Elements which Declarant may create shall be consistent with the type of Limited Common and General Common Elements presently existing.
- 6.6 <u>Prior to Reclassification</u>. Until the Variable Property is reclassified as provided above:
- 6.6.1 The Variable Property shall be a distinct classification of property and shall not be a General Common Element, Limited Common Element or Unit of the Condominium;
- 6.6.2 The Variable Property shall be considered a parcel of real property subject to separate assessment and taxation by Clackamas County, Oregon in like manner as other parcels of real property;
- 6.6.3 Declarant, its successors, or assigns, shall be responsible for payment of all assessments, taxes and other expenses of the Variable Property;
- 6.6.4 Ownership or occupancy of Variable Property shall not confer any right to use the General Common and Limited Common Elements of the Condominium except as provided herein;
- 6.6.5 Ownership or occupancy of a Unit shall not confer any right to use the Variable Property;
- 6.6.6 The Variable Property shall not be subject to assessments for Common Expenses of the Condominium;
- 6.6.7 The Declarant expressly reserves the right to grant and/or establish any type of easement, including but not
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limited to utility easements, over the Variable Property that the Declarant deems necessary.

- 6.7 <u>Undeveloped Variable Property</u>. If by the Termination Date there is any remaining Variable Property:
- 6.7.1 The Variable Property shall become part of the General Common Elements and any interest in the Variable Property held for security purposes shall be automatically extinguished by such reclassification; and
- 6.7.2 It is expressly prohibited by this Declaration, notwithstanding the Termination Date, for the Association to exercise any rights previously held by the Declarant with respect to any Variable Property automatically reclassified.

ARTICLE VII

COMMON PROFITS AND EXPENSES; VOTING

- 7.1 Allocation of Common Profits and Expenses. The Common Profits derived from and the Common Expenses of the General Common and Limited Common Elements shall be distributed and charged each Unit Owner according to the Proportionate interest of such Unit as set out in Exhibit B, except as provided in Section 6.9 of the Bylaws.
- 7.2 Allocation of Voting Rights. Each Unit Owner shall be entitled to an aggregate of one vote per Unit for each Unit owned for the purposes of this Declaration and the Bylaws. The method of voting shall be as specified by the Bylaws.

ARTICLE VIII

SERVICE OF PROCESS

The name of the person to receive service of process in cases provided in the Act (ORS 100.550(1)) is Robert Foote, President, Willamette Factors, Inc., located at Unit #3, Charbonneau Village Center Condominium, 31840 Charbonneau Drive, Wilsonville, Oregon 97070. Said person is named in the Condominium Information Report which has been filed with the Secretary of State in accordance with ORS 100.250(1)(a).

ARTICLE IX

EASEMENTS AND ENCROACHMENTS

- 9.1 <u>In General</u>. Each Unit has an easement in and through each other Unit and the General Common and Limited Common Elements for the purpose of building, constructing and
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maintaining underground or concealed electric and telephone lines, gas, water, sewer, storm drainage lines, radio and television antennae and cables, and other utilities and services now or thereafter commonly supplied by public utilities or municipal corporations as required to effectuate and continue proper operation of the Units and/or the Condominium. The specific mention or reservation of any easement in this Declaration does not limit or negate the general easements for General Common and Limited Common Elements reserved by the Act. In addition, each Unit is subject to mutual and reciprocal easements over and across all sidewalks and other walkways in the Limited Common Areas for the purpose of traveling by foot, by bike, cart or other conveyance as appropriate.

- Encroachments. Each Unit and all General Common and Limited Common Elements shall have an easement over all adjoining Units and General Common and Limited Common Elements for the purpose of accommodating any present or future encroachment as a result of engineering errors, construction, reconstruction, repairs, settlement, shifting, or movement of any portion of the Land, Improvements and/or Units, or any other similar cause, and any encroachment due to building overhang or There shall be valid easements for the maintenance projection. of the encroaching Units and General Common and Limited Common Elements so long as the encroachments shall exist, and the rights and obligations of Unit Owners shall not be altered in any way by the encroachment. The encroachments described in this Section shall not be construed to be encumbrances affecting the marketability of title to any Unit.
- 9.3 Granting of Easements by Association. The Association, upon prior approval of 75 percent of the voting power of the Unit Owners and pursuant to the Act (ORS 100.405(5)), may execute, acknowledge, deliver and record on behalf of the Unit Owners, leases, easements, rights of way licenses, and similar interests affecting the General Common Elements and, if approved by the Unit Owner(s) with exclusive use, the Limited Common Elements; and consent to vacation of roadways within and adjacent to the Condominium. Any such instrument shall be executed by the chairman and secretary of the Association.
- 9.4 Right of Entry. A Unit Owner shall grant the right of entry to the Board, managing agent, manager or any other Person authorized by the Board in the case of any emergency originating in or threatening his/her Unit or other Condominium property, whether or not the Owner is present at the time. A Unit Owner shall also permit such Persons to enter his/her Unit for the purpose of performing installations, alterations or repairs to any General Common and/or Limited Common Element and

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for the purpose of inspection to verify that the Unit Owner is complying with the restrictions and requirements described in this Declaration and the Bylaws, provided that requests for entry are made in advance and that such entry is at a time convenient to the Unit Owner.

- 9.5 Easements for Declarant. Declarant and Declarant's agents, successors and assigns shall have an easement over and upon the General Common and Limited Common Elements for the purpose of completing or making repairs to existing structures and carrying out sales and rental activities necessary or convenient for the sale or rental of Units.
- 9.6 Easement for the Club. Notwithstanding Section 9.7.1 below, the Owners hereby grant an easement to the Club over and across the Condominium for the purpose of ingress and egress which the Club deems necessary to perform its duties as set forth in the Covenants.
- 9.7 <u>Termination of Prior Easements</u>. In consideration of the agreements herein, the Owners hereby terminate as of this date the following easements affecting the Land:
- 9.7.1 The reservation in the deed recorded November 28, 1979, Fee No. 7952749; said reservation being described as follows:

Reserving unto Charbonneau Country Club, its officers, employees, subcontractors or agents the right of ingress and egress in, under or upon any portion of the said Lot, or any improvements thereon, which the Club deems necessary to perform the acts and duties set forth in the Declaration recorded the 6th Day of April, 1977, under Fee No. 7712613, and all future amendments thereto, if any.

- 9.7.2 All provisions in certain respective unrecorded Easement and Common Area Agreements by and between Declarant as Grantor and:
 - a. Charbonneau Village Center, Inc., an Oregon corporation, as Grantee, dated June 28, 1989, affecting Units #1, #2 and #3; and
 - b. Charbonneau Country Club Association, an Oregon non-profit corporation, as Grantee, dated July 5, 1989, affecting Units #4 and #5.

ARTICLE X

MORTGAGEE PROTECTION

- 10.1 <u>Consent Required</u>. In addition to any other approvals required by the Act, this Declaration, the Covenants or the Bylaws, the prior approval of mortgagees holding first mortgages on Units which have at least sixty-seven percent (67%) of the votes of said mortgaged Units, must be obtained for the following:
- 10.1.1 Abandonment or termination of the Condominium regime;
- 10.1.2 Except as provided in Article XIII, any change in the Proportionate Interest or obligations of any individual Unit for (a) purpose of levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, or (b) determining the Proportionate Interest of ownership of each Unit in the General Common and Limited Common Elements;
- 10.1.3 Abandonment, partition, subdivision, encumbrance, sale or transfer of the General Common and/or Limited Common Elements. The granting of easements for public utilities or for public purposes consistent with the intended use of the General Common Elements by the Condominium shall not be deemed a transfer within the meaning of this Section:
- 10.1.4 Use of hazard insurance proceeds for losses to the Condominium, whether to Units or to General Common or Limited Common Elements, for other than the repair, replacement or reconstruction of the Condominium, except as provided by the Act in cases of substantial loss to the Units and/or General Common and/or Limited Common Elements of the Condominium.
- 10.1.5 Imposition of any right of first refusal or similar restriction on the right of a Unit Owner to sell, transfer, or otherwise convey such Owner's Unit;
- 10.2 <u>Notice</u>. Upon written request to the Association identifying the name and address of the mortgagee and the Unit number, any mortgagee shall be entitled to receive written notice of all meetings of the Association and shall be permitted to designate a representative to attend all such meetings.
- 10.3 <u>Deemed Approval by Mortgagees</u>. Any mortgagee who receives a written request to approve an amendment to the Declaration or Bylaws or any other action to be taken by the
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Board, Association, or Unit Owners, shall be deemed to have given such approval unless such mortgagee's written objection to such action is delivered to the Association within thirty (30) days after the date of the written request.

ARTICLE XI

ASSOCIATION OF UNIT OWNERS

- 11.1 Organization. Upon the recording of this Declaration, an Association of Unit Owners shall be organized to serve as a means through which the Unit Owners may take action with regard to the administration, management, and operation of the Condominium. The name of this Association shall be the Village Center Condominium Association. The Association shall be an unincorporated association. However, upon approval of seventy-five percent (75%) of the Unit Owners, the Association may be incorporated under the Oregon Nonprofit Corporation Law.
- 11.2 <u>Membership</u>; <u>Board of Directors</u>. The owner or owners of each Unit shall be entitled to an aggregate of one membership per Unit in the Association. The affairs of the Association shall be governed by the Board as provided by the Bylaws.
- Association shall have such powers and duties as may be granted to it by the Act, together with such additional powers and duties afforded it by this Declaration and/or the Bylaws. Notwithstanding anything to the contrary herein, the Board can hire managers and/or other agents ("Manager") who shall be responsible for the implementation of the decisions of the Board and for conducting the ordinary and usual business affairs of the Association. The Manager shall at all times be subject to the direction of the Board and shall keep the Board informed as to all matters of concern to the Board.
- 11.4 Adoption of Bylaws, Appointments of Interim Board, and Designation of Manager. Recorded simultaneously herewith are Bylaws adopted by the Owners. As of this date, Declarant will appoint three Directors as an interim Board of Directors of the Association, which Directors shall serve until their successors have been elected as provided in the Bylaws. Such interim Board of Directors may appoint a manager or managing agent for the Condominium on behalf of the Association, and such manager or managing agent shall have complete authority to assume full control and responsibility for the management, operation and maintenance of the Condominium at the expense of the Association from the date of its formation until a successor is appointed by the Board of Directors.

ARTICLE XII

RELOCATION OF BOUNDARIES

- adjoining Units, including any intervening General Common or Limited Common Elements, may be relocated or eliminated by an amendment to this Declaration. The owners of the affected Units shall submit to the Board a proposed amendment which shall identify the Units involved, state any reallocations of General Common and/or Limited Common Element interest, voting rights, Common Expense liability and right to Common Profits and contain words of conveyance. The Board shall approve the amendment unless it determines within 45 days that reallocations are unreasonable or the relocation or elimination will impair the structural integrity or mechanical systems of the Condominium.
- 12.2 Recording of Supplemental Documents. The amendment shall be executed by the owners and mortgagees of the affected Units, certified by the chairman and secretary of the Association, approved as required by the Act and recorded in the appropriate records of Clackamas County, Oregon. In addition, plat and floor plans necessary to show the altered boundaries between the adjoining Units and/or General Common and/or Limited Common Elements shall be recorded as required by the Act.
- owners of the affected Units to submit an opinion of a registered architect or registered professional engineer that the proposed boundary relocation or elimination will not impair the structural integrity or mechanical systems of any Unit or of any portion of the Condominium. The Board or any agent appointed by the Board may supervise the work necessary to effect the boundary relocation or elimination. Any expenses incurred under this section shall be charged to the owners of the Units requesting the boundary relocation or elimination.

ARTICLE XIII

AMENDMENT

provided herein or by the Act, this Declaration may be amended if such amendment is approved by Unit Owners holding seventy-five percent (75%) of the voting rights of the Condominium. Declarant's prior written consent shall also be required so long as Declarant owns twenty percent (20%) or more of the Units in the Condominium, but no such consent shall be required after five years after the date this Declaration is recorded. No amendment may (1) change the size, location, allocation of undivided interest in the General Common and Limited Common Elements, (2) change the share of Common Profits or Expenses, (3) substantially

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change the Permitted Use of any Unit; or (4) change the voting rights of any Unit unless such amendment has been approved by the owners and mortgagees of the affected Unit. Article X may not be amended without the written consent of all holders of first mortgages on Units in the Condominium.

- 13.2 <u>Recordation</u>. The amendment shall be effective upon recordation of the Declaration as amended or of the amendment thereto, in the Deed Records of Clackamas County, Oregon, certified to by the chairman and secretary of the Association and, if required by law, approved by the Clackamas County Assessor and Oregon's Real Estate Commissioner.
- 13.3 <u>Declarant Amendment</u>. The Declarant may amend this Declaration or the Bylaws in order to comply with requirements of the Federal Housing Administration, the Veteran's Administration, the Farmer's Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon which insures, guarantees or provides financing for condominium units. Such power of amendment may be exercised only prior to the Termination Date.

ARTICLE XIV

SEVERABILITY; INVALIDITY

Each provision of this Declaration and the Bylaws shall be deemed independent and severable, and the validity or partial invalidity of any provision shall not affect the validity or enforceability of the remaining part of that or any other provision of this Declaration or the Bylaws.

ARTICLE XV

WAIVER

No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches that may occur.

ARTICLE XVI

CAPTIONS

The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit, or

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describe the scope of this Declaration nor the intent of any provision hereof.

ARTICLE XVII

CONFLICTS

This Declaration is set forth to comply with the requirements of the Act in effect upon the date of execution of this Declaration and any future amendments thereto that are specifically made retroactive in application. In case any provisions stated within this Declaration are in conflict with the provisions of the Act, the provisions of the Act shall control.

ARTICLE XVIII

ARBITRATION

Any dispute or claim that arises out of or that relates to the Declaration, Bylaws and/or Plat, or to the breach thereof, shall be resolved by arbitration in accordance with the rules of the Arbitration Service of Portland, Inc., that are in effect at the time arbitration is initiated, and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. All Unit Owners shall be bound by the decision of the arbitrators.

ARTICLE XIX

ADDITION OF EXCEPTED TRACT

- 19.1 Notwithstanding anything to the contrary herein, the Owners agree that they are hereby pre-approving the inclusion of the Excepted Tract in the Condominium under the following terms:
- 19.2.1 The Excepted Tract must substantially meet the specifications described in Exhibit C at the time the Excepted Tract is submitted to Condominium ownership.
- 19.2.2 Upon its submission to Condominium ownership, the Excepted Tract's Proportionate Interest shall be determined by the Board based on the Board's estimate of the then current use of the General Common and Limited Common Elements by the Excepted Tract.
- 19.2.3 The Owner(s) of the Excepted Tract must have paid any and all amounts due the Association from the date hereof to the date the Excepted Tract is submitted to Condominium ownership; provided, however, that all amounts due the . Association for such period for Common Expenses benefiting the
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Excepted Tract shall not exceed the equivalent of an eight percent (8%) proportionate share of the Common Expenses; and any amounts for Common Expenses which the Owner(s) of the Excepted Tract pays to the Association from the date hereof for Common Expenses shall be applied against said amount due for Common Expenses;

The Owner of the Excepted Tract must, at 19.2.4 that Owner's sole cost and expense, prepare the supplemental Condominium documents as required by the Act, pay all fees, and submit said documents for approval to the Board as to compliance with the terms in this Declaration and the Act.

19.2.5 This pre-approval shall automatically terminate on the Termination Date; from and after said Termination Date, the Excepted Tract shall only be admitted to the Condominium by a supplemental declaration approved by 100% of the Unit Owners.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed this inday of Noulmble 1990.

"DECLARANT"

WILLAMETTE FACTORS, INC., an Oregon corporation

Robert L. Foote, President

"OWNERS"

CHARBONNEAU COUNTRY CLUB, an Oregon non-profit corporation INC., an Oregon corporation

Walter E. Attridge

President

CHARBONNEAU VILLAGE CENTER,

Robert L.

President

Nancy Chare Ralston Secretary

WILLAMETTE FACTORS, INC., an Oregon corporation

Robert L. Foote

President

CENTER THECHARBONNEAU VILLAGE 20 - DECLARATION SUBMITTING CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM. DEC 10/19/90

STATE OF OREGON County of Clahamas

say that he is the President of Willamette Factors, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

DEBBIE E. ALEXANDER NOTARY PUBLIC OREGON

My Commission Expires_

STATE OF OREGON

County of Clahomor

Notary Public for STATE DEGAL My Commission expires: 43

On this / day of November, 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the President of Charbonneau Village Center, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged ;aid instrument to be its voluntary act and deed.

SS.

DEBBIE E. ALEXANDER NOTARY PUBLIC OREGON My Commission Expires_

STATE OF OREGON

County of Alshaman

Notary Public for STATE OCTORD

My Commission expires: 4-25-94

On this 1st day of Nouember, 1990, personally appeared the above-named Walter E. Attridge, who, being first duly sworn, did say that he is the President of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

SS.

DEBBIE E. ALEXANDER NOTARY PUBLIC OREGON My Commission Expires_

Notary Public for STATE DELUON! My Commission expires: 4-25-94

21 - DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM. DEC 10/19/90 CENTER STATE OF OREGON

County of Clalianian

) ss.

On this day of November, 1990, personally appeared the above-named Nancy Clare Ralston, who, being first duly sworn, did say that she is the Secretary of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

DEBBIE E. ALEXANDER

NOTARY PUBLIC OREGON

My Commission Expires_

Notary Public for STATE Neggons
My Commission expires: 4-25-94

The foregoing Declaration is approved pursuant to the Act (ORS 100.110) this 20th day of November, 1990.

ASSESSOR FOR CLACKAMAS COUNTY

By: (Parol Maies)

The foregoing Declaration is approved pursuant to the Act (ORS 100.110) this 6th day of November , 1990.

MORELLA LARSEN REAL ESTATE COMMISSIONER

1 June

EXHIBIT A

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

A tract of land located in a portion of the George L. Curry D.L.C. No. 43 in the south one-half of the southwest one-quarter of Section 24 and the north one-half of the northwest one-quarter of Section 25, Township 3 South, Range 1 West of the W.M., Clackamas County, Oregon and more fully described as follows:

Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron pipe set 6-inches below the surface of the ground, said point being the Initial Point of "Fairway Village Condominium", a condominium recorded June 28, 1984, in Book 86, page 17, Fee No. 84 22077, and being also North 2469.00 feet and West 3684.03 feet from a stone marked with an "X" at the southeast corner of the George L. Curry D.L.C. No. 43 in Section 25, Township 3 South, Range 1 West of the W.M., Clackamas County, Oregon, and said point also being the true point of beginning of that tract of land (Charbonneau Golf Course) described in instrument to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971, Fee No. 71 19507, and the true point of beginning of a tract of land described in Deed to Charbonneau Country Club recorded March 28, 1980, Fee No. 80 11544; thence South 02° 20' 14" East along the east line of said Country Club tract and the Charbonneau Golf Course 98.08 feet to a 5/8-inch iron rebar; thence South 02° 11' 23" West along the east line of said Country Club tract and the Charbonneau Golf Course 264.87 feet to a 5/8-inch iron rebar at the southeast corner of said Country Club tract; thence North 88° 20' 44" West along the south line of said Country Club tract 45.77 feet to a 5/8-inch iron rebar; thence South 01° 39' 16" West 108.33 feet to a 5/8-inch iron rebar; thence North 88° 20' 44" West 70.00 feet to a brass screw set in the southeast foundation corner of the Charbonneau Country Club building; thence South 01° 39' 16" West 71.00 feet to a brass screw set in the southeast foundation corner of the Charbonneau Pro Shop building; thence North 88° 20' 44" West along the south foundation line of the Charbonneau Pro Shop building 50.33 feet to a brass screw set in the southwest foundation corner of said Pro Shop; thence South 42° 15' 40" West 57.11 feet to a 5/8-inch iron rebar; thence South 01° 39' 16" West 78.63 feet to a 5/8-inch iron rebar at an angle point of said Charbonneau Golf Course; thence North 86° 02' 59" West along said Charbonneau Golf Course 391.93 feet to a one inch iron pipe at the southeast corner of Parcel II described in Bargain and Sale Deed by Willamette Factors, Inc. to Mariners-Marshall, a joint venture, recorded April 29, 1987, Fee No. 87 18831; thence North 02° 10′ 58" East along the east line of said Parcel II, 310.61 feet to a one inch iron pipe at the northeast corner of said Parcel II,

said point being on the south line of a tract of land described in Bargain and Sale Deed by Willamette Factors, Inc. to Mariners Village Apartments, Inc. and George Marshall, a joint venture, recorded September 15, 1978, Fee No. 78 39923; thence North 68° 30' 35" East along the south line of said Mariners-Marshall tract 160.41 feet to a one inch iron pipe at an angle point of said Mariners-Marshall tract; thence North 34° 28' 04" West along the east line of said Mariners-Marshall tract 291.32 feet to a one inch iron pipe; thence on a 15.00 foot radius curve left (long chord bears North 70° 46' 00" West 17.76 feet) an arc distance of 19.01 feet along the east line of said Mariners-Marshall tract to a one-inch iron pipe on the south right-of-way line of French Prairie Road as described in plat of "Edgewater at Charbonneau", a subdivision recorded December 30, 1983, Book 86, page 3, Plat No. 2641, Clackamas County Record of Plats; thence on a 826.38 foot radius curve left (long chord bears North 59° 55' 00" East 372.28 feet) along the south right-of-way line of said French Prairie Road an arc distance of 375.50 feet to a one inch iron pipe on the west line of said "Fairway Village Condominium"; thence on a 15.00 foot radius curve left (long chord bears South 02° 55' 15" West 20.83 feet) along the west-line of said "Fairway Village Condominium" an arc distance of 23.03 feet to a 5/8-inch iron rebar; thence South 41° 03' 27" East along the west line of said "Fairway Village Condominium" 19.76 feet to a one inch iron pipe; thence on a 55.00 foot radius curve left (long chord bears South 64° 42' 06" East 44.12 feet) along the south line of said "Fairway Village Condominium" an arc distance of 45.39 feet to a one inch iron pipe; thence South 88° 20' 44" East along the south line of said "Fairway Village Condominium" 157.35 feet to a one inch iron pipe; thence South 01° 39' 16" West along a west line of said "Fairway Village Condominium" 112.00 feet to a one inch iron pipe at the southwest corner of said "Fairway Village Condominium", said point being on the north line of said Charbonneau Country Club tract; thence North 89° 50' 44" East along the south line of said "Fairway Village Condominium" 101.56 feet to the Initial Point.

EXCEPT a tract of land described in Bargain and Sale Deed by Willamette Factors, Inc. to Mariners Village Apartments, Inc. and George Marshall, a joint venture recorded September 15, 1978, Fee No. 78 39924, Clackamas County Deed Records, and more fully described as follows:

Beginning at a point North 2124.61 feet and West 3977.11 feet from the southeast corner of the George L. Curry D.L.C. No. 43 in Section 25, Township 3 South, Range 1 West of the W.M., Clackamas County, Oregon; thence North 1° 39′ 16″ East 77.73 feet; thence South 88° 26′ 44″ East 107.00 feet; thence South 1° 39′ 16″ West 77.73 feet; thence North 88° 26′ 44″ West 107.00 feet to the point of beginning.

Also excepting therefrom:

L. Variable Property A, as labeled on the Plat, and further described as follows:

A tract of land located in the George C. Curry D. C. C. No. 43, in Section 24 and Section 25, Township 3 South, Range 1 West of the W. M., Clackamas County, Oregon, described as follows:

Beginning at an angle point of a tract of land (Charbonneau Golf Course) described in Mortgage to Benj- Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971, Fee No. 71 19507, said point being also North 1811.00 feet and West 3902.03 feet from a stone marked with an "X" at the southeast corner of the George L. Curry D. L. C. No. 43, in Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon; thence along the southerly boundary of said Charbonneau Golf Course, North 86° 02' 59" West 135.48 feet to the true point of beginning of the parcel herein being described; thence North 02° 07' 26" East 164.92 feet; thence North 88° 20' 44" West 54.98 feet; thence North 50° 37' 40" West 36.65 feet; thence North 89° 57' 40" West 15.22 feet; thence South 02° 15' 46" West 91.80 feet; thence North 87° 51' 55" West 156.65 feet to a point in the easterly line of Parcel II described in Bargain and Sale Deed to Mariner-Marshall, a joint venture, recorded April 29, 1987, Fee No. 87 18831, Clackamas County Records; thence along said Mariner-Marshall easterly line South 02° 10' 58" West 86.16 feet to an angle corner in said Charbonneau Golf Course boundary; thence along said Charbonneau Golf Course boundary South 86° 02' 59" East 256.45 feet to the true

Variable Property B, as labeled on the Plat, and further described as follows:

A tract of land in the George L. Curry D. L. C. No. 43, in the southwest one-quarter of Section 24 and the northwest one-quarter of Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon, described as follows:

Beginning at the southeast foundation corner of the Charbonneau Community Buiding, said corner being North 2001.41 feet and West 3808.99 feet from the southeast corner of the George L. Curry D. L. C. No. 43, in Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon; thence North 1° 39′ 16″ East along the east foundation line of said building 108.30 feet to the northeast corner of said building; thence South 88° 20′ 44″ East 88° 20′ 44″ West 70.00 feet to the point of beginning.

3. Variable Property C. as labeled on the Plat, and further described as follows:

A tract of land in the Southwest Quarter of Section 24, in the George L. Curry, D. L. C. No. 43, Township 3 South, Range 1 West of the W.M.:

Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron pipe set 6-inches below the surface of the ground, said point being the Initial Point of "Fairway Village Condominium, created by Declaration recorded 28 June 1984, Book 86, Page 17, Fee No. 84 22077, Clackamas County Plat Records, said iron pipe bears North 2469.00 feet and West 3684.03 feet from the southeast corner of said Curry D. L. C., said point also being the true point of beginning of the tract described in Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971, Fee No. 71 19507, Clackamas County Records, said iron pipe also being the point of beginning of the parcel described in Bargain and Sale Deed to Charbonneau Country Club recorded March 28, 1980, Fee No. 80. 11544, Clackamas County Records; thence along the northerly line of said Charbonneau Country Club parcel South 89 50' 44" West 101.56 feet to a one inch iron pipe; thence continuing along said northerly line North 88 20' 44" West 70.00 feet to the northwest corner thereof; thence along the westerly line of said Charbonneau Country Club parcel South 01 39' 16" West 16.02 feet to the true point of beginning of the parcel herein being described; thence continuing along said westerly line South 01 39' 16" West 105.25 feet; thence continuing along said westerly line North 88 20' 44" West 12.00 feet; thence continuing along said Charbonneau Country Club parcel westerly line South 01. 39' 16" West 120.00 feet; thence North 88 20' 44" West 67.65 feet; thence North 01 39' 16" East 136.50 feet; thence South 88 20' 44" East 10.15 feet; thence North 01 39' 16" East 88.75 feet thence South 88 20' 44" East 69.50 feet to the true point of

LEGAL DESCRIPTION OF VARIABLE PROPERTY

Variable Property A, as labeled on the Plat, and further described as follows:

A tract of land located in the George L. Curry D. L. C. No. 43, in Section 24 and Section 25, Township 3 South, Range I West of the W. M., Clackamas County, Oregon, described as follows:

Beginning at an angle point of a tract of land (Charbonneau Golf Course) described in Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971, Fee No. 71 19507, said point being also North 1811.00 feet and West 3902.03 feet from a stone marked with an "X" at the southeast corner of the George L. Curry D. L. C. No. 43, in Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon; thence along the southerly boundary of said Charbonneau Golf Course, North 86° 02' 59" West 135.48 feet to the true point of beginning of the parcel herein being described; thence North 02° 07' 26" East 164.92 feet; thence North 88° 20' 44" West 54.98 feet; thence North 50° 37' 40" West 36.65 feet; thence North 89° 57' 40" West 15.22 feet; thence South 02° 15' 46" West 91.80 feet; thence North 87° 51' 55" .West 156.65 feet to a point in the easterly line of Parcel II described in Bargain and Sale Deed to Mariner-Marshall, a joint venture, recorded April 29, 1987, Fee No. 87 18831, Clackamas County Records; thence along said Mariner-Marshall easterly line South 02° 10' 58" West 86.16 feet to an angle corner in said Charbonneau Golf Course boundary; thence along said Charbonneau Golf Course boundary South 86° 02' 59" East 256.45 feet to the true point of beginning.

2. Variable Property B, as labeled on the Plat, and further described as follows:

A tract of land in the George L. Curry D. L. C. No. 43, in the southwest one-quarter of Section 24 and the northwest one-quarter of Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon, described as follows:

Beginning at the southeast foundation corner of the Charbonneau Community Buiding, said corner being North 2001.41 feet and West 3808.99 feet from the southeast corner of the George L. Curry D. L. C. No. 43, in Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon; thence North 1° 39′ 16″ East along the east foundation line of said building 108.30 feet to the northeast corner of said building; thence South 88° 20′ 44″ East 70.00 feet; thence South 01° 39′ 16″ West 108.33 feet; thence North 88° 20′ 44″ West 70.00 feet to the point of beginning.

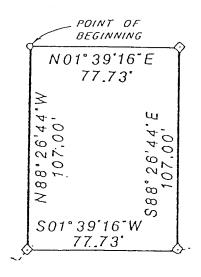
3. Variable Property C, as labeled on the Plat, and further described as follows:

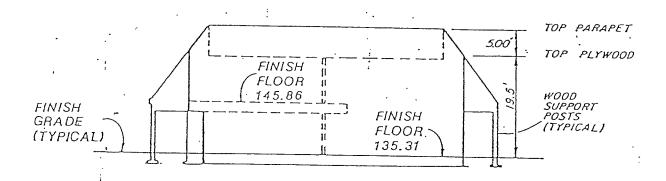
A tract of land in the Southwest Quarter of Section 24, in the George L. Curry, D. L. C. No. 43, Township 3 South, Range 1 West of the W.M.:

Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron pipe set 6-inches below the surface of the ground, said point being the Initial Point of "Fairway Village Condominium, " created by Declaration recorded 28 June 1984, Book 86, Page 17, Fee No. 84 22077, Clackamas County Plat Records, said iron pipe bears North 2469.00 feet and West 3684.03 feet from the southeast corner of said Curry D. L. C., said point also being the true point of beginning of the tract described in Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971, Fee No. 71 19507, Clackamas County Records, said iron pipe also being the point of beginning of the parcel described in Bargain and Sale Deed to Charbonneau Country Club recorded March 28, 1980, Fee No. 80 11544, Clackamas County Records; thence along the northerly line of said Charbonneau Country Club parcel South 89 50' 44" West 101.56 feet to a one inch iron pipe; thence continuing along said northerly line North 88 20' 44" West 70.00 feet to the northwest corner thereof; thence along the westerly line of said Charbonneau Country Club parcel South 01 39' 16" West 16.02 feet to the true point of beginning of the parcel herein being described; thence continuing along said westerly line South 01' 39' 16" West 105.25 feet; thence continuing along said westerly line North 88 20' 44" West 12.00 feet; thence continuing along said Charbonneau Country Club parcel westerly line South 01 394 16" West 120.00 feet; thence North 88 20' 44" West 67.65 feet; thence North 01 39' 16" East 136.50 feet; thence South 88 20' 44" East 10.15 feet; thence North 01 39' 16" East 88.75 feet thence South 88° 20' 44" East 69.50 feet to the true point of beginning.

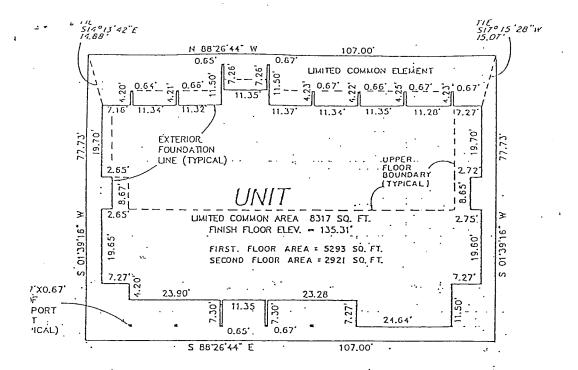
INTEREST OF UNITS Interests After Include #9 Interests After Inclusion of Unit #9 Variable Property 1.04 1.14* 1.88 % 1.14* 1.60* 2.3.92*	
EXHIBIT B EXHIBIT B ESCRIPTION OF UNITS/PROPORTIONATE Total Unit Interests Prior to Floor Area Inclusion of Unit #9 (Sq. Feet) Inclusion of Unit #9 (Sq. Feet) Inclusion of Unit #9 3,216 3,680 4.5\$ 14,560 4.0\$ 2,7 2,914 26.0\$ 26.0\$ 11,699 8,214 8,214 8,214 8,214 8,214 8,214	
Unit #1 *Retail/Office Unit #2 *Retail/Office Unit #3 *Covered Tennis Unit #5 **Charbonneau Unit #6 *Retail/Office Unit #6 *Retail/Office Unit #6 *Retail/Office Unit #8 **Retail/Office Unit #8 ***Retail/Office	

(SPECIFICATIONS FOR EXCEPTED TRACT)

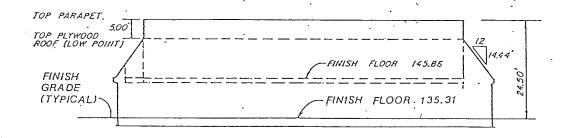




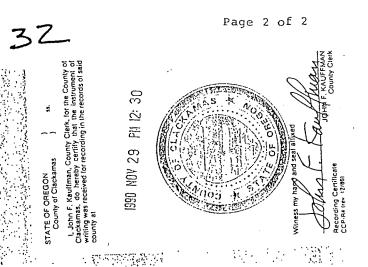
WEST ELEVATION UNIT



PLAN UNIT



SOUTH ELEVATION UNIT



untt Mb. 5, 6 and 7 floor Plana and Elevations Unit Mo. 8 floor Plans and Elevations 3/8" x 10" Iron Rebar Set Flush with Asparine Cap Marked "NYDELL FIE 1477" 5/8" x 10" Iron Rebar Set Flush with Surface with Failor Plastic Cap Marked "NYDELL FIE 1477"] Meerlng/Distance as per County Survey No. PS-15,810 and as Measured > Bearing/Distance as per County Survey No. PS-19,711 and as Measured 1° x 10° Iron Pipe Set 0.15' Deep with Yellow Pisetic Cap Marked "ATDELL PLS 1437" roperty 'C' t No. 4 Floor Plans and Brass Screw Set in Lead in Concrete 1/4" Brass Washer Marked *PLS 1437 Fram Screw Set in Lead in Concrete Foundation Corner with 1/4" Brass Washer Marked "PLS 1437" > Bearing/Distance as per Plat of "E at Charbonneau" and as Reasured CONDOMINIUM Property Line Curve Data Sheet Plat No. Center Line Curve Data Sheet 1 of 7 2 of 7 7 30 0 ()() Located in a portion of the George L. Curry Donation Land Claim No.43 South Helf of the Southwest Ovarier of Section 24 and the North Helf of the Willamette Mendian **⊠**⊙⊙ ♦ 1. Elevations "Fairvay V NOTES: POINT とかがらいかぶ LINITIAL City of Wilsonville, Clackamas County, Oregon. ø I hereby cettify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium" CHARBONNEAU, THE VILLAGE 4 October 1990 VILLAGE 111.455 S02'11'23'W - 284.87 WIT 4 Standard Market 27.27.11.5.2.2 7 CEP. 107.000 ASS. 26.70 S01.35.18.W COMPOS COMPOS ELENCIST LIMIT O 2012 X COURSE ELENENT CONNON SENENT 7.68. Jung CHARBONNEAU PROPERTY VARIABLE COMMON COMMON COMMON Long Little じんえいいしんしょく On 9 Merch 1990, Tom Milme, Clackman Comety Murreyor, attack that, There are no PGE moments within one half sale of Charbonness Village Center Condominium. 56541677 402-10'S8'E Scale: 1" - 50" 3.000 VARIABLE PROPERTY COURSE 3705 101 101 10 0m 111 0 CHEBONNEKE 2700

CHARBONNEAU

CENTER VILLAGE

CHARBONNEAU, THE VILLAGE AT WILSONVILLE

Located in a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Williamette Meridian

1, Leonard A. Rydell, Oregon Registered Professional Land Sureyor No. 1437, being first duly month depose and say that I have surreyed and marked with proper monuscants the land between above as "Chabbonesu Village Center Condeminis", a treet of land located in a portion of the George L. Curry Duarter of action 24 and the South Mail of the Bouthwest Ourter of Section 24 and the North Balf of the Morthwest Ourter of Section 24 and the Morth Balf of the Morthwest Williametts Meridian, City of Milsowille, Clackass County, Origins and sore folly described as follows:

begiming at a one into iron pipe set inside a 2-inch by 15-inch galvanized iron pipe set e-inche below the surface of the galvanized iron pipe set e-inche below the surface of the ground, asid point being the initial Point of Tailvay 7111age Condominia, as condominum recorded 28 tune 1914 in 1904 is, 200 feet and west 1844.01 feet from a stone marked with 2461,00 feet and west 1844.01 feet from a stone marked with 2461,00 feet and west 1844.01 feet from a stone marked with 2461,00 feet and west 1844.01 feet from 1914 in 2004 in 1914 feet of law Millamette Meriddan, Clarkanaa County, 2004 and aid point also being the True Point of Beginning of the corded 28 northage to Berj. Franklin Federal Saying a and Loan 1916 of the True Point of Beginning of a tract of land described in Portland recorded 12 August 1912, Fee No. 30 1344, thence Bouth 02 20 11.23 and 1916 feet to 2 50-inch iron rebart charges us colf Course 38.08 feet to a 5/4-inch iron rebart charges and Course 26.87 feet to a 1846 feet to a

Olty of Wilsonville, Clackamas County, Oregon 4 October 1990 SURVEYOR'S CERTIFICATE Cont'd,

Condominum an arc diatance of 23.03 feet to a 3/4-inch iron lebri, thence South 41 001 27 that along the west line of said "raintyay Village Condominum" 13.76 feet to a one inch chord bears South 4.4 20 of East 4.13.7 feet to a one inch chord bears South 4.4 20 of East 4.13.7 feet bang the South Inne of asid "rairvay Village Condominum" an arc distance of 4.3.9 feet to a one inch iron pipe; thence South 4.4 East along the South line of asid "rairvay Village Condominum" 13.7.35 feet to a one inch iron piper thence South 01 79 18 's ast along a West line of said "rairvay Village Condominum" 13.00 feet to a one inch iron piper at the South 01 79 18 's ast along a West line of said "rairvay village Condominum", said point baing on the Forth line of said Charbonneau Country Club teact; thence sorth 10 of said Charbonneau Country Club teact; thence worth 10 of said Charbonneau Country Club teact; thence worth 10 of said Charbonneau Country Club teact; thence worth 10 of said Charbonneau Country Club teact; thence worth 10 of said Charbonneau Country Club teact; thence worth 19 50' 44' Charbonneau Country Club teact; thence worth 10 50' 41' Charbonneau Country Club teact; thence worth 19 50' 44' Charbonneau Country Club teact; thence worth 10 50' 44' Charbonneau Country Club teact; thence worth 10 50' 44' Charbonneau Country Club teact; thence worth 10 50' 44' Charbonneau Country Club teact; thence worth 10 50' 44' Charbonneau Country Club teact to a co

Said tract containing 8.5898 acres.

SAVE AND EXCEPT a tract of lind conveyed by Willamester Factors, Inc. to Mariners Willage Apertments, Inc. and George Narshall, a joint venture by Bargala and Sala beed recorded 15 September 1378; fer 80. 77 3 3394, Clackawar County beed Recorded, and more fully described as follows:

Beginning at a point Morth 2124.61 feet and West 1977.11 feet from the Southmast coorner of the George L. Curry Donation Land Claim No. 41 in Section 25, Tromnhip 3 South, Range 1 West of the Millasette Meridian, Classasa Constry, Oregon; thence Morth 1. 39 16" East 77.71 feet; thence South 11. 21 44" East 107.00 feet; thence Most 77.71 feet; thence West 77.71 feet of the Point of Beginning.

Sald excepted tract containing 0,1909 acres,

I hereby certify that the accompanying plat accurately depicts the above described trace; is drawn to exals and all paints sequenced in accordance with Oregan Survey Law. I fairble certify that the plat fully and accurately depicts the boundaries of that white of the buildings and that construction of the units and buildings as depicted on the plat have been compited.

PROFESSIONAL LAND SURVEYOR IPPATE A ITPRE Linguell Lill 310 det 930 Leonard A. Frdell, P. L. S. Fo. 1437 Revberg, Oregon 97132 Subscribed and sworn before me this 31 day of October 1990

CENTERLINE CURVE DATA:

ST.77
S6.15
Chord Bearing p64" 42" 06"y
Delta 47° 17' 17"
Aadius (70.00'
<u>ن</u> ز

	Length	19.01'	375.50	23.03.	45,39*)	51.94*)	209.33	107.23	23,03')	70.15")	23,56')	16.17
		17.76										
DATA:	Chord Bearing	4.00 . 97 . 0CK	#59 55, 00 E	S02 * 55 15 W	S64. 42, 06"E	S48 S6' 33"Y	2.7C .7T .85K	2. 10 . 11 . 694	S85 02 09"E	244 42° 06"E	543. 20. 44.2	**** 100 ****
PROPERTY LINE CURVE	Delta	72 35 53	26. 02, 06"	87 57 24	47 17 17	4. 05, 12.	14, 30, 50	7. 26, 04	17. 57: 24	47° 17' 17°	.00 .00 .06	
PROPERTY	No. Radius	1. [15,00	2. 826.38	3. (15.00'	4. (55,00*	5. (826,38	6. 826.38	7. 826,38'	J. (15,00°	9. (85.00*	10, (15,00'	11. 15.00

CONDOMINIUM

Book Ho, I'll page Ho, 30

CORNER NOTES;

- 1. Found atone marked with an "x", 0.6" deep with a 1/2" rutted from pipe widscent to atone on Southwest add.

 2. Found 1 from pipe widscent to atone on Southwest add.

 3. Found 1 from pipe widscent to atone on Southwest add.

 3. Found 1 from pipe widscent to a feet by County Survey No. 75-19,711 and used as the littial Point of "Fairway Village Condominum"

 3. Found 1 from pipe, 0.33 deep, appears undisturbed, set of County Survey No. 75-13,110.

 4. Found 1 from pipe, 0.40 deep in gress, appears undisturbed, set of County Survey No. 75-13,110.

 5. Found 1 from pipe, 0.7 deep in gress, appears undisturbed, set of County Survey No. 75-13,110.

 6. Found 1 from pipe with yellow plastic cap marked "ATDELL POWNED 1 from pipe with yellow plastic cap marked "ATDELL POWNED 1 from pipe with yellow plastic cap marked "ATDELL POWNED 1 from pipe with yellow plastic cap marked "ATDELL PS 1437", 0.43 deep in grass, appears undisturbed, set by County Survey No. 75-19,711.

 9. Found 1 from pipe with yellow plastic cap marked "ATDELL PS 1437", 0.43 deep in grass, appears undisturbed, set found 1 from pipe with yellow plastic cap marked "ATDELL PS 1437", 0.43 deep in grass, appears undisturbed, set moderate County Survey No. 75-19,711.

 9. Found 1 from pipe with yellow plastic cap marked "ATDELL PS 1437", 0.43 deep in grass, appears undisturbed, set moderate County Survey No. 75-19,711.

 10. Found 1 from pipe with yellow plastic cap marked "ATDELL PS 1437", 0.43 deep in grass, appears undisturbed, set moderate County Survey No. 75-19,711.

 10. Found 1 from pipe with yellow plastic cap marked "ATDELL PS 1437", 0.43 deep in grass, appears undisturbed, set me found 1 from pipe with yellow plastic cap marked "ATDELL FS 1437", 0.43 deep in grass, appears undisturbed, set found 1 from pipe with yellow plastic cap marked "ATDELL FS 1437", 0.43 deep in grass, appears undisturbed, set found 1 from pipe with yellow plastic cap marked "ATDELL FS 1437", 0.43 deep in grass, appears undisturbed, set found 1 found 1 found 1 found 1 found 1 fou

- Towney Survey No.

 Towney J. T. Iron pipe with yellow plastic top metred
 by County Survey No. PS-19,711.

 Pound concrete nail set in aidewalk with yellow plastic
 engasted "ATDELL PS-19,711.

 Popears undistructor, set by County Survey No.

 Popears undistructor, set by County Survey No.

 PS-19,711.

 PS-19,711.

 PS-19,711.

NABBATIVE:

This plat is based on County Survey No's. P. 8. 13,810, P. 8. 13,915 and P. 5. 13,711, all of which should be referred to when doing work in this area. A random traverse of all corners found was and and the positions of the somewhat ser compared no that calculated position. A best int was exiculated to soot nearly safeth the sonuments tied. This resulted in the Cound positions of the sonuments matching the calculated cound cound thin a tenth or lars. There effort were innoted bearings are based on a calculated bearings.

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominum"

Long of Bold 31 Che my Sheet

CHARBONNEAU

VILLAGE

CHARBONNEAU, THE VILLAGE AT WILSONVILLE CENTER

BOOK NO. 94 PAGE NO. 30

CONDOMINIUM

Located in a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Willamette Herdian

City of Wilsonville, Clackamas County, Oregon 4 October 1990

DEDICATION:

DOW ALL MEN BY THEE PRESENTS that Robert L. Foote, President of Milametre Factors, Inc., Nobert L. Foote, President of Arabona Village Center, Inc., Nather L. Attidgs, President of Antoylase Failton, Sertesty of Chaptoneau Country Club. Baid Mancyclase Failton, Sertesty of Chaptoneau Country Club. Certificate hereon and described in the Surveyor's Certificate hereon and, do herey comple and land to the Operation of The Condominium Laws as laid and in the president in Chapter 100, described and depirted on the pract of improvaents provisions of O.R.S. 100.005 to 100.87s. etc. but the

IN WITHESS WHEREOF, we have set our hands:

Robert L. Foote, President Willamette Factors, Inc.

Robert L. Foote, President Chatbonneau Village Center, Inc.

Waller E. Attridge, President Charbonness Country Club

Heuly Clase Galgery Nancyclare Ralaton, Secretary Chatbonneau Country Club

ACKNOWL EDGEMENTS:

COUNTY OF CLAUCAMAS State of Oregon

on this the abovernamed Robert L. Foote, President of Williamette Factors, Inc., who being fits duty soon did say that he is the abovernamed Sparce of Williamette Factors, Inc., who dispare of Williamette Factors, Inc., and that the Instrument was signed in behalf of Williamette Factors, Inc., Inc., and that inc., by authority of its board of Directers, and acknowledged the instrument to be its voluntary act and deed.

MY Commission Espire AZE Ulbin E. Nurrhe

County of LARKAMAS

On this 15T day of Withthe 1990, personally appeared the above mand Robert Lifeting Tresident of Charbonness Village Center, Inc., who being first duty sports day that he authorized algoator of Charbonness Village Center, and that the Instrument was afgred in Debalf of Charbonness Village Center, Charbonness Village Center, and acknowledged the instrument to be its voluntary act and decid.

State of Oregon

NOTARY PUBLIC DREGON
MY COMMISSION EXPIRE XXXXX

Uskit Thewaler

County of CHICKANAS

on this \$\frac{\fr

My Commission Easing 5-20-00

CITY OF WILSONVILLE APPROVALS.

11/02/90 Vita C. H. Wilsonville Community Dev. Director Gucked Kunkuster

CLACKAMAS COUNTY APPROVALS:

All taxes, assessments, fees or other charges as provided by 0. R. S. 100-110 have been paid the contract of 1897.

Vivambre Approved this 2044 day of

Clackanse County Assessor and Tax Collector

Dr. Rat Brief Deputy By Charles Courty Assessor

I certify that the within plat was received and duly recorded by se in the Clacksans County Records in Book 94, Pages 38, on the 21 day of Mar. 1990 at - o'clock - N.

CISCKARAS COUNTY CLERK

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium"

PROFESSIONAL.

LEONALD A. KALL 31 Odoby 1900 Leonard A. Rycell, P.L.S. NO. 1437

Love II file

VILLAGE CHARBONNEAU

AT WILSONVILLE CENTER

BOOK NO. 9% PRO NO. 30

က AND

UNITS

CONDOMINIUM

Located in a portion of the George L. Curry Donation Land Ciaim No.43 South Half of the Southwest Querter of Section 24 and the North Half of the Northwest Querter of Section 25, Township 3 South, Range 1 West of the Willamette Mendien City of Wilsonville, Clackamas County, Oregon CHARBONNEAU, THE VILLAGE

ELEVATION WEST LIMITED COMMON AREA SEED SO.FT. UNIT FLOOR AREA 3680 SO.FT. FINISH FLOOR 128.08 TIND 2 AND PLAN UNITS 1,2 AND 3 , S. ... UNITS THE PERSON NOWN UNIT 2 SOLUTIED COMMON AREA 1787 SO.FT. 14.30 ELEVATION CENTER WALL PINISH FLOOR 128,08 FLOOR SOUTH 2, 24,04,045/ FINISH FLOOR 128.05 MATOLICE UNIT 1 LIMITED COMMON AREA SOIS SO.F.C. CENTER WALL UNIT FLOOR AREA 2928 SO.FT. 72.50 3.20, 2.20, E 3.20, 2.20, E - 3.91,65.JOA

Building information shown on this sheet based upon a combination of fired measurements and information from the architectural plans tilled "Charbonneau Village Shopping Center" (Job We. 3222) dated 21. September 1373 by KOMAAchitects, San Francisco, California.

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominium" LEGILAL D. H. Liell 31 Cabber 892 LEGINSTER A. PYGELLY. P.L.S. NO. 1437

TEOMARD A RYBILL Horsel P. C. Low

Sheet 4 of

NONWITHDRAWABLE PROPERTY HOT 35'N'T - 12000' ပ **PROPERTY** EXTERIOR POWEDATION LINE VARIABLE VARIABLE PROPERTY AREA 15,600 SO.FT. MONYNTHDRAWABLE PROPERTY BUILDING PAD AMEA 9518 SO.FT. 21 EU - 7 N'TE - 105 15 MUDANTON METALLES 51.84 - 3"11'86" 154 FOR PUTUAL FOR PUTUAL FOOT REPORT

7. N. EL - CL. 2

CHARBONNEAU

VILLAGE

CENTER

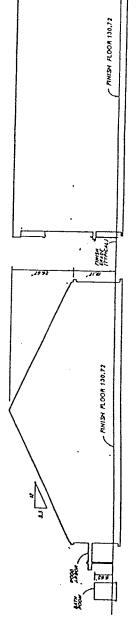
CONDOMINIUM
BOOK NO. 34, PROP. NO. 30.

Located in a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian CHARBONNEAU, THE VILLAGE AT WILSONVILLE

· City of Wilsonville, Clackamas County, Oregon

FOUNDATION LINE LINE (TYPICAL) FINISH FLOOM ELEVATION - 130.72 FLOOM AREA 14,380 SO.FT. UNIT STELL PLANED

FLOOR PLAN UNIT



ELEVATION UNIT

Londed H. Rollell 31 ochler 1992 Leonerd A. Mydell, P.L.S. NO. 1437

I hereby certify that this tracing is an exact copy of the original plat of "Charbonneau Village Center Condominius"

SOUTH ELEVATION UNIT

Sheet 5 of 7.

CHARBONNEAU

VILLAGE

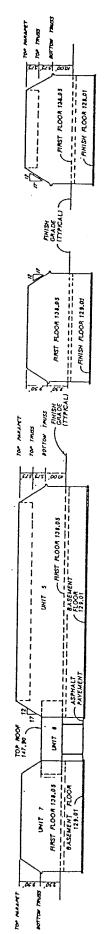
CENTER

CONDOMINIUM

BOOK NO. 94 PBYS NO. 30

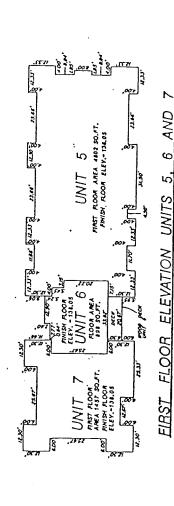
Located in a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Willamette Maridian CHARBONNEAU, THE VILLAGE AT WILSONVILLE

City of Wilsonville, Clackamas County, Oregon 4 October 1990

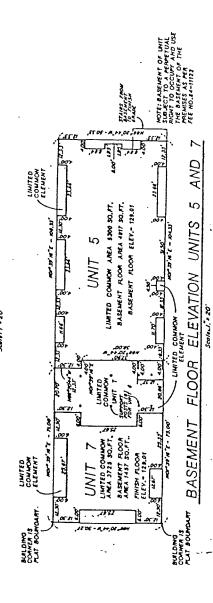


AND 9 Ś ELEVATION UNITS EAST

ELEVATION NORTH ELEVATION UNIT 7 SOUTH



ဖ



Pullding information shown on the base of it based upon a combination of the stochiest from the architect for Show, 2216-2] dated 12 September francisco, California.



Gorde O. R. C. O.

of. heet 6 Mat Mo. 2301 Sheet

VILLAGE CHARBONNEAU

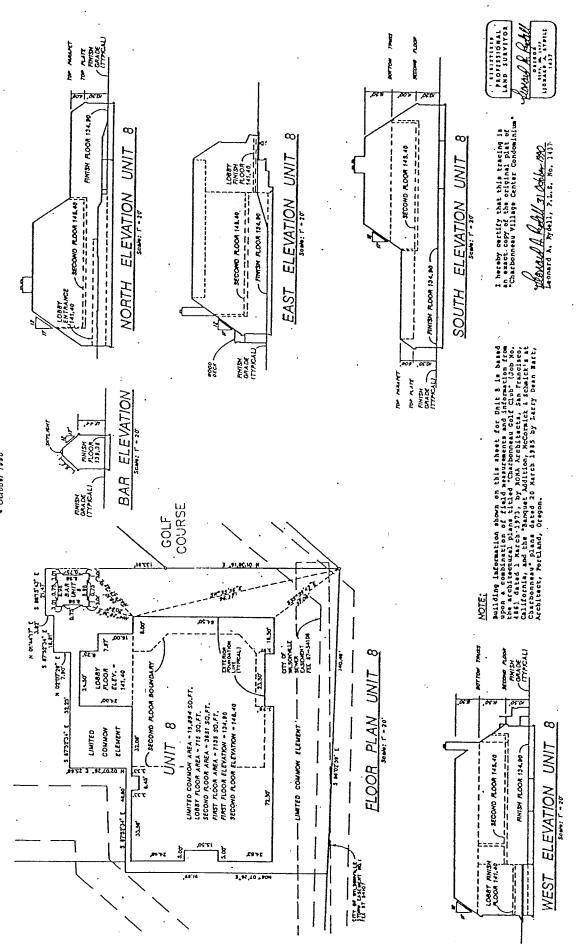
CENTER

CONDOMINIUM CHARBONNEAU, THE VILLAGE AT WILSONVILLE

Book No. 91 Page No. 30

Located in a portion of the George L. Curry Donation Land Claim No.43 South Half of the Southwest Quarter of Section 24 and the North Half of the Willamette Nerdian

City of Wilsonville; Clackamas County, Oregon 4 October 1990



Sheet 7 of

BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM

ARTICLE I

PLAN OF UNIT OWNERSHIP

- 1.1 Name and Location. These are the bylaws of the ASSOCIATION OF UNIT OWNERS OF CHARBONNEAU VILLAGE CENTER CONDOMINIUM (hereinafter the "Association"). THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM (hereinafter the "Condominium") is located in Clackamas County, Oregon, and has been submitted to the Act by a declaration filed simultaneously herewith (hereinafter called "the Declaration"). The location of the Condominium is more specifically described in the Declaration.
- 1.2 <u>Principal Office</u>. The principal office of the Association shall be located at Unit #3, Charbonneau Village Center Condominium, 31840 Charbonneau Drive, Wilsonville, Oregon 97070, or such other address as may be designated by the Board from time to time.
- 1.3 <u>Purposes</u>. This Association is formed under provisions of the Act to serve as the means through which the Unit Owners may take action with regard to the administration, management and operation of the Condominium, subject to the Covenants.
- 1.4 <u>Applicability of Bylaws</u>. The Association, all Unit Owners, and all persons using the Condominium shall be subject to these Bylaws and the Covenants and to all rules and regulations which may be promulgated hereunder and thereunder.
- 1.5 <u>Composition of Association</u>. The Association shall be composed of all the Unit Owners of the Condominium, including WILLAMETTE FACTORS, INC., an Oregon corporation and its successors and assigns (hereinafter, "the Declarant"), and the Association, itself, to the extent any of the above-mentioned own any Unit or Units of the Condominium.
- 1.6 <u>Incorporation</u>. The Association shall be an unincorporated association. However, upon approval of seventy-five percent (75%) of the Unit Owners, the Association may be incorporated under the Oregon Nonprofit Corporation Law. In such event, the articles of incorporation shall be consistent with the Declaration and these Bylaws, and these Bylaws shall constitute the Bylaws of the incorporated association.
- $1.7~\underline{\text{Definitions}}$. The definitions contained in or adopted by the Declaration shall be applicable to these Bylaws.
- 1 BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM
 L:\WP51\PYC\WILLAM.BYL 10-11-90 90 59019

ARTICLE II

MEMBERSHIP, VOTING, MAJORITY OF OWNERS, QUORUM, PROXIES

- Membership in the Association. Upon becoming legal owner or contract purchaser of a Unit, the Unit Owner shall automatically be a member of the Association and shall remain a member of the Association until such time as his/her ownership ceases for any reason. Unit ownership shall be determined, for purposes of the Bylaws and the administration of the Condominium, from the record of Unit ownership maintained by the Association. The Board may, at its discretion, require that a Unit Owner or Owners file with the Association satisfactory proof of ownership, including a copy of the deed to or land sale contract for his/her Unit, to which shall be affixed the certificate of the recording office of the County of Clackamas, Oregon, showing the date and place of recording of such deed or contract. Notwithstanding the foregoing, the Owners, as defined in the Declaration, shall be deemed the respective Owners of the Units, as described in the Declaration, although no deed or land sale contract with respect to such Units has been filed with the Association.
- 2.2 <u>Voting</u>. Subject to the Declarant's rights in Section 6.1.4 of the Declaration, the owners of each Unit shall have one ote in the aggregate. The Board shall be entitled to vote as to any Units owned by the Association. Whenever any Unit is owned by two or more persons jointly, according to the records of the Association, the vote of such Unit may be exercised by any one of the owners then present, in the absence of protest by a co-owner. In the event of such protest, no one co-owner shall be entitled to vote without the approval of all co-owners. In the event of disagreement among the co-owners, the vote of such Unit shall be disregarded completely in determining the proportion of votes given with respect to such matter.
- 2.3 Binding Vote; Percent of the Vote. The term "binding vote" shall mean more than fifty percent (50%) of the votes cast by the Unit Owners present in person or by proxy, at a meeting at which a quorum is constituted. Such binding vote shall bind all Unit Owners for all purposes except where a higher percentage vote is required by law, by the Declaration or by these Bylaws. The term "percent of all votes" shall mean a percent of all the voting rights allocated to the Units by the Declaration.
- 2.4 <u>Majority Vote</u>. The term "majority vote" or "majority of Unit Owners" means more than fifty percent (50%) of the voting rights allocated to the Units by the Declaration.
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- 2.5 Quorum. Except as otherwise provided in these Bylaws, the presence in person or by proxy of a majority of Unit Owners shall constitute a quorum. A subsequent joinder of a Unit Owner in the action taken at a meeting by signing and reviewing in the minutes thereof shall constitute the presence of such person for the purpose of determining a quorum. When a quorum is once present to organize a meeting, it cannot be broken by the subsequent withdrawal of the Unit Owner or Owners. If any meeting of members cannot be organized because of a lack of quorum, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.
- 2.6 Proxies. A vote may be cast in person or by proxy. A proxy given by a Unit Owner to any person who represents such owner at meetings of the Association shall be in writing and signed by such owner, and shall be filed with the Secretary. No proxy shall be valid after the meeting for which it was solicited, unless otherwise expressly stated in the proxy, and every proxy shall automatically cease upon sale of the Unit by its owner. An owner may pledge or assign his/her voting rights to a mortgagee. In such a case, the mortgagee or its designated representative shall be entitled to receive all notices to which the Unit Owner is entitled hereunder and to exercise the Unit Owner's voting rights from and after the time that the mortgagee board. Any first mortgagee may designate a representative to attend all or any meetings of the Association.
- 2.7 <u>Fiduciaries</u>. An executor, administrator, guardian or trustee may vote, in person or by proxy, at any meeting of the Association with respect to any Unit owned or held by such person in such capacity, whether or not the same shall have been transferred to his/her name; provided, that he/she shall satisfy the secretary that he/she is the executor, administrator, guardian or trustee, holding such Unit in such capacity.

ARTICLE III

MEETINGS OF ASSOCIATION

- 3.1 <u>Place of Meetings</u>. The Association shall hold meetings at such suitable place convenient to the Unit Owners as may be designated by the Board from time to time.
- 3.2 First Organizational Meeting. Within one (1) year after the Declarant and Owners, as defined in the Declaration, have recorded and adopted these Bylaws, the Declarant shall call the first meeting of the Unit Owners to organize the Association and to elect Directors. The Declarant shall give notice of the it organizational meeting to each Unit Owner at least ten (10)
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but not more than fifty (50) days prior to the meeting. The notice shall state the purpose of the meeting and the time and place it is to be held. If the first organizational meeting lacks a quorum, it may be adjourned to the time of the first annual meeting. If the Declarant does not call the first organizational meeting within the time specified above, the meeting may be called and said notice given by a Unit Owner or any first mortgagee of a Unit.

- 3.3 <u>Annual Meetings</u>. The annual meetings of the Association shall be held in December, beginning December 1991, at such hour and on such date as the chairman may designate, or if the chairman should fail to designate such date by the first day of December, then on the last Tuesday in December. The annual meetings shall be for the purpose of electing Directors and for the transaction of such other business as may properly come before the meeting.
- 3.4 <u>Special Meetings</u>. Special meetings of the Association may be called by the chairman or secretary or by a majority of the Board, and must be called by such officers upon receipt of a written request from at least thirty percent (30%) of the Unit Owners stating the purpose of the meeting. Business transacted at a special meeting shall be confined to the purposes stated in the notice.
- 3.5 Notice of Meetings. Notice of all meetings of the Association stating the time and place and the reasons for which the meeting is being called shall be given by the chairman or secretary. Such notice shall be in writing and mailed to each Unit Owner at his/her address as it appears on the books of the Association and to any first mortgagee requesting such notice, not less than ten (10) days nor more than fifty (50) days prior to the date of the meeting. Proof of such mailing shall be given by the affidavit of the person giving the notice. Notice of meeting may be waived by any Unit Owner before or after meetings. When a meeting is adjourned for less than 30 days, no notice of the adjourned meeting need be given other than by announcement at the meeting at which such adjournment takes place.
- 3.6 Open Meetings. All meetings of the Board shall be open to Unit Owners. However, Unit Owners may not participate in the Board meetings without the permission of the Board. For other than emergency meetings, notice of the time and place of Directors' meetings shall be posted at a place or places on the Condominium at least three (3) days prior to the meeting, or notice shall be provided by a method otherwise reasonably calculated to inform Unit Owners of such meetings.

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- 3.7 Order of Business. The order of business at annual meetings of the Association shall be:
 - a. Calling of the roll and certifying of proxies;
 - b. Proof of notice of meeting or waiver of notice;
 - c. Reading of minutes of preceding meeting;
 - d. Reports of officers;
 - e. Reports of committees, if any;
 - f. Election of Directors;
 - g. Unfinished business;
 - h. New business; and
 - i. Adjournment.

ARTICLE IV

BOARD OF DIRECTORS

- 4.1 Number and Oualification. Except as provided in ection 4.2 below, the affairs of the Association shall be governed by a Board composed of three (3) or five (5) persons. All Directors shall be owners or co-owners of Units of the Condominium. For purposes of this section, the officers of any corporate owner and the partners of any partnership shall be considered co-owners of any Units owned by such corporation or partnership. Co-owners of the same Unit may not serve as Directors simultaneously.
- 4.2 <u>Interim Directors</u>. Upon the filing of the Declaration submitting the Condominium to the Act, the Declarant hereby appoints the following interim Board of three (3) Directors, who shall serve until replaced by Declarant or their successors have been elected by the Unit Owners as provided below:

Robert L. Foote Michael Campbell President of the Club

- 4.3 Election and Term of Office. At the first organizational meeting called by Declarant pursuant to section 3.2 of these Bylaws, the interim Directors shall resign and three (3) successor Directors shall be elected. One (1) of the successor Directors shall serve until the next annual meeting and two (2) of the successor Directors shall serve until the second mual meeting after their election. Directors shall hold office
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until their respective successors have been elected by the Unit Owners. Election shall be by plurality. Upon a majority vote of the membership, the number of Directors may be increased to five (5) Directors. Upon such increase, two additional Directors shall be elected, one to serve until the next annual meeting and the other to serve until the second annual meeting after their to serve for a two-year term.

- 4.4 <u>Vacancies</u>. Vacancies in the Board caused by any reason other than the removal of a Director by a vote of the Association shall be filled by vote of the majority of the remaining Directors, even though they may constitute less than a quorum, or by a sole remaining Director. Each person so elected shall be a Director until a successor is elected to fill the unexpired term at the next annual meeting of the Association or the next special meeting of the Association called for that purpose. Vacancies in interim Directors shall be filled by Declarant.
- 4.5 Removal of Directors. At any regular or special meeting of the Association duly called, any one or more of the Directors, other than interim Directors, may be removed with or without cause by a majority vote of the Unit Owners present in person or by proxy, and a successor shall be elected at that meeting to fill the vacancy thus created. The notice of any such any Director whose removal has been proposed shall be given an opportunity to be heard at the meeting.
- 4.6 <u>Powers and Duties</u>. The Board shall have all of the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law or by the Declaration, these Bylaws or by the Covenants may not be delegated to the Board by the Unit Owners. The powers and duties to be exercised by the Board shall include, but shall not be limited to the following:
 - a. Operation, care, upkeep, maintenance and repair of the General Common Elements and the sidewalks and landscaping on the Limited Common Elements (except the non-permanent planter boxes).
 - b. Determination of the amounts required for operation, maintenance and other affairs of the Association, and the making of such expenditures.
 - c. Collection of the General Common Expenses from the Unit Owners.
 - d. Employment and dismissal of such personnel as necessary for the efficient maintenance, upkeep

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and repair of the General Common and Limited Common Elements.

- e. Employment of legal, accounting or other personnel for reasonable compensation to perform such services as may be required for the proper administration of the Association.
- f. Opening of bank accounts on behalf of the Association and designating the signatories required therefor.
- g. Purchasing Units of the Condominium at foreclosure or other judicial sales in the name of the Association or its designee on behalf of all the Unit Owners as provided in these Bylaws.
- h. Selling, leasing, mortgaging, voting the votes appurtenant to (other than for the election of Directors), or otherwise dealing with Units of the Condominium acquired by the Association or its designee on behalf of all the Unit Owners.
- i. Obtaining insurance or bonds pursuant to the provisions of these Bylaws.
- j. Making additions and improvements to, or alterations of, the General Common and Limited Common Elements; provided, however, that no such project may be undertaken by the Board if the total cost will exceed the amount of \$2,500 unless the Unit Owners have enacted a resolution authorizing the project by a vote of seventy-five percent (75%) of the voting rights present in person or by proxy at a meeting at which a quorum is constituted. This limitation shall not be applicable to repairs or maintenance undertaken pursuant to paragraph (a) above.
- k. Designating one or more committees which, to the extent provided in the resolution designating the committee, shall have the powers of the Board in the management of the affairs of the Association. At least one member of each committee shall be a member of the Board.
- 1. Hiring managers and/or other agents ("Manager") who shall be responsible for the implementation of the decisions of the Board and for conducting the ordinary and usual business affairs of the Association. The Manager shall at all times be

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subject to the direction of the Board and shall keep the Board informed as to all matters of concern to the Board.

- m. Enforcement by legal means of the provisions of the Act, the Declaration, these Bylaws and any rules and regulations adopted hereunder.
- n. Deliver the Annual Report, as described in ORS 100.260(2), every year to the Office of the Secretary of State for filing on behalf of the Association, in accordance with ORS 100.260(5), not later than the report date which shall be the anniversary date of filing the Condominium Information Report, described in ORS 100.260(1).
- 4.7 <u>Managing Agent or Manager</u>. As provided in Section 4.6 l above, the Board may employ or contract for a Manager at a compensation to be established by the Board. In the absence of such appointment, the Board shall act as manager.
- 4.8 Organizational Meeting. Within fourteen (14) days following the annual meeting of the Association or following any meeting at which an election of Directors has been held, the Poard shall hold an organization meeting at such place and time shall have been fixed by the Directors at the meeting at which the election was held.
- 4.9 Regular and Special Meetings. Regular meetings of the Board may be held at such time and place as shall be determined, from time to time, by a majority of the Directors. Special meetings of the Board may be called by the chairman and must be called by the secretary at the written request of at least one Director. Notice of any special meeting shall be given to each Director, personally or by mail, telephone or telegraph, at least seven (7) days prior to the day named for such meeting, and shall state the time, place and purpose of such meeting. All meetings of the Board shall be open to Unit Owners as set forth in Section 3.6 herein. Such meetings may be conducted by telephonic communication.
- 4.10 <u>Waiver of Notice</u>. Any Director may, at any time, waive notice of any meeting of the Board in writing, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall constitute a waiver by him/her of notice of the time and place thereof, except where a Director attends the meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. If all

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of the Directors are present at any meeting of the Board, no notice to Directors shall be required and any business may be transacted at such meeting.

- 4.11 Quorum of Board of Directors. At all meetings of the Board, a majority of the Directors shall constitute a quorum for the transaction of business, and the votes of a majority of the Directors present at a meeting at which a quorum is present shall constitute the decision of the Board. If at any meeting of the Board less than a quorum should be present, a majority of those present may adjourn the meeting from time to time. At any such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called may be transacted without further notice to Directors.
- 4.12 <u>Compensation</u>. No Director shall receive any compensation from the Association for acting as such.
- Liability and Indemnification of Directors, Officers, Manager or Managing Agent. The Directors and officers shall not be liable to the Association of the Unit Owners for any mistake of judgment, negligence, or otherwise except for their own willful misconduct or bad faith. The Association shall indemnify and hold harmless each Director and officer and the manager or aging agent, if any, against all contractual liability to owners arising out of contracts made by the Board, officers. manager or managing agent on behalf of the Association unless any such contract shall have been made in bad faith or contrary to the provisions of the Declaration or of these Bylaws. Each Director and officer and the manager or managing agent, if any, shall be indemnified by the Association against all expenses and liabilities, including attorneys' fees, reasonably incurred or imposed upon them in connection with any proceeding to which they may be a party, or in which they may become involved, by reason of being or having been a Director, officer, manager or managing agent, and shall be indemnified upon any reasonable settlement thereof; provided, however, there shall be no indemnity if the Director, officer, manager or managing agent is adjudged guilty of willful nonfeasance, misfeasance or malfeasance in the performance of his/her duties.
- 4.14 <u>Fidelity Bonds</u>. The Board may require that any person or entity, including, but not limited to, employees of any professional manager who handles or is responsible for Association funds, shall furnish such fidelity bond as the Board deems adequate. The premiums on such bonds shall be paid by the Association.
- 4.15 <u>Insurance</u>. The Board shall obtain the insurance regired in Article VII of these Bylaws. In addition, the Board, its discretion, may obtain such other insurance as it deems
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necessary to protect the interests of the Association or Unit Owners. The Board shall conduct an annual insurance review which, if appropriate, shall include an appraisal of all improvements contained in the Condominium.

ARTICLE V

OFFICERS

- 5.1 <u>Designation</u>. The principal officers of the Association shall be the chairman, the secretary and the treasurer, all of whom shall be elected by the Board. The Directors may appoint a vice chairman, an assistant treasurer, an assistant secretary and such other officers as in their judgment may be necessary. The chairman shall be a member of the Board of Directors, but the other officers need not be Directors or Unit Owners.
- 5.2 Election of Officers. The officers of the Association shall be elected annually by the Board at the organization meeting of each new Board and shall hold office at the pleasure of the Board. If any office shall become vacant, the Board shall elect a successor to fill the unexpired term at any regular meeting of the Board or at any special meeting of the Board called for such purpose.
- 5.3 Removal of Officers. Upon the affirmative vote of a majority of the Directors, any officer may be removed either with or without cause, and his/her successor may be elected at any regular meeting of the Board or at any special meeting of the Board called for such purpose.
- 5.4 Chairman. The chairman shall be the chief executive officer of the Association. He/she shall preside at all meetings of the Association and of the Board. He/she shall have all of the general powers and duties which are usually vested in the chief executive officer of an association, including but not limited to the power to appoint committees from among the Unit Owners from time to time as he/she may in his/her discretion decide is appropriate to assist in the conduct of the affairs of the Association.
- 5.5 <u>Secretary</u>. The secretary shall keep the minutes of all proceedings of the Board and the minutes of all meetings of the Association. He/she shall attend to the giving and serving of all notices to the Unit Owners and Directors and other notices required by law. He/she shall keep the records of the Association, except for those of the treasurer, and shall perform all other duties incident to the office of secretary of an association and as may be required by the Directors or the chairman. In addition, the secretary shall act as vice chairman,

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taking the place of the chairman and performing his/her duties whenever the chairman is absent or unable to act, unless the Directors have appointed another vice chairman.

- 5.6 <u>Treasurer</u>. The treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of required financial statements. He/she shall be responsible for the deposit of all moneys and other valuable effects in such depositories as may from time to time be designated by the Board, and he/she shall disburse funds of the Association upon properly authorized vouchers. He/she shall perform all other duties incident to the office of treasurer of an association and such other duties as may be assigned to him by the Board.
- 5.7 Execution of Instruments. All agreements, contracts, deeds, leases and other instruments of the Association, except checks, shall be executed by such person or persons as may be designated by general or special resolution of the Board and, in the absence of any general or special resolution applicable to any such instrument, then such instrument shall be signed by the chairman. All checks shall be signed by the treasurer, or in his/her absence or disability, by the chairman or any duly elected assistant treasurer.
- 5.8 <u>Compensation of Officers</u>. No officer who is a member of the Board, other than the secretary and treasurer, shall receive any compensation from the Association for acting as an officer, unless such compensation is authorized by a resolution duly adopted by the Unit Owners. The Board may fix any compensation to be paid to the secretary, treasurer and any officers who are not also Directors.

ARTICLE VI

BUDGET, EXPENSES AND ASSESSMENTS

- 6.1 <u>Budget</u>. The Board shall from time to time, and at least annually, prepare a budget for the Association, estimate the Common Expenses expected to be incurred, less any previous overassessment, and assess the Common Expenses to each Unit Owner in the proportion set forth in the Declaration. The budget may provide for an adequate reserve fund for maintenance, repairs and replacement of those General Common Elements which must be replaced on a periodic basis.
- 6.2 <u>Determination of Common Expenses</u>. Common Expenses shall include:
 - a. Expenses of administration;
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- Expenses of maintenance, repair or replacement of General Common and/or Limited Common Elements;
- c. Cost of insurance or bonds obtained in accordance with these Bylaws;
- d. A general operating reserve;
- e. Reserve for replacements and deferred maintenance;
- f. Any deficit in Common Expenses for any prior period;
- g. Real and personal property taxes for the General Common and Limited Common Elements until said taxes are assessed to and collected from each Unit Owner by the Clackamas County Tax Collector; and
- h. Any other items properly chargeable as an expense of the Association.
- 6.3 <u>Common Expenses for New Unit</u>. In the event new Units are added to the Condominium during the course of the fiscal year, Common Expenses will be prorated based on the Proportionate terest as defined in the Declaration amendment creating said new Units.
- 6.4 Assessment of Common Expenses. All Unit Owners shall be obliged to pay Common Expenses assessed to them by the Board on behalf of the Association pursuant to these Bylaws and the Declaration. Assessments may not be waived due to limited or non-use of General Common and/or Limited Common Elements. The Declarant and the Owners shall be assessed as the respective Unit Owners of their unsold Units, but once any of said Units are sold such assessment shall be prorated to the date of sale of any of said Units. The Board, on behalf of the Association, shall assess the Common Expenses against the Unit Owners from time to time, and at least annually, and shall take prompt action to collect from a Unit Owner any Common Expense due which remains unpaid by him/her for more than thirty (30) days from the due date for its payment.

6.5 Special Assessments.

a. <u>Capital Improvements</u>. In the case of any duly authorized capital improvements to the General Common and/or Limited Common Elements, the Board may by resolution establish a separate assessment

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for the same, which may be treated as capital contributions by the Unit Owners, and the proceeds of which shall be used only for the specific capital improvements described in the resolution.

- b. Reserve Trust Funds. In establishing reserves for the maintenance, repair or replacement of the General Common and/or Limited Common Elements, the Board may elect by resolution to establish one or more trust funds for the maintenance, repair or replacement of specific items, in which case the Board shall either designate part of the regular assessment or establish separate assessments for such purposes. The proceeds therefrom shall be held in such trust funds and used only for the designated maintenance, repairs or replacements.
- 6.6 Association's Lien Against Unit. The Association, upon complying with the Act (ORS 100.450) or as the same may be amended, shall have a lien upon the individual Unit and undivided interest in the General Common and Limited Common Elements appertaining to such Unit for the reasonable value of Common Expenses attributable to the Unit and for any unpaid assessments and interest. The lien shall be prior to all other liens or encumbrances upon the Unit except:
 - a. tax and assessment liens; and
 - a first mortgage or trust deed of record.

6.7 <u>Transferee's Liability for Unpaid Share of Common Expenses</u>.

- a. Where the purchaser or mortgagee of a Unit obtains title to the Unit as a result of foreclosure of a first mortgage, a trust deed, or by deed in lieu of foreclosure, such purchaser or mortgagee, his/her successors and assigns, shall not be liable for any of the Common Expenses chargeable to such Unit which became due prior to the acquisition of title to such Unit by such purchaser or mortgagee. Such unpaid share of Common Expenses shall be a Common Expense of all the Unit Owners and reallocated on a pro rata basis to all Units including said mortgaged Unit.
- b. In a voluntary conveyance of a Unit, the grantee shall be jointly and severally liable with the grantor for all unpaid charges against the latter for his/her proportionate share of Common Expenses

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up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, upon request of a prospective purchaser the Board shall make and deliver a statement of the unpaid charges against the prospective grantor, and the grantee in that case shall not be liable for, nor shall the Unit when conveyed be subject to, a lien filed thereafter for any charges against the grantor in excess of the amount therein set forth.

- 6.8 <u>Statement of Common Expenses</u>. Upon a request in writing, the Board shall:
 - a. advise each Unit Owner in writing of the amount of Common Expenses payable by him/her; and/or
 - b. furnish copies of each budget on which such Common Expenses are based to all Unit Owners and, if requested, to their mortgagees; and/or
 - c. furnish any Unit Owner with a written statement of his/her unpaid Common Expenses and assessments.
- 6.9 <u>Insurance Assessments</u>. Notwithstanding anything to the contrary in the Declaration and/or Bylaws, the Board shall assess each Unit for the actual insurance premium costs incurred by the Association pursuant to Article VII hereof, for the coverage of the respective Unit and its Limited Common Elements.

ARTICLE VII

INSURANCE

- 7.1 <u>Insurance</u>. For the benefit of the Association and the Unit Owners, the Board shall obtain and maintain at all times, and shall pay for out of the Common Expense funds, the following insurance:
 - a. A policy or policies of insurance covering loss or damage from fire with extended coverage endorsement and such other coverages such as flooding, which the Association may deem desirable, for not less than the full insurable replacement value of the Units and General Common and Limited Common Elements. Such policy or policies shall name Declarant, the Association and the Unit Owners as insureds, as their interests may appear, and shall provide for a separate loss

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AMENDMENT TO THE BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM

Section 7.1 of the Bylaws of the Association of Unit Owners of the Charbonneau Village Center Condominium, is hereby clarified to resolve the ambiguity between Paragraph 7.1 (a) and the last sentence of said Paragraph 7.1: each Unit Owner shall be responsible for obtaining, at his/her own expense, fire and extended coverage and such other coverages as the owner deems advisable, covering his/her unit, and shall maintain a liability insurance policy for liability arising out of acts or admissions of the unit owner and liability incident to the ownership and/or use by the Unit Owner. The Association may, if it chooses, purchase a fire with extended coverage policy for the general common and limited common elements and a liability policy as described in Paragraph 7.1 (b).

DATED THIS 20th day of Accember, 1995.

Approved:

Mike Rumpakis, Bitar Bros. Corp. Mike &

c., Robert a. Betar Corp.

Charbonneau on the Green

David Nepom

lins - CGC, Inc.

Arthur, F. Johnson, Charbonneau Golf Club, Inc.

Robert Swan, Charbonneau Country Club

exclusively with the Board or its authorized representative. Proceeds of the policies shall be paid to the Association as trustee for the Unit Owners or, upon demand of any mortgagee, to an insurance trustee acceptable to the Association and mortgagees of Units.

- c. Each Unit Owner shall be required to notify the Board of all improvements made by the owner to his/her Unit, the value of which is in excess of Five Hundred Dollars (\$500). Nothing in this paragraph shall permit an owner to make improvements without first obtaining the approval of the Board pursuant to Section 9.2.
- d. Any Unit Owner who obtains individual insurance policies covering any portion of the Condominium other than his/her personal property and fixtures shall file a copy of such individual policy or policies with the Association with thirty (30) days after the purchase of such insurance.
- 7.3 <u>Provisions</u>. The Board shall make every effort to secure insurance policies that will provide for the following:
 - a. A waiver of subrogation by the insurer as to any claims against the Board, the manager, the Unit Owners and their respective servants, agents and quests.
 - b. A provisions that the master policy on the Condominium cannot be cancelled, invalidated or suspended on account of the conduct of any one or more individual owners.
 - c. A provision that the master policy on the Condominium cannot be cancelled, invalidated or suspended on account of the conduct of any officer or employee of the Board or the manager without prior demand in writing that the Board or manager cure the defect.
 - d. A provision that any "no other insurance" clause in the master policy exclude individual owners' policies from consideration and a waiver of the usual proration clause with respect to such policies.
 - e. A provision that the insurer issue subpolicies specifying the portion of the master policy

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earmarked for each owner's interest and that until the insurer furnishes written notice and a grace period to the mortgagee insured under the loss payable clause thereof, the mortgagee's coverage is neither jeopardized by the conduct of the Unit Mortgagor-Owner, the Association or other Unit Owners nor cancelled for nonpayment of premiums.

- f. A rider on the master policy patterned after "Use and Occupancy" insurance which will provide relief from monthly assessments while a Unit is uninhabitable by the payment of the Condominium expenses thereon and any other fixed costs, including, but without being limited to, taxes, rent, insurance and mortgage payments. The proceeds from any casualty policy, whether held by the Association or a Unit Owner, payable with respect to any loss or damage to the General Common Elements, shall be held in trust for the benefit of all insureds as their interests may appear.
- g. A waiver of the insurer's right to determine whether the damage should be repaired. If reasonably available, the policy or policies should contain a stipulated amount clause or determinable cash adjustment clause, or similar clause or permit a cash settlement covering specified value in the event of destruction and a decision not to rebuild.

ARTICLE VIII

RECORDS AND AUDITS

- 8.1 <u>General Records</u>. The Board and the managing agent or manager, if any, shall keep detailed records of the actions of the Board and the managing agent or manager, minutes of the meetings of the Board and minutes of the meetings of the Association. The Board shall maintain a Book of Resolutions containing the rules, regulations and policies adopted by the Association, Board and the manager. The Board shall maintain a list of owners entitled to vote at meetings of the Association and a list of all mortgagees of Units.
- 8.2 Records of Receipts and Expenditures. The Board or its designee shall keep detailed, accurate records in chronological order of the receipts and expenditures affecting the General Common and Limited Common Elements, itemizing the maintenance and repair expenses of the General Common and Limited Common Elements

^{17 -} BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM L:\WP51\PYC\WILLAM.BYL 10-11-90

and any other expenses incurred. Such records and the vouchers authorizing the payments shall be available for examination by the Unit Owners and mortgagees during normal business hours.

- 8.3 Assessment Roll. The assessment roll shall be maintained in a set of accounting books in which there shall be an account for each Unit. Such account shall designate the name and address of the Unit Owner or Owners, the amount of each assessment against the Unit Owners, the dates and amounts in which the assessment comes due, the amounts paid upon the account and the balance due on the assessments.
- 8.4 Payment of Vouchers. The treasurer shall pay all vouchers up to \$1,000 signed by the chairman, managing agent, manager or other person authorized by the Board. Any voucher in excess of \$1,000 shall require the signature of the chairman.
- 8.5 Reports and Audits. An annual report of the receipts and expenditures of the Association shall be rendered by the Board to all Unit Owners and to all mortgagees of Units who have requested the same within ninety (90) days after the end of each fiscal year. From time to time the Board, at the expense of the Association, may obtain an audit of the books and records pertaining to the Association and furnish copies thereof to the owners and such mortgagees. At any time any owner or mortgagee may, at his/her own expense, cause an audit or inspection to be made of the books and records of the Association.
- 8.6 <u>Notice of Sale, Mortgage, Rental or Lease</u>. Immediately upon the sale, mortgage, rental or lease of any Unit, the Unit Owner shall promptly inform the secretary or manager of the name and address of said vendee, mortgagee, lessee or tenant.

ARTICLE IX

MAINTENANCE AND USE OF CONDOMINIUM PROPERTY

- 9.1 <u>Maintenance and Repair</u>. Except as otherwise provided herein for damage or destruction caused by casualty:
 - a. Units. All maintenance of and repairs to any Unit shall be made by the owner of such Unit, who shall keep the same in good order, condition and repair and shall do all redecorating, painting and staining which at any time may be necessary to maintain the good appearance and condition of his/her Unit. In addition, each Unit Owner shall be responsible for the maintenance, repair or replacement of windows and doors and any plumbing, heating or air conditioning fixtures, telephones,

^{18 -} BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM L:\WP51\PYC\WILLAM.BYL 10-11-90

water heaters, fans, lighting fixtures and lamps, fireplaces, refrigerators, dishwashers, ranges or other appliances and accessories that may be in or connected with his/her Unit.

b. General Common Elements. All maintenance, repairs and replacements to the General Common Elements and to all landscaping on the Limited Common Elements (except for non-permanent planter boxes) shall be made by the Association and shall be charged to all the Unit Owners as a Common Expense. Except as provided above, each Unit Owner having exclusive use of a Limited Common Element shall keep his/her respective Limited Common Element well maintained, repaired, replaced and in good order.

9.2 Additions, Alterations or Improvements.

- a. A Unit Owner may make any improvements or alterations to his/her Unit that do not impair the structural integrity or mechanical systems of any Unit and/or any portion of the Condominium.
- After acquiring an adjoining Unit or an adjoining part of an adjoining Unit, a Unit Owner may submit a written request to the Board for permission to remove or alter any intervening partition or to create apertures therein, even if the partition in whole or in part is a General Common and/or Limited Common Element. The Board shall approve the change unless it determines within forty-five (45) days that the proposed change will impair the structural integrity or mechanical systems of any Unit and/or any portion of the Condominium. Board may require the Unit Owner, at his/her own expense, to submit an opinion of a registered architect or registered professional engineer that the proposed change will not impair the structural integrity or mechanical systems of any Unit and/or any portion of the Condominium. Removal of partitions or creation of apertures under this paragraph is not a relocation of Unit boundaries as defined in Article XII of the Declaration.
 - c. A Unit Owner shall make no repair or alteration or perform any other work on his/her Unit which would reduce the value and/or jeopardize the soundness or safety or the Unit and/or any portion of the Condominium, and/or impair any easement or

^{19 -} BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM L:\WP51\PYC\WILLAM.BYL 10-11-90

hereditament and/or increase the Common Expenses of the Association unless the consent of all the other Unit Owners affected is first obtained.

- d. A Unit Owner may not change the appearance of the General Common and/or Limited Common Elements or the exterior appearance of a Unit without permission of the Board.
- 9.3 <u>Damage or Destruction by Casualty of Condominium</u>. In the case of substantial damage or destruction, timely written notice shall be given to the Unit Owners and their mortgagees and the following provisions shall apply:
 - In the event of damage or destruction by casualty a. of any portion or all of the Condominium, the damage or destruction shall be repaired, reconstructed or rebuilt unless, within fourteen (14) days of such damage or destruction, the Board or more than ten percent (10%) of the Unit Owners shall have requested a special meeting of the Association. Such special meeting must be held within sixty (60) days of the date of damage or destruction. At the time of such meeting, unless Unit Owners holding ninety percent (90%) of the voting power, whether in person, by writing or by proxy, vote not to repair, reconstruct or rebuild the damaged portion of the Condominium, the damage or destruction shall be repaired, reconstructed or rebuilt. If the damage or destruction is not repaired, reconstructed or rebuilt, then the damaged portion of the Condominium shall be removed from Condominium ownership by the manner provided in the Act.
 - b. The Association shall be responsible for repairing, reconstructing or rebuilding all such damage or destruction to the General Common Elements and to the landscaping on the Limited Common Elements (except the non-permanent planter boxes) and, to the extent of the Association's insurance coverage, all such damage or destruction to the Units. Each Unit Owner shall be responsible for such repairing, reconstructing or rebuilding of his/her Unit as is not covered by the Association's insurance.
 - c. If, due to the act or neglect of a Unit Owner, or of an employee, customer or guest or other authorized occupant or visitor of such Unit Owner,

damage shall be caused to the General Common and/or Limited Common Elements or to a Unit owned by others, or maintenance, repairs or replacements shall be required which would otherwise be a Common Expense, then such Unit Owner shall pay for such damage and such maintenance, repairs and replacements as may be determined by the Association, to the extent not covered by the

- d. In the event any portion of the insurance proceeds paid to the Association are not used to repair, reconstruct or rebuild the damaged or destroyed portion of the Condominium the Association shall distribute the proceeds among the Unit Owners and their mortgagees (as their interests may appear in damaged portion of the Condominium is removed from Unit ownership, the insurance proceeds, together with the proceeds from the sale of the damaged portion of the Condominium shall be distributed to the Unit Owners and their mortgagees (as their interests may appear) in the manner described in the Act.
- 9.4 <u>Condemnation</u>. If any portion of the Condominium is made the subject matter of any condemnation or eminent domain proceeding or is otherwise sought to be acquired by a condemning authority, notice of the proceeding or proposed acquisition shall promptly be given to each Unit Owner and to each mortgagee. All compensation, damages or other proceeds of the taking, other than any award for moving expenses of specific Unit Owners, shall be provided in this Section 9.4.
 - a. Complete Taking. If the entire Condominium is taken, or if Unit Owners holding ninety percent (90%) of the voting power agree that such substantial portion of the Condominium has been taken as to make the project obsolete, then the Buildings, Land and Improvements shall be deemed removed from Unit ownership. In such event, any proceeds of the condemnation paid to the Association, together with any other proceeds upon sale of the remaining Buildings, Land and Improvements, shall be distributed among the Unit Owners and their mortgagees, as their interests may appear, in accordance with the provisions of the Act.

BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM L:\WP51\PYC\WILLAM.BYL 10-11-90

- b. Partial Taking. If less than the entire Condominium is taken and the Condominium is not determined to be obsolete as provided in paragraph (a) above, then as soon as practicable the Board shall, reasonably and in good faith, allocate the award among the Units in accordance with the reduction in the fair market value of each Unit and each Unit's interest in the General Common and Limited Common Elements, compared to the total reduction in fair market value of all Units and their interest in the General Common and Limited Common Elements. In the event any Unit Owner or mortgagee objects to the allocation determined by the Board, the matter shall be submitted to arbitration in accordance with Article XVIII of the Declaration. The cost of such determination shall be paid out of the proceeds of the condemnation. Any portion of the award allocated to a Unit Owner under this paragraph shall be paid first to all mortgagees and holders of liens on the Unit Owner's interest in accordance with the exiting priorities and the balance to the Unit Owner. If any reconstruction and repair is undertaken as a result of the condemnation, the Board may retain and apply such portion of each Unit Owner's share of the award as is necessary to discharge the owner's liability for any special assessment arising from such reconstruction or
- 9.5 <u>Limitations on Use</u>. In addition to the restrictions in the Declaration and/or Covenants on use or occupancy of the Condominium, the following rules of conduct apply to all Unit Owners and all other persons using the Condominium in any manner.
 - a. Without prior written approval of the Board, which approval shall not be unreasonably withheld, no advertisements, posters, or signs of any kind shall be displayed to public view on or from any Unit or the General Common and/or Limited Common Elements except signs used by Declarant to advertising Units for sale or lease.
 - b. All persons shall exercise extreme care about creating disturbances, making noises, or using musical instruments, radios, television, and amplifiers that may disturb other Unit Owners and/or their customers, agents, employees or other authorized occupant or visitor.

^{22 -} BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU L:\WP51\PYC\UILLAM BYLAM
- c. No pets of any kind shall be raised, kept or permitted within the Condominium or any part thereof, except the Board may approve domestic household pets in the residential Units.
- d. No garments, rugs, and similar items shall be hung from the windows or from any of the facades, decks, porches, or stairways of the Condominium. It is prohibited to hang or shake dust rags, mops, and similar items from the windows or decks, porches, or stairways, or to clean such items by beating them on an exterior part of the buildings.
- e. No garbage, trash or other waste shall be deposited or maintained on any part of the General Common and/or Limited Common Elements except in areas or containers designated for such items.
- f. No person shall install wiring for electric or telephone installation, television antenna, machines or air conditioning Units, or similar devices on the exterior of the Condominium or cause them to protrude through the walls or the roof of the Condominium except as authorized by the Board. No exterior windows guards, awnings, or shades, or exterior lights or noise making devices shall be installed without the prior consent of the Board.
- g. In order to preserve the attractive appearance of the Condominium, the Board may regulate the nature of items which may be placed in or on windows, decks, patios, balconies, porches and/or the outside walls so as to be visible from other Units, the General Common and Limited Common Elements or outside the Condominium. All such items shall be maintained in a neat, clean and sanitary manner by the Unit Owner.
- h. The parking spaces designated as General Common Elements in the Declaration are intended for use of automobiles of Unit Owners and the tenants, employees, customers, guests and/or other authorized occupants or visitors. The Board may make such rules necessary to govern the use of any General Common Element parking areas by which all Unit Owners shall be bound.
- Vehicular traffic on the streets and drives within the Condominium shall be limited to five (5) miles

^{23 -} BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM
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per hour as a safety precaution. This speed limit shall apply to bicycles, motor scooters, golf carts, motorcycles, automobiles, and trucks.

- j. No trucks, boats, house trailers, motorhomes, pickup campers, mobile homes, or like recreational vehicles shall be used for residential purposes, nor shall they be stored or parked on the General Common and/or Limited Common Elements except in areas, if any, specifically so designated by the Board.
- k. Nothing shall be done or kept in any Unit or in the General Common and/or Limited Common Elements which will increase the cost of insurance on the General Common and/or Limited Common Elements. No Unit Owner shall permit anything to be done or kept in his/her Unit or in the General Common and/or Limited Common Elements which will result in cancellation of insurance on any Unit or any part of the General Common and/or Limited Common Elements.
- 9.6 Abatement and Enjoining of Violations. The violation of any rule or regulation adopted pursuant to these Bylaws or the breach of any bylaw contained herein or of any provision of the Declaration shall give the Board, acting on behalf of the Association, the right, in addition to any other rights set forth in these Bylaws:
 - a. To enter the Unit in which or concerning which such violation exists and to summarily abate and remove, at the expense of the defaulting Unit Owner, any structure, thing, or condition that may exist therein contrary to the intent and meaning of the provisions hereof, and the Board shall not thereby be deemed guilty of any manner of trespass; or
 - b. To enjoin, abate or remedy such thing or condition by appropriate legal proceedings; or
 - c. To levy reasonable fines, after giving notice and an opportunity to be heard.

Any fines levied and/or any expense incurred by the Association in remedying the default and/or damage incurred by the Association or Unit Owners shall be assessed against the offending Unit as a Common Expense and enforced as provided in \rticle VI. In addition, any aggrieved Unit Owner may bring an action to recover damages or to enjoin, abate or remedy such thing or condition by appropriate legal proceedings.

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ARTICLE X

AMENDMENTS

- 10.1 <u>How Proposed</u>. Amendments to the Bylaws shall be proposed by either a majority of the Board or by Unit Owners holding thirty percent (30%) of the voting rights. The proposed amendment must be reduced to writing and shall be included in the notice of any meeting at which action is to be taken thereon.
- 10.2 Adoption. A resolution adopting a proposed amendment may be proposed by either the Board or by the Unit Owners and may be approved by the Unit Owners at a meeting called for this purpose. Unit Owners not present at the meeting considering such amendment may vote in writing or by proxy. Any resolution must be approved by Unit Owners holding seventy-five percent (75%) of the voting rights. Neither Sections 6.6, 6.7, 6.8, 9.4 nor any other provision of these Bylaws which is for the benefit of nortgagees may be amended without the written consent of all nortgagees.
- 10.3 Execution and Recording. An amendment shall not be effective until certified by the chairman and secretary of the association, and, if required by the Act, approved by the Real istate Commissioner and then recorded as required by the Act.
- 10.4 <u>Declarant Amendment</u>. The Declarant may amend the Declaration or the Bylaws in order to comply with requirements of the Federal Housing Administration, the Veteran's Administration, the Farmer's Home Administration of the United States, the ederal National Mortgage Association, the Government National ortgage Association, the Federal Home Mortgage Loan Corporation, ny department, bureau, board, commission or agency of the United tates or the State of Oregon or any corporation wholly owned, irectly or indirectly, by the United States or the State of regon which insures, guarantees or provides financing for ondominium units. Such power of amendment may be exercised only rior to the Termination Date.

ARTICLE XI

MISCELLANEOUS

- 11.1 Notices. All notices to the Association or to the pard shall be sent in care of the managing agent, or if there is managing agent, to the principal office of the Association or such other address as the Board may hereafter designate from time to time. All notices to any Unit Owner shall be sent to 10th address as may have been designated by him from time to 10th im writing, to the Board, or if no address has been 3th nated, then to the owner's Unit.
- FOR THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM
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- 11.2 Waiver. No restriction, condition, obligation or rovision contained in these Bylaws shall be deemed to have been brogated or waived by reason of any failure to enforce the same, rrespective of the number of violations or breaches thereof hich may occur.
- Action Without a Meeting. Any action which the Act, 11.3 he Declaration and/or the Bylaws require or permit the owners or irectors to take at a meeting may be taken without a meeting if consent in writing setting forth the action so taken is signed y all of the owners or Directors entitled to vote on the matter. ne consent, which shall have the same effect as a unanimous vote the owners or Directors, shall be filed in the records of inutes of the Association.
- 11.4 Invalidity; Number; Captions. The invalidity of any ert of these Bylaws shall not impair or affect in any manner the lidity, enforceability or effect of the balance of these laws. As used herein, the singular shall include the plural d the plural, the singular. The masculine and neuter shall ch include the masculine, feminine and neuter, as the context quires. All captions used herein are intended solely for nvenience of reference and shall in no way limit any of the ovisions of these Bylaws.
- 11.5 Conflicts. These Bylaws are intended to comply with e Act and the Declaration. In case of any irreconcilable aflict, the Act and/or Declaration shall control over these laws or any rules and regulations adopted hereunder.

DATED athis of Nowomber day of Nowomber 1990.

"<u>DECLARANT</u>"

WILLAMETTE FACTORS, INC., an Oregon

corporation

Robert L. Foote, President

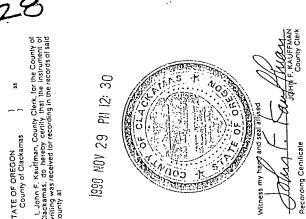
"OWNERS"

ARBONNEAU COUNTRY CLUB, an agon non-profit corporation	CHARBONNEAU VILLAGE CENTER, INC., an Oregon corporation
Willie E. Attridge President	By: Acoust State Robert L. Foote President
Manayclare Roleton Nancy Clare Ralston Secretary	
LAMETTE FACTORS, INC., an gon non-profit corporation	
Robert L. Foote President	
TE OF OREGON) nty of Clokomos) ss.	
On this / day of November above-named Robert L. Foote, when that he is the President of William gon corporation, and that the for authority of its Board of Direct trument to be its voluntary act	lamette Factors, Inc., an oregoing instrument was signed tors and acknowledged said
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⁻ BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM L:\WP51\PYC\WILLAM.BYL 10-11-90

TATE OF OREGON County of Clakonos On this / day of *Monamble*, 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the President of Charbonneau Village Center, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed. DEBBIE E. ALEXANDER NOTARY PUBLIC OREGON My Commission expires: My Commission Expires STATE OF OREGON County of Clakeman On this 1 day of November, 1990, personally appeared the above-named Walter E. Attridge, who, being first duly sworn, did say that he is the President of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed. DEBBIE E. ALEXANDER Notary Public for **ビバイ** NOTARY PUBLIC OREGON My Commission expires:_ My Commission Expires STATE OF OREGON ss. County of allaman On this day of Mounter, 1990, personally appeared the above-named Nancy Clare Ralston, who, being first duly sworn, did say that she is the Secretary of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed. DEBBIE E. ALEXANDER Notary Public for STATE ARGUON NOTARY PUBLIC OREGON My Commission expires: 4-25-94 My Commission Expires_ 28 - BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU

VILLAGE CENTER CONDOMINIUM L:\WP51\PYC\WILLAM.BYL 10-11-90



10

Recording requested by and when recorded mail to:
Patricia Young Carter
McEwen, Gisvold, Rankin & Stewart
1600 Standard Plaza
1100 S.W. Sixth Avenue
Portland, Oregon 97204

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that Willamette Factors, Inc., an Oregon corporation, has made, constituted and appointed and by these presents does make, constitute and appoint Charbonneau Country Club, Inc. an Oregon non-profit corporation, to be its true and lawful attorney, for it and in its name, place and stead and for its use and benefit, to negotiate and execute all supplemental documents required by the Oregon Condominium Act, Chapter 100.005 et seq., of the Oregon Revised Statutes, and by the Declaration Submitting the Charbonneau Village Center Condominium ("Condominium") to Condominium Ownership dated November 1st, 1990, and recorded in the Clackamas County Deed Records on November 29th, 1990 as Fee No. 20-59(1) ("Declaration"), to add the Excepted Tract to the Condominium as provided in the Declaration.

This Power of Attorney shall automatically terminate immediately after said submission of the Excepted Tract to Condominium ownership or the Termination Date as defined in the Declaration, whichever shall first occur.

IN WITNESS WHEREOF, the aforesaid corporation has signed its corporate name by its officers duly authorized thereunto by its board of directors, on this / day of November , 1990.

WILLAMETTE FACTORS, INC., an Oregon corporation

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[Notary follows on next page]

90 59023



STATE OF OREGON

County of acles) 86.

On this day of Mountain 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the President of Willamette Factors, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

DEBBIE E. ALEXANDER
NOTARY PUBLIC OREGON

My Commission Expires

Notary Public for STATE OKEGON My Commission expires: 4-25-44

RETURN TO:

McEwen, Gisvold, Rankin & Stewart
Attorneys at Law Attn: Patricia Young Carter
1600 Standard Plaza
1100 S. W. Sixth Avenue
Portland, Oregon 97204

STATE OF OREGON

County of Clackans

Clackans of Pereby Certify that the instrument of entiry as received for recording in the records of said county at

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COUNTY COUNTY

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101

PATER ASSOC AS PROPERTY

Recording requested by and when recorded mail to:
Patricia Young Carter
McEwen, Gisvold, Rankin & Stewart
1600 Standard Plaza
1100 S.W. Sixth Avenue
Portland, Oregon 97204

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that Charbonneau Village Center Condominium, Inc., an Oregon corporation, has made, constituted and appointed and by these presents does make, constitute and appoint Charbonneau Country Club, Inc., an Oregon non-profit corporation, to be its true and lawful attorney, for it and in its name, place and stead and for its use and benefit, to negotiate and execute all supplemental documents required by the Oregon Condominium Act, Chapter 100.005 et seq., of the Oregon Revised Statutes, and by the Declaration Submitting the Charbonneau Village Center Condominium ("Condominium") to Condominium Ownership dated November 12, 1990, and recorded in the Clackamas County Deed Records on November 2975, 1990 as Fee No.9059018 ("Declaration"), to add the Excepted Tract to the Condominium as provided in the Declaration.

This Power of Attorney shall automatically terminate immediately after said submission of the Excepted Tract to Condominium ownership or the Termination Date as defined in the Declaration, whichever shall first occur.

IN WITNESS WHEREOF, the aforesaid corporation has signed its corporate name by its officers duly authorized thereunto by its board of directors, on this day of North 1990.

CHARBONNEAU VILLAGE CENTER, INC., an Oregon corporation

Its: President

[Notary follows on next page]

STATE OF OREGON

County of Clatomer

DEBSIE E. ALEXANDER
NOTARY PUBLIC OREGON

Viv Commission Expires

Notary Public for STATE VEGUCKS
My Commission expires: 4-35-44

RETURN TO:

McEwen, Gisvold, Rankin & Stewart Attorneys at Law 1600 Standard Plaza 1100 S. W. Sixth Avenue Portland, Oregon 97204

STATE OF OREGON

County of Cleckamas

Loon F Kaufman County Clerk for the County of Clackamas so nevery certify that the instrument of county at

The same of the sa

90PC28 Parking Variance



30000 S.W. Town Center Loop ∈ P.O. Box 220 / Wilsonville, Oregon 97070-0220 503 / 682-1011

NOTICE OF DECISION

Project Name: _	CHARBONNEAU COUNTRY CLUI	File No:	90PC28
Applicant / Own	er: Charbonneau Country	y Club, Inc.	
Proposed Action	: Variance to reduce	the minimum parking	requirement
	I Site Development Plan a	pproval for building	expansion of
the country			
Property Desc	cription:		•
Map No: 25	Tax Lot No:316_	Site Size:	
Address:			
Location:V	illage Center area of Cha	rbonneau	
On August the following de Development Ac	13. 1990, at the meeting ecision was made on the section:	of the <u>Planning Ca</u> above-referenced Pro	ommission
Approva	l <u>XX</u> Approval	with Conditions	Denied
records at the 'and is available decision. Any	ns been finalized in writter Wilsonville City Hall this for public inspection. The appeal(s) must be filed with the contract of the contract o	day of e date of filing is th	e date of the
XX	Written decision is attache	e ત	
	Written decision is on file and/or copying.	and available for in	spection
This action, if development co	approved, will expire on mmences prior to the exp	August 13, 1992 iration date.	waless
For further infe City Hall or pi	ormation, please contact thone 682-1011.	he Wilsonville Plann	ing Department at
Attachments:	Approved Resolution Applicable Conditions, if	any	

PLANNING COMMISSION RESOLUTION NO. 90PC28

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL FOR A VARIANCE TO REDUCE THE MINIMUM PARKING REQUIREMENT AND APPROVAL OF STAGE II SITE DEVELOPMENT PLANS FOR BUILDING EXPANSION OF THE CHARBONNEAU COUNTRY CLUB

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Sections 4.008(4) and 4.139(1), (2), and (3) of the Wilsonville Code, and

WHEREAS, the Planning Director has prepared a report on the above-captioned subject which is attached hereto as Exhibit A, and

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on August 13, 1990, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A, with the findings, recommendation(s) and Conditions of Approval contained therein and as amended as set forth in Exhibit B. The Planning Commission further authorizes the Director to issue a:

Site Development Permit (Stage II) and Parking Variance

consistent with said recommendations.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof, this 13th day of August, 1990, and filed with the Wilsonville City Recorder this same day.

Chairman, Planning Commission

heeld Wh

Jude Emison, Planning Secretary

PLANNING DEPARTMENT STAFF REPORT

DATE: August 13, 1990

TO: Planning Commission

PREPARED BY: Blaise Edmonds

REQUEST:

90PC28 Charbonneau Country Club - Request Stage II Site Development Plans for expansion and a Variance to omit additional parking associated with the Country

Club expansion

SUMMARY:

- 1. Willamette Factors, Inc. has made application to the Planning Department seeking approval of a condominium plat of Village Center. An approval of the plat will create a condominium lot for the Charbonneau Country Club. At the time of the writing of this staff report, the Planning Director had not rendered a Class I administrative decision to approve or deny the condominium plat. Said plat would create a common area between the condominium lots for parking, access drives and landscaped areas.
- 2. The proposed variance to maintain the status quo of existing parking for the Country Club expansion will impair an adequate amount of parking to the remaining retail/office owners and tenants in the Village Center complex. Such a variance will substantially increase parking congestion and could endanger emergency vehicle access. Furthermore, the granting of this variance will confer upon the applicant a special privilege that is denied by this ordinance to other tenants in Village Center, because the Country Club expansion will occur on a parcel of land that in conjunction with adjacent land in Village Center is not reasonably capable of parking development. As a result, the applicant has failed to demonstrate compliance with variance criteria C and E for an approval of the subject variance.

RECOMMENDATION:

Deny the variance to reduce the parking requirement for the Country Club expansion. Deny the Stage II Site Development Plans since those plans are contingent on compliance with the minimum parking requirement.

FINDINGS: PDC & PDI

The following findings are hereby adopted by the PLANNING COMMISSION and entered into the public record in consideration of the application as submitted in conformance with the City's Comprehensive Plan and Zoning Regulations.

DA	A . PECIGN REVIEW BOARD	Code Std.	Proposed	Com Co Yes	mpliance No	Additional Findings
A.	Land Use					
	Zoning	PPG	nec	· ()		2.3
	Comprehensive Plan Designation	<u>com</u> m	eiscial		Õ	
B.	Land and Building Improvement	ents		_	•	
	1. Lot Size	Но				
	a. Total site area (acreage)	MINIMUM	19,454 6			4
	b. Lot sizes (subdivision)		THE WAY	O MU		
	Acreage lot size	н	A	$\bigcap_{i=1}^{n}$	$\overline{\bigcirc}$	NA.
	2. Lot Coverage	Но				
	a. All buildings	MUMKAM	9,7938	=	\bigcirc	5
	b. Parking/paved		RANCHO COMMON	$\overline{\mathbf{O}}$	\tilde{C}	WEIGHT !
	c. Landscaping	/ Name				
	1. total size area (%)	(MINIMUM)	4		(<u> </u>	
	2. parking area (%)	10%		\tilde{O}	\tilde{c}	
	3. screening/buffering	ادي 	4 2	\sim	\overline{O}	
	4. irrigation system	<u> Maning</u>)		0	V
	3. Building Setbacks					
	Pront	<u></u>	11'		\bigcirc	2
	Right side / Nepsy		71	Ŏ	\tilde{O}	
	Left side / South		30'		$\tilde{0}$	
	Rear side / WSST	0'	76		\sim	J

	•				90 /
	Code Std.	Proposed	Code Cor Yes	No No	Additional Findings
4. Building Use					6
a. Office		4400		O	
b. Warehouse			\circ	\circ	
c. Manufacturing	- स्वा		0	O	NA.
d. Other/Assembly, cult, MITCHEH, ECT.	— ro ir	4.82		O	
5. Building Specifications		NOT	_	_	
a. Building Height	15'	AwoH3_		O	
b. (Sun Exposure Plane)	·	<u></u>	0	O	
c. Gross Floor area of Building		न्त्र नड	# •	0	
6. Number of Off-Street Parking					see variance
a. Standard 9' X 18'	134	43	. 0		FINANCE
b. Compact 8 1/2' X 17' (30% 10 allowed)	OPTIONA	- PHIDNH		0	14,15
c. Handicapped 12' X 18' (1 to 50 required)	_3	0	0		
Total	137	43	0		
d. Truck load berths		0	0		<u></u>
7. Access/Egress			•		
a. Direct access to street		4	. 0	0	
b. Access provided by easement		Phonose		0	
c. Rail Access		W	0	0	<u> NA</u>
8. Open Space Slope Protection				٠	
a. Existing vegetation protected	Company of the Compan		. 0	0	
b. Slopes over 20% to 30% impervious coverage			. 0	0	
c. River and stream corridors pro-	ected		. 0	0	
d. Adequate erosion control provi	ded		00	00	

The state of the s

			Cod	le 3td.	Proposed	Code On Yes	No No	Additional Findings
C.	Other Planning C	onelderations						
	Outside storage are screen.		马登	<u>4'12</u>		0	O	Chas
	2. Adequate screenag	e of mechanical nent		<u> </u>		. 0	0	. 🗸
	3. Safety/crime preven	ention			•		,	
	a. Location of ad	dressing		Bar		. 0	0	EAS
	b. Natural surveil	llance	- ساکانت	<u></u>		. 0	0	
	c. Type of exterio	or lighting	-	<u> </u>		. 0	0	
D.	Bike Paths. Pedesi	rian Trails.	k Equ	estrian '	Traila			
	1. Pathway Standard	s						
	a. Pathways are p with pathway m standards (Sec	rovided consistent easter plan and dition 4.168 W.C.	esign		EXICTING	•	0	e politicis de la companya de la com
E.	Previous Approva	i actions and	applic	able co	nditions or	approva	ls	
	 City Council DRB P.C. Other 	Yes Yes Yes Yes	200 200 200 200 200 200 200 200 200 200	File No File No File No File No	See f	inding inding inding inding		
	inter-agency review	comments Yes	No	See Ext	hibit No.			
	Inter-agency review	comments (Writt	ten Only	y)				
	City Engineer	Yes	No	See Exi	hibit No.			
	Parks & Recreat.	Yes	No	See Exi	hibit No.			
	Traffic Safety	Yes	No	See Ex	hibit No.			
	Building Dept.	Yes	No	See Ex	hibit No.			
	Tualatin Fire Dept.	Yes	No	See Ex	hibit No.			
	Sheriff	Yes	No	See Ex	hibit No.			

PC RK3: CHARBONSTAU COUNTRY CLUB 7-13-90

PAGE 5 OF 11

CHARBONNEAU COUNTRY CLUB ADDITION STAGE II SITE DEVELOPMENT REVIEW PROPOSED FINDINGS

Project Description:

Applicant:

Charbonneau Country Club

Walter E. Attridge, President

Architects:

Petersen, Kolberg & Associates

- The subject property is Tax Lot 315, T3S-R1W, Section 25. This parcel is located within Village City of the Charbonneau District. Village Center is a mixed office/retail commercial complex.
- 2. Willamette Factors, Inc. has made application to the Planning Department seeking approval of a condominium plat of Village Center. An approval of the plat will create a condominium lot for the Charbonneau Country Club. At the time of the writing of this staff report, the Planning Director had not rendered a Class I administrative decision to approve or deny the condominium plat. Said plat would create a common area between the condominium lots for parking, access drives and landscaped areas.
- 3. That a decision by the Planning Commission to approve the Country Club expansion, Stage II Site Development Plans, is contingent on a final recording of the Village Center condominium plat and an approval of the parking variance request. The final recording of the condominium plat will legally recognize the subject parcel. Section 4.202(4) of the Wilsonville Code restricts the issuance of a Development Permit for any lot that was not legally created in accordance with the Code.
- 4. At the time the Village Center condominium plat is recorded, the subject parcel created will be approximately 19,454 square feet. This parcel would accommodate the existing and expanded clubhouse facility, except for on-site parking.
- 5. The existing clubhouse comprises 5,064 square feet. The existing clubhouse plus the addition will total 9,793 square feet. The addition will nearly double the size of the existing clubhouse facility.

Building Height

The existing clubhouse is a single-story structure. Though building elevations were not submitted for Stage II review, it is walk to at the clubhouse and proposed addition would exceed the maximum 35 and the restriction. The Design Review Board will verify the maximum 3 wight were at this design review.

PC RES: CHARBONNEAU COUNTRY CLUB 7-13-90

PAGE 6 OF 11

Number of Off-Street Packing

7. This element of the staff report is directed to the applicant's request for a variance to omit additional parking associated with the clubhouse addition.

Variances

- 8. Section 4.186 of the Wilsonville Code, duplicated below, is the operative document for variance review. The applicant has responded to each of the variance criterion as demonstrated by Exhibit B.
 - "1. Where difficulties exist rendering compliance with the zoning sections impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings, the Planning Commission and Design Review Board may grant a variance from the provisions of this Code after the prescribed public hearing as set forth in Section 4.012, and after an investigation, provided all of the following conditions exist:
 - A. The difficulty would apply to the particular land or building regardless of the owner.
 - B. The request for a variance is not the result of an illegal act on the part of the applicant.
 - C. The plight of the owner is due to unique circumstances, such as lot size or shape, topography and size or shape of building, which are not typical of the general conditions of the surrounding area.
 - D. The hardship asserted as a ground for a variance must arise out of the zoning sections.
 - E. The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for the benefit for which the variance is sought and not to other premises or personal conditions of the applicant.
 - F. The variance does not allow the property to be used for purposes not authorized within the zone involved.
 - G. The variance is the minimum necessary to relieve the hardship.
- 9. The applicant has prepared a written statement and Response Findings to Section 4.186 which are identified by Exhibit D-1 of this staff report.

PC RES: CHARBONNEAU COUNTRY CLUB 7-13-90

Parking Analysis

10. Building Data

Site Area - 1

19,454 square feet - see Site Plan

Landscape/Open Space

9,662 square feet

Existing + addition

*Assembly 5,511 sq.ft./i space per 4 seats = 132
*Club 2,413 sq.ft./equal combined uses
Kitchen/Service 608 sq.ft./200 sq.ft. = 3
416 sq.ft./2000 sq.ft. = 0
460 sq.ft./250 sq.ft. = 2
323 sq.ft./NA

Total

9,793 sq.ft.

Occupancy

555 persons

*NOTE - Parking space requirement may be approximated only. In this case, the assembly/lot areas could have a variety of uses including, but exclusive of, assembly, banquet and special activities. The applicant did not provide a seating count for determination of the minimum parking requirement because of the mixed use asssembly area. Therefore, staff proposes to use the Uniform Building Code for maximum number of occupants in an assembly area as a methodology for calculating the minimum parking required. As a result, assembly parking is calculated by the following formula:

7,924 (Assembly and Club) divided by 15 sq.ft. per occupant divided by one person per four chairs

7,924/15 sq.ft./4 = 132 parking spaces

11. The following parking analysis was provided by Willamette Factors for the Village Center complex:

•	Size	Sq.Ft./ Space	Parking Req'd.
Restaurant	7,834		
Banquet Rooms	2.444 10,278	200	51
Pro Shop	1,977	200	10
Dress Shop	546	200	
Country Club (Assembly)	2,560	* ,	3 43
Tennis Facility	15,000	Max. Play	. 8
Commercial Building	6,154	250	25
North Retail	9,648	200	48
South Retail (Pad)	9,360	200	
Total	•	-	<u>47</u> 235

Proposed Country Club Addition

* 15 sq.ft. per occupant of assembly area, one parking space per 4 occupants.

Retail - 200 sq.ft. per space Bank/Office - 250 sq.ft./space

PC RES: CHARBONNEAU COUNTRY CLUB 7-13-90 The proposed Country Club expansion was not factored in the Willamette Factors parking analysis.

- 12. Based upon the existing Country Club facility and proposed club expansion, the minimum parking required is 137 parking spaces. Approximately 43 parking spaces are allocated to the existing Country Club facility. The Country Club expansion would require 94 additional parking spaces.
- With exception to variable properties A, B and C shown on the proposed Charbonneau Village Center condominium plat, there is no common area available for additional parking. Variable property A would be retained by Willamette Factors for future development. Variable Property B is the subject expansion site area for the Country Club. Variable property C confines an exterior foundation of a future retail/office building.
- 14. That the applicant has not identified an alternative area to facilitate additional automobile parking spaces associated with the Country Club expansion. It is not reasonable to expect that reliance on golf cart drop-ins would result in a lessening of the over-burdened parking areas during peak Village Center operations.

Parking Variance Conclusionary Finding

The proposed variance to maintain the status quo of existing parking for the Country Club expansion will impair an adequate amount of parking to the remaining retail/office owners and tenants in the Village Center complex. Such a variance will substantially increase parking congestion and could endanger emergency vehicle access. Furthermore, the granting of this variance will confer upon the applicant a special privilege that is denied by this ordinance to other tenants in Village Center, because the Country Club expansion will occur on a parcel of land that, in conjunction with adjacent land in Village Center, is not reasonably capable of parking development. As a result, the applicant has failed to demonstrate compliance with Variance Criterion C and E for an approval of the subject variance.

PC RES: CHARBONNEAU COUNTRY CLUB 7-13-90

ADDITIONAL FINDINGS AND CONCLUSIONS

- 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.

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No, see Finding ho.

PETERSEN KOLBERG & ASSOCIATES, P.C.

A.I.A. ARCHITECTS/PLANNERS



CHARBONNEAU COUNTRY CLUB ADDITION BUILDING DATA

Site Area - 19,454 sq. ft. (See Site Plan)

Landscape/Open Space - 9,662 sq. ft.

Existing Building

TOTAL

Occupancy

Assembly Toilet Club Storage Kitchen Office	2,573 sq. ft. 323 sq. ft. 1,198 sq. ft. 260 sq. ft. 248 sq. ft. 460 sq. ft.
TOTAL	5,064 sq. ft.
Occupancy	274 persons
Building Addition	
Assembly Bar Storage Kitchen/Service TOTAL	2,938 sq. ft. 1,275 sq. ft. 156 sq. ft. 360 sq. ft. 4,729 sq. ft.
Occupancy	281 persons
Existing + Addition	
Assembly Club ///Soc Kitchen/Service Storage Office Toilet	5,511 sq. ft. 2,413 sq. ft. 3611 608 sq. ft. 416 sq. ft. 460 sq. ft. 323 sq. ft.

9,793 sq. ft.

555 persons





Charbonneau country club

32,000 Cherbonnesu Drive • Wilsonville, Oregon 97070 • Phone 503/664-2300

May 25, 1990

The Charlonneau Country Club, Inc. is the "umbrella" homeowners association for Charbonneau. At the present time there are 1,300 member residential locations including townhomes, single family homes and apartments.

The clubhouse is for the use of members and guests only. Members use the clubhouse for community related meetings, for recreational activities including card parties, lunches and dinners, singing groups, golf related events, wedding receptions, etc. It also serves as a voting location for the two precincts located in Charbonneau.

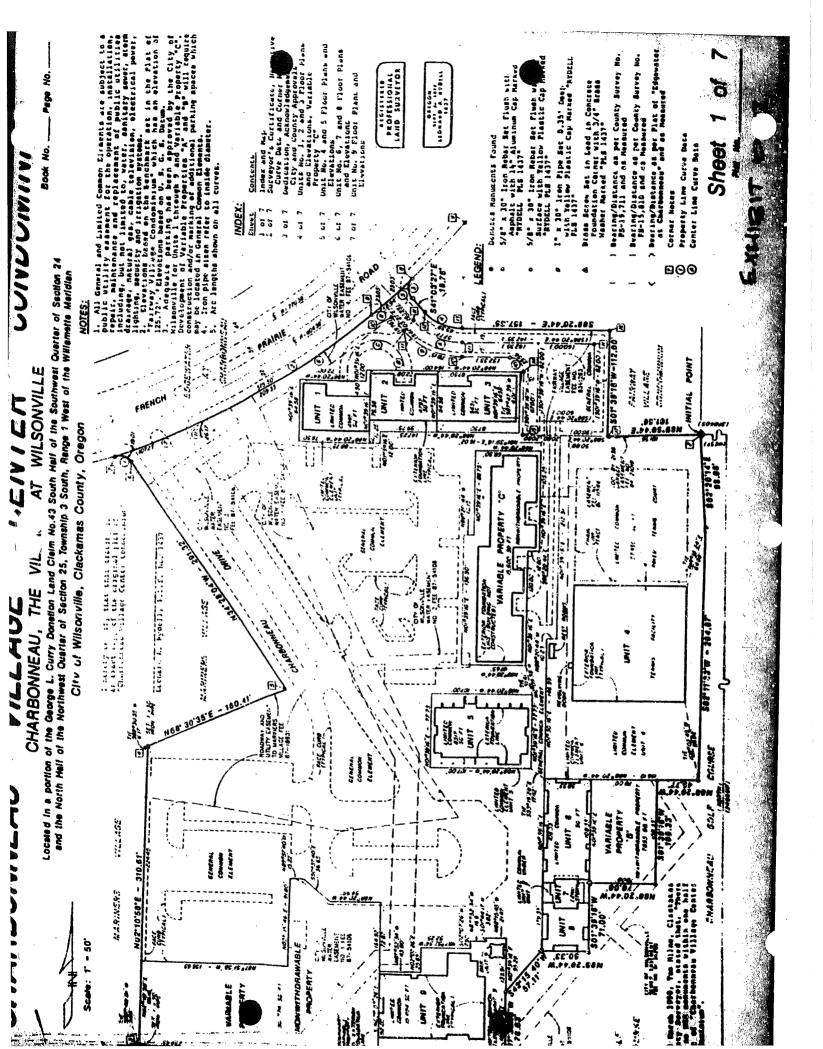
The club is open seven days a week for members as required. It is managed by Mrs. Kathy Short who maintains an office at the clubhouse with hours of 8 AM to 5 PM weekdays.

It is regularly cleaned and serviced by Floor Waxers, Inc. and nightly security patrols provided by Night Owl Security.

With the growth of Charbonneau the present Clubhouse is not adequate to serve our members and we are unable to satisfy the space requirements for all the groups having the right to use the facility.

Because of the golf course at Charbonneau, some 300 Country Club members have electric golf carts and many of these are regularly used for attendance at clubhouse functions. At some gatherings there are upwards of 100 such carts which provide a convenient and economical means of transportation with the community.

Willie G - William Nalter E. Attridge, President



PETERSEN KOLBERG & ASSOCIATES, P.C.



REQUEST FOR VARIANCE:

The Charbonneau Golf Club is proceeding with plans for expanding their existing facility. They currently have 5,064 square feet and are planning to add 4,729 square feet. Due to the combined use of parking spaces in the Charbonneau Village and the high use of golf carts for transportation, we are requesting a variance from adding additional parking with this expansion.

ISSUES:

The current parking allocation for parking spaces is shown on the attached sheet. The golf club has been allocated 43 parking spaces. The club has carefully watched the means of transportation that the members are using. In almost all occasions the main transportation has been by golf cart. The board members and the administrator have verified this. Few members will drive to a function and a small percentage will walk.

In addition, the parking allocated for the south retail pad will probably not be for retail. Please see attached letter regarding the future use of the retail pad that will result in fewer parking spaces needed.

SUMMARY:

We would appreciate your approval of this variance in as much as the club use of parking is very sporatic and does not have the need of parking spaces more than the current 43.

EXHIBIT D.1



CHARBONNEAU COUNTRY CLUB

Mike Williams moved to approve Stage II Site Development Plans for Charbonneau Country Club for an expansion and a Variance to omit additional parking associated with the Country Club expansion with the following Findings:

That there has not been a doubling of size of the Country Club within the last few years; that the Country Club encourages the use of golf carts and from the exhibits that we have been presented that at least two and possibly three golf carts would fit in one parking place; that it appears that there are somewhere in excess of 100 parking places which could be available for use by the Country Club members when one takes the existing 43 parking spaces which have been assigned to the Country Club and an additional 14 or 15 which may be available on the road if it is restriped, subject to the approval of the Fire Marshal and that there will be an additional 47 units which have been assigned to the south retail pad, which have not been developed and which is going to be owned by a separate entity which may or may not develop the parcel; and that based on the following findings that the requirements of our Variance Ordinance A through G have been satisfied.

The following Findings are in response to the Variance criterion in Section 4.186 of the Code:

- A. The difficulty would apply to the particular land or building regardless of the owners.
- B. The request for a variance is not the result of an illegal act on the part of the applicant.
- C. The plight of the owner is due to unique circumstances such as lot size or shape, topography and size or shape of building, which are not typical of the general condition of the surrounding area this does apply.
- D. The hardship asserted as a ground for a variance must arise out of the zoning sections it does.
- E. The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for the benefit for which the variance is sought and not to other premises or personal conditions of the applicant the hardship which is asserted is a ground for a variance relates to the premises. The application of the Zoning Code in terms of the parking requirements as contrasted to the actual use to which the property has been put and will be put. The variance is sought not for other premises, but for this premise and does not arise out of any personal condition of the applicant.
- F. The variance does not allow the property to be used for purposes not authorized within the zone involves.

```
MINIMUM PAINING REGULACE
Existing Building
                                          1./1 SPACE PER 4 SUATS & 183.
                             2,573 sq. 323 sq. 1,198 sq.
  Assably
                                        ft./HA
ft./Gqual combined uses
      Toilet
     Club
                                260 sq. ft./2000 == 0
      Storage
                                248 sq. ft./200 5F = 1
      Kitchen
                                460 sq. ft./250 9F = 2
      Office
                              5,064 sq. ft.
      TOTAL
                                274 persons
      Occupancy
Building Addition
                              2,938 sq. ft./1 space pur 4 sarts a Sa
       Assembly
                              1,275 sq. ft./200 m & 6
156 sq. ft./2000 m = c
                                          16 /2000 of de
       Bat
       Storage
                                 360 sq. ft/2000 2
       Kitchen/Service
                              4,729 sq. ft.
       TOTAL
                                 281 persons
       Occupancy
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PETERSEN KOLBERG & ASSOCIATES, P.C. ALA ARCHITECTS/PLANNERS



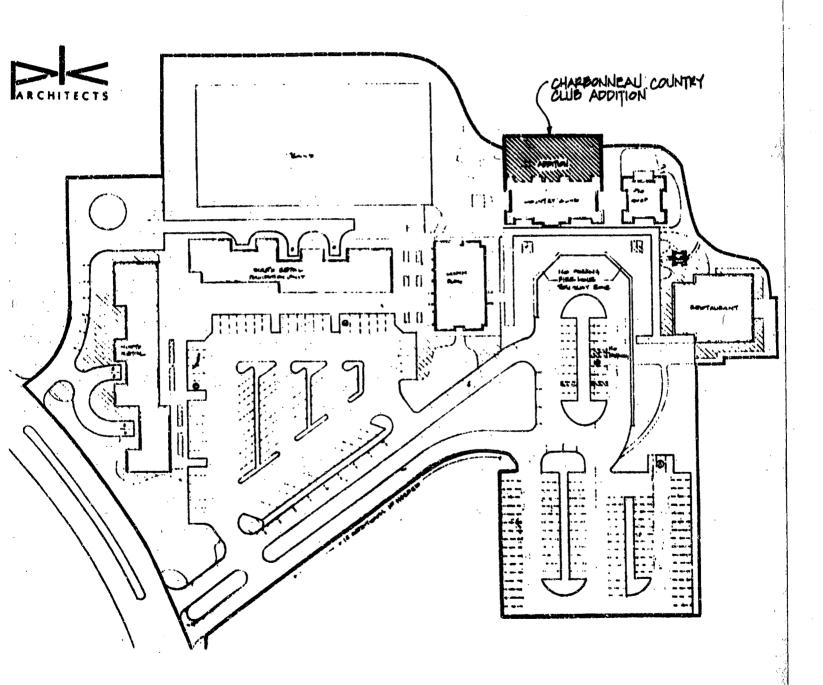


EXHIBIT DES

MI SONVILL CARRON 47070

OFFICERS
DUANE M PETERGEN
STEVEN U ROLLERS

31040 Charbonness: Daire Wilcondile, Oregon 97070 (503) 494-1414

Robert L. Foote, Freedont

CHARBONNEAU VILLAGE CENTER PARKING REQUIREMENTS

	Size	Sq.Ft/ Space	Parking Req'd.
Restaurant Banquet rooms	7,834 2,444 10,278	200	51
Pro Shop	1,977	200	10
Dress Shop	546	200	3
Country Club (Assembly)	2,560	*	43
Tennis Facility	15,000	Max. Play	8
Commercial Building	6,154	250	25
North Retail	9,648	200	48
South Retail (Pad)	9,360	200	47
u		TOTAL	235

Proposed Country Club Addition

* 15 sq. ft. per occupant of assembly area, one parking space per 4 occupants.

Retail - 200 sq. ft. per space

Bank/Office - 250 sq. ft./space

PLANNING COMMISSION RESOLUTION

CHARBONNEAU VILLAGE SHOPPING CENTER

REVISION OF STAGE II MASTER PLAN

WHEREAS, Willamette Factors, represented by Albert Murakami, ROMA architects, have submitted an application for the revision of the Charbonneau Master Plan to allow for the construction of an expanded commercial and townhouse area within the Charbonneau Village Shopping Center, and

WHEREAS, the revision of the preliminary plat as approved by the City of Wilsonville requires Planning Commission review and approval under the provisions of Section 13.06 of the City of Wilsonville Zoning Ordinance #23, and

WHEREAS, site development plans indicating the area to be revised together with architectural elevations, floor area dimensions, landscape areas, proposed land uses and preliminary plan map have been submitted for Planning Commission consideration at a regularly scheduled hearing conducted on April 9, 1979, and

WHEREAS, said planning exhibits, together with public testimony and findings prepared by the Wilsonville Planning Department, have been submitted at said hearing and entered into the public record insupport of the revisions as requested, and

WHEREAS, the Wilsonville Planning Commission deems it appropriate to accept said documentation into the public record and to respond to the request as submitted by approving minor modification of the master plan to allow for the improvements as documented, now, therefore,

BE IT HEREBY RESOLVED that the proposed master plan be accepted together with the site plans and building elevations and that the previously approved master plan be amended pursuant to the revised plans.

BE IT FURTHER RESOLVED that the Planning Commission's adoption of the minor modification development plans authorizes the applicant, Willamette Factors, to prepare and present to the Wilsonville Planning Commission development plans pursuant to the provisions as set forth by the Planned Unit Development regulations outlined in Ordinance #23 in order that the recording of the necessary platting of the property be completed prior to the issuance of building permits for the project in question.

BE IT FURTHER RESOLVED that said process be completed prior to the submittal of final development plans to the Wilsonville Design Review Board.

FINDINGS

The following findings, as prepared by the Wilsonville Planning Department, are hereby entered into the public record by the Wilsonville Planning Commission as confirmation of its consideration to the application in question and represents findings of fact related to the City's Comprehensive General Plan, Zoning Ordinance #23, and other applicable land use planning policies as administered by the City of Wilsonville. The Planning Commission may add to, delete and/or modify the findings as contained herein based on testimony entered into the public record during the course of the public hearing process.

- That the property in question, consisting of a total of 240,975 square feet (5.53 acres) is zoned PCSI and is a part of the Charbonneau Planned Unit Development.
- That 121,050 square feet of the total land area (2.78 acres) will be used for 14 proposed townhouses, 4 tennis courts, open space consisting of 99,050 square feet (2.2 acres) with a total building area of approximately 22,000 square feet (.5 acres).

- 3. That the proposed commercial area consists of 119,925 square feet (2.75 acres) and provides for a building area of 19,000 square feet (.43 acres), open space of 100,925 square feet (2.3 acres), with off-street parking provided for 100 cars at a parking ratio of 1 cars for each 190 square feet.
- 4. That the access to the commercial area is by way of 2 driveway access/egress points extending from the drive which connects to French Prairie Road (see exhibit).
- 5. That the off-street parking area for the proposed commercial development allows for a circular maneuver system with parking spaces designed to be constructed in small clusters towards the interior of the commercial complex, with some off-street parking fronting the commercial structures.
- 6. That the placement of commercial buildings coincides with the existing architectural and site development standards as approved by the City of Wilsonville in terms of lot area coverage, architectural design standards, pedestrian access, off-street parking location in relation to structures, landscaping, and open space features.
- That the location of the proposed townhouses is consistent with the City's approval of the Planned Unit Development to date.
- It is noted by the Planning Commission that the cluster development of the townhouses, together with the pattern of open space and placement of recreational facilities is consistent with the City's past action to approve residential neighborhoods.
- It is further noted by the Planning Commission that the open space facilities front on the #1 fairway of the golf course and that a portion of the town house complex will be constructed to front on the same fairway as the proposed tennis courts.
- 8. That the driveway and off-street parking system for the townhouse has been maintained as a separate traffic circulation system, thereby insuring against incompatible traffic volumns through a residential neighborhood.
- That the landscaping plan as proposed is consistent with past landscaping improvements completed in the Charbonneau Planned Unit Development.
- 10. That the placement and design standards for the construction of the commercial area have been completed to provide services to the local population within the Charbonneau Planned Unit Development thereby localizing commercial vehicle trips to the Planned Unit Development project in question.

CONDITIONS OF APPROVAL

The following conditions are hereby recommended by the Planning Department to be adopted by the Planning Commission as part of its administrative record. The conditions of approval may be modified by the Planning Commission or supplemented by additional conditions in order to fulfill the planning policies as represented by the Comprehensive General Plan as set forth in Ordinance #58. The purpose of the conditions is to assure an effective administrative process by which the development of the property may occur in compliance with the planning policies of the City of Wilsonville as set forth in the Zoning Ordinance #23 and the Comprehensive General Plan Map #58.

- 1. That all Stage III documents reflecting the final development plan for the property in question and the platting thereof be filed with the Planning Commission for final review pursuant to the provisions as set forth in Ordinance #23 prior to the submittal of final development plans to the Design Review Board pursuant to the provisions as set forth in Ordinance #38.
- 2. That upon the final approval of Stage III development plans by the Planning Commission, all planning documents as required by Ordinance #38

CHARBONNEAU VILLAGE SHOPPING CENTER

Submittal to: Planning Commission Design Review Board

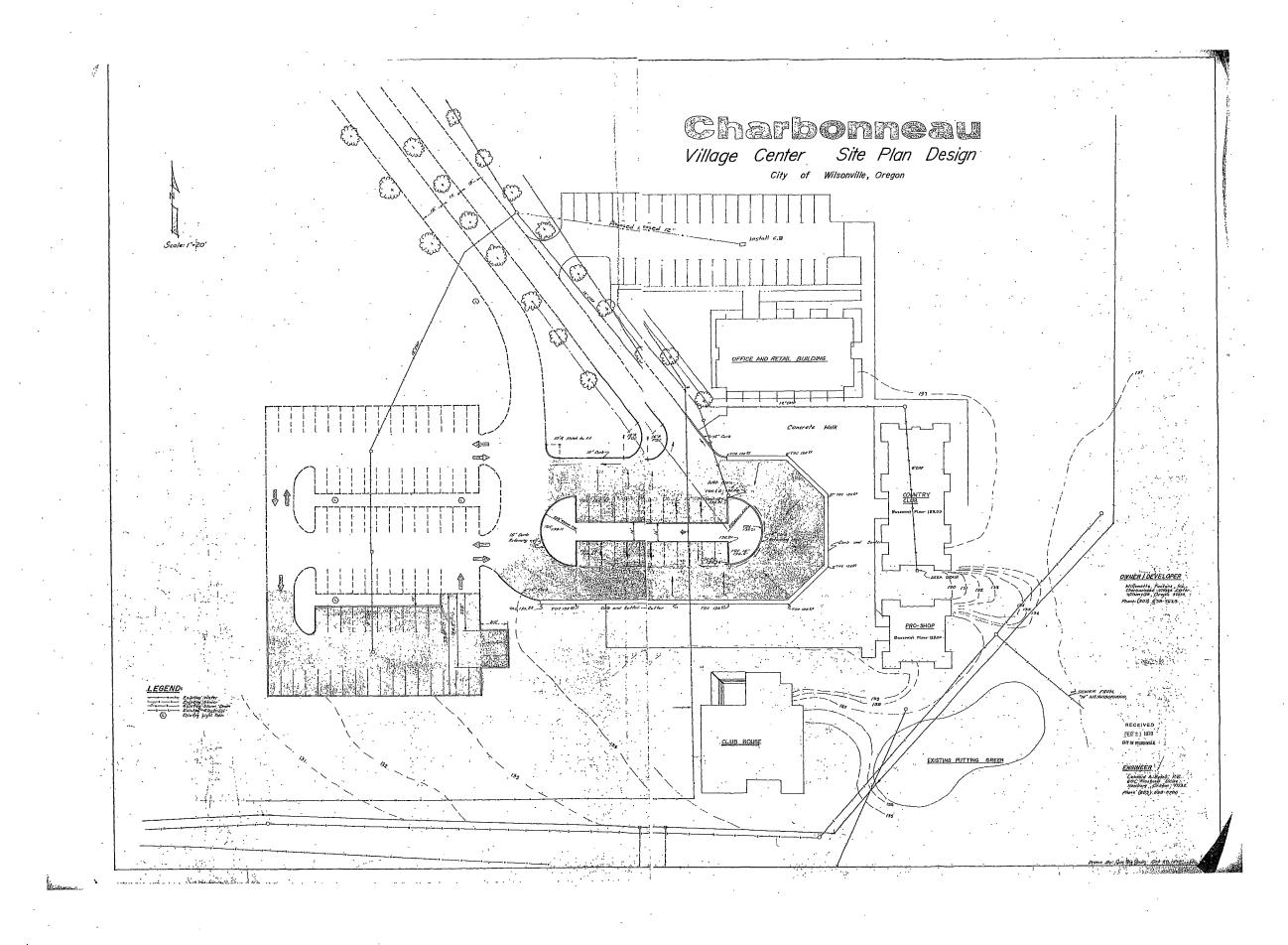
STATISTICS

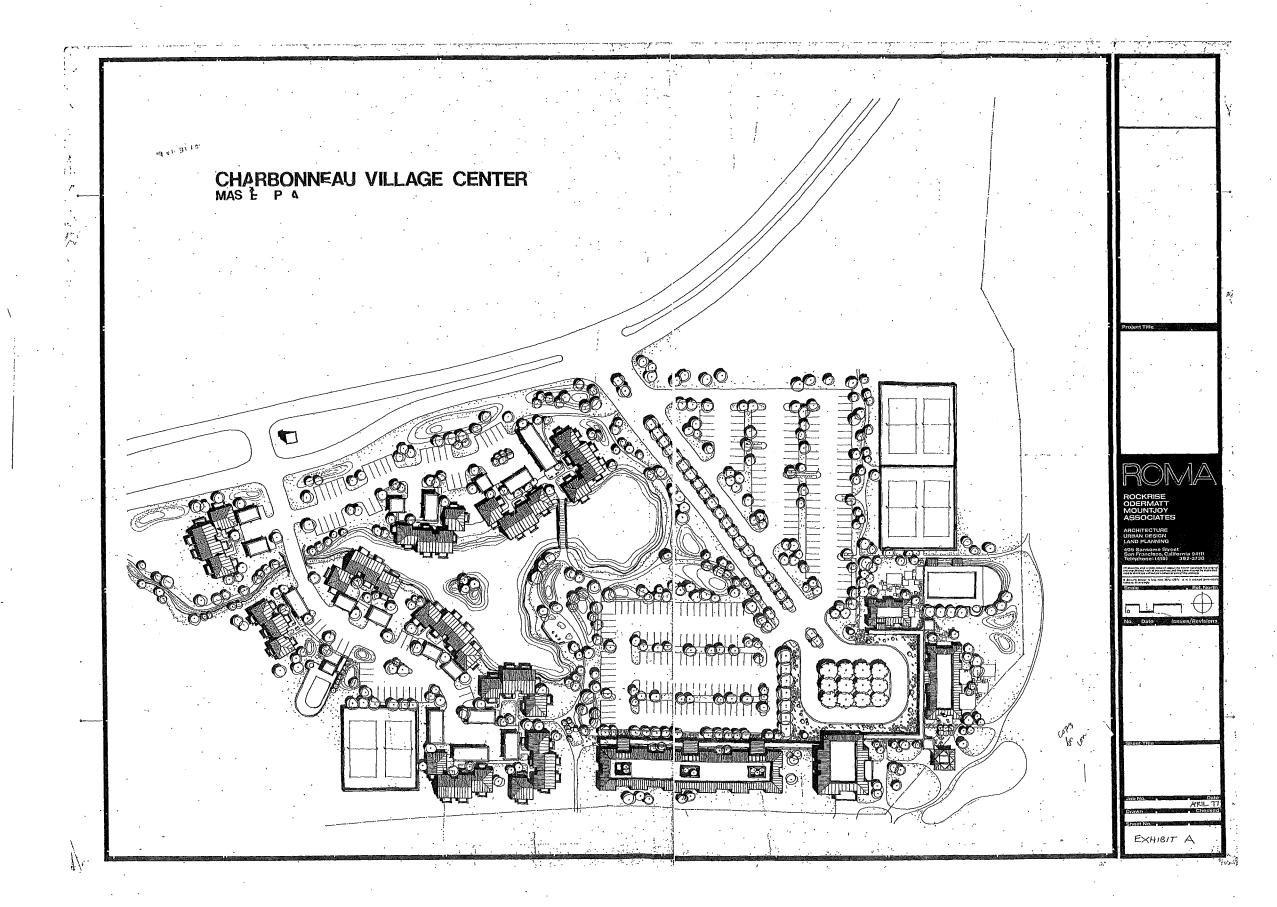
Total Land Area Building North Floor Area Building South Floor Area Total Building Area

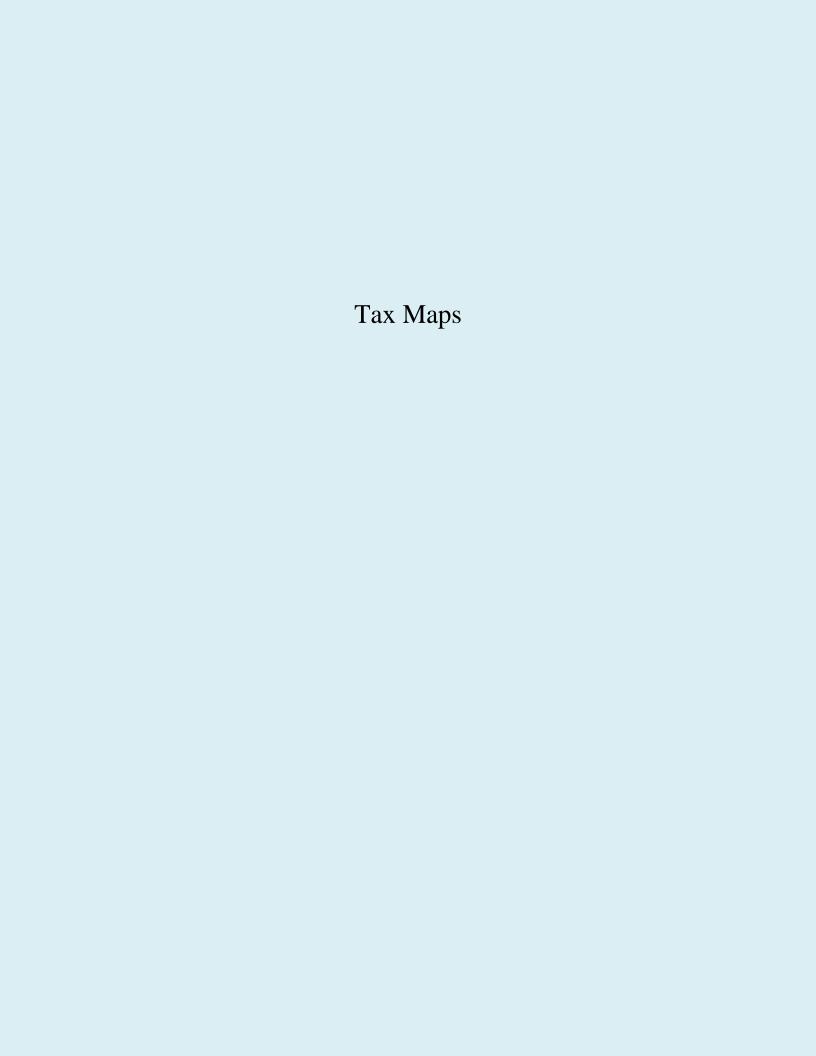
124,700 sf 9,648 sf 9,360 sf 19,008 sf

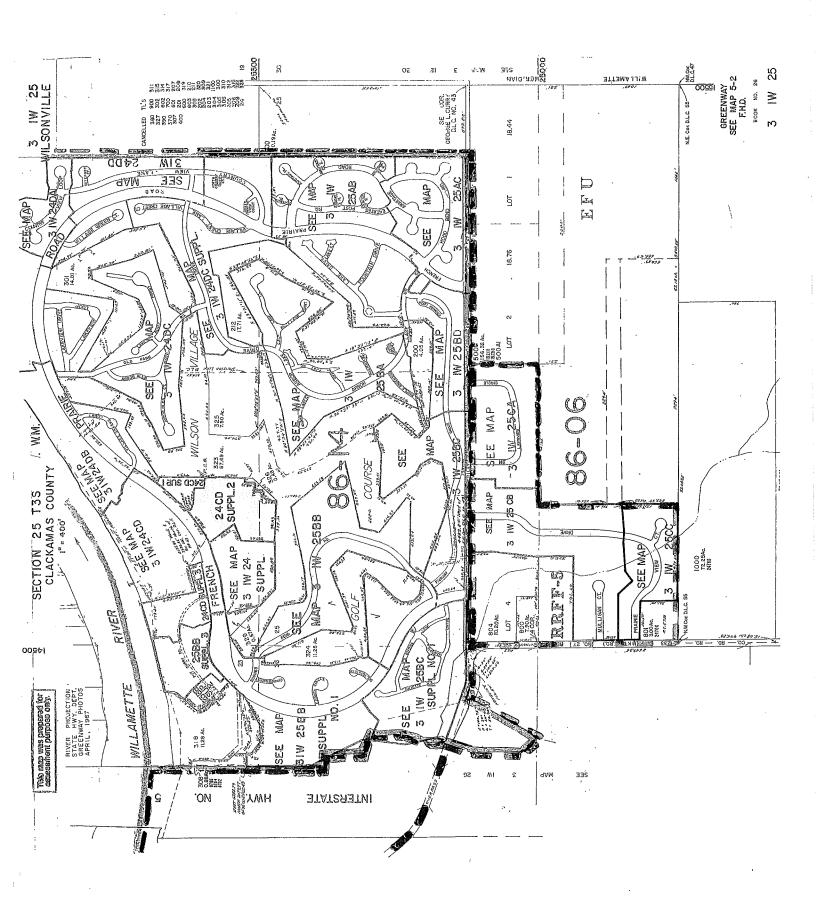
96

Total Parking

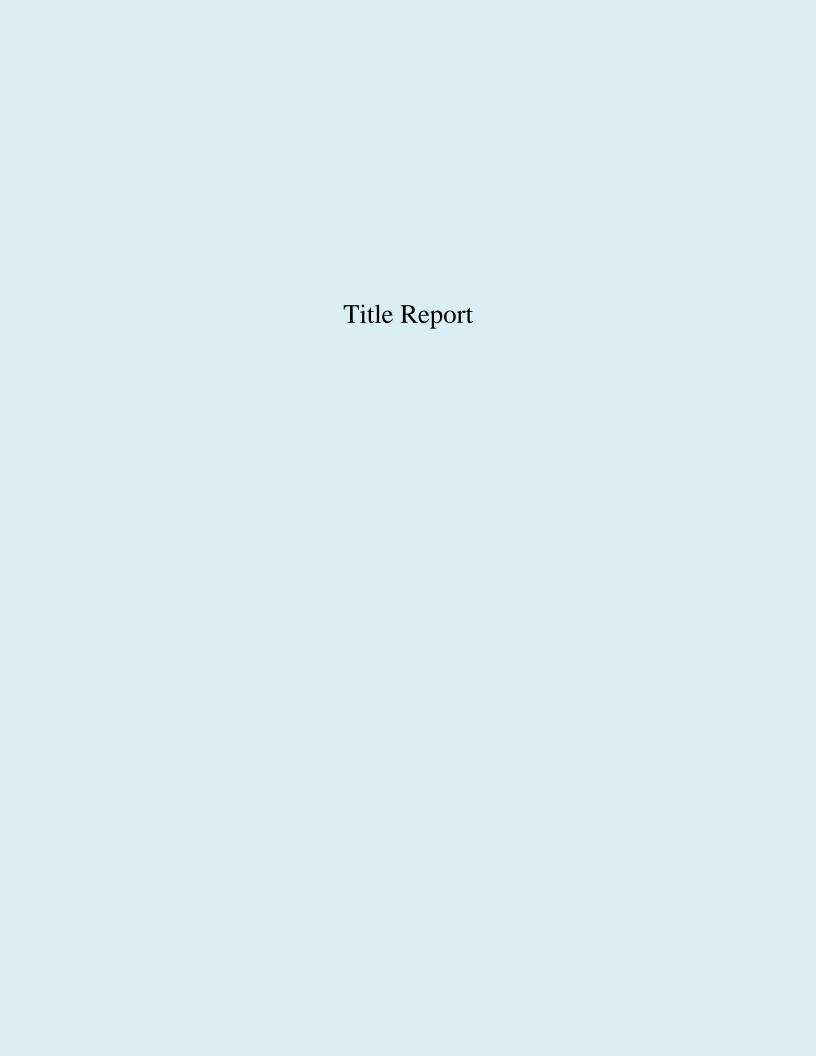








3 1 W 24 CD SUPPLEMENTAL 2 WILSONVILLE 31W24CD SUPPLEMENTAL2 WILSONVILLE S.E.1/4 S.W.1/4 SEC.24 T.3S. R.1W. W.M. Clackamas County NOT TO SCALE Cancelled Taxlots THIS MAP IS FOR ASSESSMENT PURPOSES ONLY 3/17/2011 CANCELLED , BDCD A 4,42, 507.5 M.SP,SO OUR 008+1 MAP SEE UNIT 4 LIMITED COMMON ARBONNEAU VILLAGE SONDOMINIUM SENERAL COMMON ELEN 86-14 ONOR SEE MAP 3 PRAIRIE MAP 3 IW 24CD 09241 SUPPL. PRENCH SEE MAP 3 1W 24





Ticor Title Company PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit A. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Nebraska corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit A of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

In well



Ticor Title Company

5800 SW Meadows Rd, Suite 150, Lake Oswego, OR 97035 (503)219-1150 FAX (503)597-5060

PRELIMINARY REPORT

ESCROW OFFICER: Denise Adlard

ORDER NO.: 3626058127DSA-TTPOR45

TITLE OFFICER:

Lori Guzman

Supplemental No. 1 - Update/add property

TO: Ticor Title Company

Attn: Denise Adlard

5800 SW Meadows Rd, Suite 150

Lake Oswego, OR 97035

OWNER/SELLER: Charbonneau Country Club

BUYER/BORROWER:

PROPERTY ADDRESS: 31860 #B, 32000#4+5, SW Charbonneau Dr

Wilsonville, Oregon 97070

EFFECTIVE DATE: June 6, 2013, 08:00 AM

THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
Owner's Standard	220,000.00	\$ 750.00
Governmental Service Fee		\$ 425.00
Additional Chain Charge		\$ 850.00

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO 2. **COVERED BY THIS REPORT IS:**

A Fee

- TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:
 - K & M Ventures, LLC as to Parcel 1; Charbonneau County Club, an Oregon non-profit corporation, as to Parcels 2 and 3; Charbonneau Golf Club, Inc., an Oregon corporation as to Parcel 4; Columbia State Bank, an Oregon corporation as to Parcel 5; The Charbonneau Village Center Condominium Association as to Parcel 6; Julie Marie Smith, as to Parcel 7; Edward R. Eastman and Barbara E. Eastman, as tenants by the entirety as to Parcel 8: Floyd L. Graves and Linda L. Graves, as to Parcel 9; Henry H. Marcoux and Marlan D. Marcoux, as to Parcel 10; Lynda Chapman, as to Parcel 11; Agostino Gaude and Daniela Miraglio, as tenants by the entirety, as to Parcel 12
- THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF WILSONVILLE IN THE COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS: SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

(Continued)

Order No.: 3626058127DSA-TTPOR45

EXHIBIT "ONE"

PARCEL 1

Units 1, 2 and 3, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 2

Units 4 and 5, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 3

A certain parcel known as Variable Property "B" in the Charbonneau Village Center Condominium in Wilsonville, Clackamas County, Oregon, created by Declaration dated November 1, 1990, and recorded November 29, 1990, with Clackamas County Deed Records, Fee No. 90-059018 (Declaration); and more particularly described as follows:

A tract of land in the George L. Curry Donation Land Claim No. 43 in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the Southeast foundation corner of the Charbonneau Communi8ty Building, said corner being North 2001.41 feet and West 3808.99 feet from the Southeast corner of the George L. Curry Donation Land Claim No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence North 139'16" East along the East foundation line of said building 108.30 feet to the Northeast corner of the said building; thence South 88'20'44" East, 70.00 feet; thence South 01'39'16" West, 108.33 feet; thence North 88'20'44" West 70.00 feet to the point of beg inning.

PARCEL 4

Units 6 and 7, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 5

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(Continued)

Order No.: 3626058127DSA-TTPOR45

A certain parcel known as Variable Property "C" in the Charbonneau Village Center Condominium in Wilsonville, Clackamas County, Oregon, created by Declaration dated November 1, 1990, and recorded November 29, 1990, with Clackamas County Deed Records, Fee No. 90-059018 (Declaration); and more particularly described as follows:

A tract of land in the Southwest one-quarter of Section 24, in the George L. Curry Donation Land Claim No. 43, Township 3 South, Range 1 West of the Willamette Meridian:

Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron pipe set 6-inches below the surface of the ground, said point being the Initial Point of "Fairway Village Condominium" created by Declaration recorded June 28, 1984 in Book 86, Page 17, Fee No. 84 22077, Clackamas County Plat Records, said iron pipe bears North 2,469.00 feet and West 3,684.03 feet from the Southeast corner of said Curry Donation Land Claim, said point also being the true point of beginning of the tract described in Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971 Fee No. 71 19507, Clackamas County Records, said iron pipe being the point of beginning of the parcel described in Bargain and Sale Deed to Charbonneau Country Club recorded March 28, 1980, Fee No. 80 11544, Clackamas County Records; thence along the Northerly line of said Charbonneau Country Club parcel South 89°50'44" West 101.56 feet to a one inch iron pipe; thence continuing along said Northerly line North 88°20'44" West 70.00 feet to the Northwest corner thereof; thence along the Westerly line of said Charbonneau Country Club parcel South 01°39'16" West 16.02 feet to the true point of beginning of the parcel herein being described; thence continuing along said Westerly line South 0139'16" West 105.25 feet; the nce continuing along said Westerly line North 8820'44" West 12.00 feet; thence continuing along said Charbonneau Country Club parcel Westerly line South 01°3 9'16" West 120.00 feet; thence North 88°20'44" West 67.55 feet; thence North 01°39'16" East 136.50 feet; the nce South 8820'44" East 10.15 feet; thence North 0139 '16" East 88.75 feet; thence South 8820'44" East 69.50 feet to the true point of beginning.

TOGETHER WITH the Declarant's nonexclusive easement rights to enter upon the General Common Elements and Limited Common Elements for the purposes as set forth in Article 6.2 of the Declaration to construct on and develop Variable Property "C".

PARCEL 6

Unit 8, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 7

Unit 10A, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 8

Unit 10B, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

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(Continued)

Order No.: 3626058127DSA-TTPOR45

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 9

Unit 10C, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 10

Unit 10D, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 11

Unit 10E, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

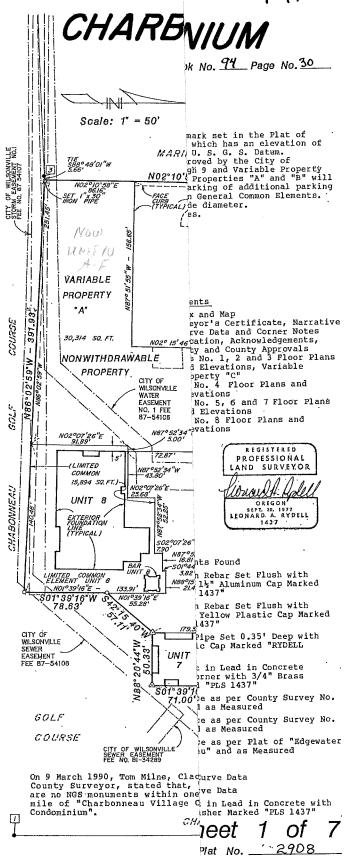
TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 12

Unit 10F, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

94/30



Clackamas County Official Records Sherry Hall, County Clerk

2013-054123

07/31/2013 11:27:35 AM

Cnt=1 Stn=1 LESLIE \$10.00 \$16.00 \$10.00 \$17.00

\$53.00

When recorded return to: Charbonneau Clubhouse LLC 1980 Willamette Falls Dr 120 West Linn, OR 97068

Until change, tax statement shall be sent to: (SAME AS ABOVE)

STATUTORY BARGAIN AND SALE DEED

M6580 WT

Columbia State Bank, 17800 SE Mill Plain Blvd #100, Vancouver, WA 98683, hereinafter called grantor, does hereby grant, bargain, sell and convey unto Charbonneau Clubhouse LLC, an Oregon limited liability company, 1980 Willamette Falls Dr 120, West Linn, OR 97068, hereinafter called grantee, unto grantee's heirs, successors and assigns, all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

Unit 8, of CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth the in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit,

Tax Acct #: 01461509

Abbreviated Legal: Unit 8, of CHARBONNEAU VILLAGE CENTER CONDOMINIUM

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

The true and actual consideration for this conveyance is \$ 360,000.00.

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

In Witness Whereof, the grantor has executed this instrument this 24th day of July, 2013.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSPERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO websdeed

VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Columbia Allister Jack, Vice President

STATE OF Washington, County of Clark) ss.

This instrument was acknowledged before me on July 3 (2013, by Allister Jeck, Vice President of Columbia

State Bank

Notary Public for the State of Washington

My appointment expires: 7-1-16

LAURA E. MARSHALL NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JULY 1, 2016

wcbsdeed



Ticor Title Company PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit A. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Nebraska corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit A of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

In Well



Ticor Title Company

5800 SW Meadows Rd, Suite 150, Lake Oswego, OR 97035 (503)219-1150 FAX (503)597-5060

PRELIMINARY REPORT

ESCROW OFFICER: Denise Adlard

ORDER NO.: 3626058127DSA-TTPOR45

Lori Guzman TITLE OFFICER:

Supplemental No. 2 - Update/add property

TO: Ticor Title Company

Attn: Denise Adlard

5800 SW Meadows Rd, Suite 150

Lake Oswego, OR 97035

OWNER/SELLER: Charbonneau Country Club

BUYER/BORROWER:

PROPERTY ADDRESS: 31860 #B, 32000#4+5, SW Charbonneau Dr

Wilsonville, Oregon 97070

EFFECTIVE DATE: September 12, 2013, 08:00 AM

THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE: 1.

	<u>AMOUNT</u>	PREMIUM
Owner's Standard	220,000.00	\$ 750.00
Governmental Service Fee		\$ 425.00
Additional Chain Charge		\$ 850.00

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO 2. COVERED BY THIS REPORT IS:

A Fee

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN: 3.

K & M Ventures, LLC as to Parcel 1; Charbonneau County Club, an Oregon non-profit corporation, as to Parcels 2 and 3; Charbonneau Golf Club, Inc., an Oregon corporation as to Parcel 4; Columbia State Bank, an Oregon corporation as to Parcel 5; The Charbonneau Village Center Condominium Association as to Parcel 6; Julie Marie Smith, as to Parcel 7; Edward R. Eastman and Barbara E. Eastman, as tenants by the entirety as to Parcel 8; Floyd L. Graves and Linda L. Graves as to Parcel 9; Michael D. Lucich, as to Parcel 10; Lynda Chapman, as to Parcel 11; Agostino Gaude and Daniela Miraglio, as tenants by the entirety, as to Parcel 12; Bitar Bros., Robert A. Bitar Corporation as to Parcel 13

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF WILSONVILLE IN THE 4. COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS: SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

(Continued)

Order No.: 3626058127DSA-TTPOR45

EXHIBIT "ONE"

PARCEL 1

Units 1, 2 and 3, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 2

Units 4 and 5, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 3

A certain parcel known as Variable Property "B" in the Charbonneau Village Center Condominium in Wilsonville, Clackamas County, Oregon, created by Declaration dated November 1, 1990, and recorded November 29, 1990, with Clackamas County Deed Records, Fee No. 90-059018 (Declaration); and more particularly described as follows:

A tract of land in the George L. Curry Donation Land Claim No. 43 in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the Southeast foundation corner of the Charbonneau Communi8ty Building, said corner being North 2001.41 feet and West 3808.99 feet from the Southeast corner of the George L. Curry Donation Land Claim No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence North 139'16" East along the East foundation line of said building 108.30 feet to the Northeast corner of the said building; thence South 8820'44" East, 70.00 feet; thence South 0139'16" West, 108.33 feet; thence North 8820'44" West 70.00 feet to the point of beginning.

PARCEL 4

Units 6 and 7, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 5

FDOR0212.rdw

(Continued)

Order No.: 3626058127DSA-TTPOR45

A certain parcel known as Variable Property "C" in the Charbonneau Village Center Condominium in Wilsonville, Clackamas County, Oregon, created by Declaration dated November 1, 1990, and recorded November 29, 1990, with Clackamas County Deed Records, Fee No. 90-059018 (Declaration); and more particularly described as follows:

A tract of land in the Southwest one-quarter of Section 24, in the George L. Curry Donation Land Claim No. 43, Township 3 South, Range 1 West of the Willamette Meridian:

Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron pipe set 6-inches below the surface of the ground, said point being the Initial Point of "Fairway Village Condominium" created by Declaration recorded June 28, 1984 in Book 86, Page 17, Fee No. 84 22077, Clackamas County Plat Records, said iron pipe bears North 2,469.00 feet and West 3,684.03 feet from the Southeast corner of said Curry Donation Land Claim, said point also being the true point of beginning of the tract described in Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971 Fee No. 71 19507, Clackamas County Records, said iron pipe being the point of beginning of the parcel described in Bargain and Sale Deed to Charbonneau Country Club recorded March 28, 1980, Fee No. 80 11544, Clackamas County Records; thence along the Northerly line of said Charbonneau Country Club parcel South 89°50'44" West 101.56 feet to a one inch iron pipe; thence continuing along said Northerly line North 88°20'44" West 70.00 feet to the Northwest corner thereof; thence along the Westerly line of said Charbonneau Country Club parcel South 01'39'16" West 16.02 feet to the true point of beginning of the parcel herein being described; thence continuing along said Westerly line South 0139'16" West 105.25 feet; the nce continuing along said Westerly line North 8820'44" West 12.00 feet; thence continuing along said Charbonneau Country Club parcel Westerly line South 01°3 9'16" West 120.00 feet; thence North 88 20'44" West 67.55 feet; thence North 01 39'16" East 136.50 feet; the nce South 88°20'44" East 10.15 feet; thence North 01°39 '16" East 88.75 feet; thence South 88°20'44" East 6 9.50 feet to the true point of beginning.

TOGETHER WITH the Declarant's nonexclusive easement rights to enter upon the General Common Elements and Limited Common Elements for the purposes as set forth in Article 6.2 of the Declaration to construct on and develop Variable Property "C".

PARCEL 6

Unit 8, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 7

Unit 10A, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 8

Unit 10B, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

FDOR0212.rdw

(Continued)

Order No.: 3626058127DSA-TTPOR45

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 9

Unit 10C, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 10

Unit 10D, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 11

Unit 10E, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 12

Unit 10F, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

Parcel 13

Unit 9, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 2, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded December 14, 1994, Fee No. 94-095428.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes of assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by Public Records.
- 2. Facts, rights, interest or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments onto the Land of existing improvements located on adjoining land.
- 5. Any lien services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation of worker's compensation, imposed by law and not shown by the Public Records.
- 6. SPECIFIC ITEMS AND EXCEPTIONS
- 7. The subject properties are exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: 01461466, 31W24CD80004, CODE 086-014-Unit 4
Tax Account No.: 01461475, 31W24CD80005, CODE 086-014-Unit 5
Tax Account No.: 01461527, 31W24CD8000B, CODE 086-014-Var Ppty B
Tax Account No.: 01461536, 31W24CD8000C, CODE 086-014-Var Ppty C

The taxes do not show the exemption reason. Inquiry should be made with the County Assessors Office.

- 8. City Liens, if any, in favor of the City of Wilsonville. None found as of March 19, 2013
- 9. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 6, 1977 Recording No.: 77-012613

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: August 8, 1979 Recording No.: 79-034184

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 2, 1989 Recording No.: 89-018494

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: October 13, 1989

Recording No.: 89-045952

- Liens and assessments, if any, by the Charbonneau County Club Homeowners' Association. 10.
- Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document; 11.

Reserved by: Willamette Factors, Inc.

Purpose: "Ingress, egress, loading, unloading, utilities, maintenance, repair and other lawful purposes"

Recording Date: March 28, 1980 Recording No: 80-011544 Affects: Common Area

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 12.

In favor of: Adjacent property owners

Purpose: Access and utilities

Recording Date: December 8, 1983

Recording No: 83-041263 Affects: Common area

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 13.

In favor of: Adjacent property owner Purpose: Roadway and utilities Recording Date: April 29, 1987 Recording No: 87-018831 Affects: Common Area

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 14.

In favor of: City of Wilsonville

Purpose: Water pipeline and sanitary sewer Recording Date: December 2, 1987

Recording No: 87-054106 Affects: Common Area

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 15.

In favor of: City of Wilsonville

Purpose: Water pipeline, sanitary sewer and storm drain Recording Date: December 2, 1987 Recording No: 87-054107 Affects: Common Area

The matters set forth in the document shown below which, among other things, contains or provides for: 16. certain easements; liens and the subordination thereof; provisions relating to partition; restrictions on severability of component parts; and covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including, but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Entitled: Declaration of Unit Ownership Recording Date: November 29, 1990 Recording No: 90-059018

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: December 14, 1994

Recording No: 94-095428

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: November 17, 1997

Recording No: 97-090153

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1999 Recording No: 99-024252

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1999 Recording No: 99-024253

and Re-Recording Date: May 12, 1999 and Re-Recording No: 99-048300

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 19, 2003 Recording No: 2003-033091

and Re-Recording Date: May 23, 2003 and Re-Recording No: 2003-065842

- Liens and assessments, if any, by the Charbonneau Village Center Condominium Association. 17.
- By-laws of Charbonneau Village Center Condominium Association 18.

Recording Date:

November 29, 1990

Recording No:

90-059019

Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, 19. familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Charbonneau Village Center Condominium

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 20.

In favor of: City of Wilsonville

Purpose: Pipelines

Recording Date: January 26, 1999

Recording No: 99-007892

Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, 21. familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Charbonneau Village Center Condominium 3

A deed of trust to secure an indebtedness in the amount shown below, 22.

Amount: \$220,000.00 Dated: May 3, 2004

Trustor/Grantor: Lynda Chapman

Trustee: First American Title Beneficiary: Chase Manhattan Mortgage Corp.

Loan No.: Not noted

Recording Date: May 19, 2004 Recording No: 2004-045345

Affects: Unit 10E

A line of credit deed of trust to secure an indebtedness in the amount shown below, 23.

Amount: \$35,000.00 Dated: May 10, 2004

Trustor/Grantor: Edward R. Eastman and Barbara E. Eastman

Trustee: Chicago Title Insurance Company

Beneficiary: Bank of America, N.A.

Loan No.: Not noted

Recording Date: May 21, 2004 Recording No: 2004-045891 Affects: Unit 10B

A deed of trust to secure an indebtedness in the amount shown below, 24.

Amount: \$230,500.00

Dated: May 11, 2012 Trustor/Grantor: Julie Marie Smith Trustee: Fidelity National Title Company of Oregon

Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for Umpqua Bank Loan No.: 8501150525/MIN 1000458-1000010461-9

Recording Date: May 18, 2012 Recording No: 2012-031141 Affects: Unit 10A

A line of credit deed of trust to secure an indebtedness in the amount shown below, 25.

Amount: \$100.000.00 Dated: June 4, 2007

Trustor/Grantor: Julie Marie Smith Trustee: Stuart Title of Oregon, Inc. Beneficiary: JPMorgan Chase Bank, N.A. Loan No.: 26400011383

Recording Date: July 9, 2007 Recording No: 2007-059989

Affects: Unit 10A

An agreement recorded May 22, 2012 at 2012-032037 which states that this instrument was subordinated to the document or interest described in the instrument

Recording Date: May 18, 2012 Recording No: 2012-031141

A deed of trust to secure an indebtedness in the amount shown below, 26.

Amount: \$208,000.00 Dated: August 17, 2012

Trustor/Grantor: Floyd L. Graves and Linda L. Graves

Trustee: Chicago Title

Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for Pacific Residential Mortgage,

Loan No.: 10A-0003160/MIN 100409600000080566

Recording Date: August 23, 2012 Recording No: 2012-054549 Affects: Unit 10C

A deed of trust to secure an indebtedness in the amount shown below, 27.

Amount: \$301,455.00 Dated: June 20, 2013

Trustor/Grantor: Michael D. Lucich

Trustee: Fidelity National Title Company of Oregon
Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for Equity Home Mortgage, LLC
Loan No.: 005992730/MIN 101049300059927304

Recording Date: June 21, 2013 Recording No: 2013-043252

Affects: Unit 10D

28. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

a) The rights of tenants holding under unrecorded leases or tenanciesb) Any facts which would be disclosed by an accurate survey of the Land

c) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.

ADDITIONAL REQUIREMENTS/NOTES:

A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,215.72 Levy Code: 086-014 Account No.: 01461439 Map No.: 31W24CD80001

Affects: Unit 1

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

B. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,637.27 Levy Code: 086-014 Account No.: 01461448 Map No.: 31W24CD80002

Affects: Unit 2

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

C. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$5,622.90 Levy Code: 086-014 Account No.: 01461457 Map No.: 31W24CD80003

Affects: Unit 3

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

Note: Property taxes for the fiscal year shown below are paid in full. D.

Fiscal Year: 2012-2013 Amount: \$559.87 Levy Code: 086-014 Account No.: 01461484 Map No.: 31W24CD80006 Affects: Unit 6

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinguencies.

Note: Property taxes for the fiscal year shown below are paid in full. E.

Fiscal Year: 2012-2013 Amount: \$2,107.42 Levy Code: 086-014 Account No.: 01461493 Map No.: 31W24CD80007 Affects: Unit 7

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinguencies.

Note: Property taxes for the fiscal year shown below are paid in full. F.

Fiscal Year: 2012-2013 Amount: \$10,685.48 Levy Code: 086-014 Account No.: 01461509 Map No.: 31W24CD80008 Affects: Unit 8

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,386.04 Levy Code: 086-014 Account No.: 01870327 Map No.: 31W24CD8010A Affects: Unit 10A

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinguencies.

Note: Property taxes for the fiscal year shown below are paid in full. H.

Fiscal Year: 2012-2013 Amount: \$4,027.91 Levy Code: 086-014 Account No.: 01870336 Map No.: 31W24CD8010B Affects: Unit 10B

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinguencies.

Note: Property taxes for the fiscal year shown below are paid in full. ١.

Fiscal Year: 2012-2013 Amount: \$4,027.91 Levy Code: 086-014 Account No.: 01870345 Map No.: 31W24CD8010C Affects: Unit 10C

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

Note: Property taxes for the fiscal year shown below are paid in full. J.

Fiscal Year: 2012-2013 Amount: \$4,027.91 Levy Code: 086-014 Account No.: 01870354 Map No.: 31W24CD8010D

Affects: Unit 10D

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

Note: Property taxes for the fiscal year shown below are paid in full. K.

Fiscal Year: 2012-2013 Amount: \$4,386.04 Levy Code: 086-014 Account No.: 01870363 Map No.: 31W24CD8010E

Affects: Unit 10E

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinguencies.

L. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,027.91 Levy Code: 086-014 Account No.: 01870372 Map No.: 31W24CD8010F

Affects: Unit 10F

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

M. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$12,134.60 Levy Code: 086-014 Account No.: 01636894 Map No.: 31W24CD80009

Affects: Unit 9

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- N. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA policy unless removed prior to issuance.
- O. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance by the corporation named below.

Name of Corporation: Charbonneau Country Club, an Oregon non-profit corporation

- a) A Copy of the corporation By-laws and Articles of Incorporation
- b) An original or certified copy of a resolution authorizing the transaction contemplated herein.
- c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- P. NOTE: Filings with the State of Oregon require us to insure owners for no less than true market value. Where we are asked to insure for less than the apparent value, we will require proof that the sales price is the true market value of the property for title insurance purposes.
- Q. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- R. NOTE: This report is subject to any amendments which might occur when the names of prospective purchasers are submitted to us for examination.

S. IMPORTANT NOTICE TO TRANSFEROR(S) REGARDING WITHHOLDING TAX:

Effective January 1, 2008, Oregon law (ORS 314.258) requires closing agents closing a transaction for the transfer of certain Oregon real property interests to: (a) withhold from the transferor's proceeds an amount specified by law; and (b) remit the amount withheld to the Oregon Department of Revenue.

State mandated forms must be completed by all transferors in order to either: (a) claim or certify an exemption from the requirements of ORS 314.258; or (b) certify the withholding amount due pursuant to ORS 314.258.

You should consult with your tax or legal advisor in order to complete these forms prior to the closing of your transaction. Failure to timely deliver the appropriate form(s) to your closing agent may delay your closing or increase your withholding amount.

We are not legal or tax advisors. Although we may provide you with these forms and provide some assistance in filling out the forms, by law we are unable to advise you on the selection of which form(s) you must complete or the content in the forms.

T. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

Effective Date: 5/1/2008

Fidelity National Financial, Inc. Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

Personal Information Collected

We may collect Personal Information about you from the following sources:

- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- Information about your transactions with or services performed by us, our affiliates, or others, such as
 information concerning your policy, premiums, payment history, information about your home or other real
 property, information from lenders and other third parties involved in such transaction, account balances,
 and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

Disclosure of Personal Information

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

DISCLOSURE TO AFFILIATED COMPANIES - We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

DISCLOSURE TO NONAFFILIATED THIRD PARTIES - We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

Confidentiality and Security of Personal Information

Effective Date: 5/1/2008

Fidelity National Financial, Inc. Privacy Statement (continued)

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

Access to Personal Information/ Requests for Correction, Amendment, or Deletion of Personal Information

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF'S CURRENT POLICY IS TO MAINTAIN CUSTOMERS' PERSONAL INFORMATION FOR NO LESS THAN YOUR STATE'S REQUIRED RECORD RETENTION REQUIREMENTS FOR THE PURPOSE OF HANDLING FUTURE COVERAGE CLAIMS.

For your protection, ALL REQUESTS MADE UNDER THIS SECTION MUST BE IN WRITING AND MUST INCLUDE YOUR NOTARIZED SIGNATURE TO ESTABLISH YOUR IDENTITY. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer
Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, FL 32204

Changes to this Privacy Statement

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.

TICOR TITLE INSURANCE

STATUTORY WARRANTY DEED

WALTER L. WEST AND HELEN D. WEST, HUSBALD AND WIFE

Granter.

conveys and warrants to BITAR BROS., ROBERT A. BITAR CORPORATION

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in County, Oregon, to wit:

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANING DEPARTMENT TO VERIFY APPROVED USES. The said property is free from escumbrances except (UNITY OF RECORD) MORTGAGE IL TROVO OF REMAILS. FRANKLIN FEDERAL SAVINGS & LOAD

recorded 10-18-78 in FEE NO. 78 44962, herein assumes and agrees to pay.	CLACKAMAS County,	Oregon which the Grantee
- 260 h20	25 (Here o	owniv with the requirements of ORS 93.

The true consideration for this conveyance is \$ 269 , 439 . 25

19 88 FEBRUARY Dated this 5 day of

State of Oregon, County of	, x from es
The foregoing instrument WAS	acknowledged before me this
WALTER D. WEST	, 19 <u>88</u> by
C RIPLEN ID . WEST	
1000	7/

State of Oregon, County of . The foregoing instrument was acknowledged before me this , 19. day of President and Secretary of corporation,

This Space Reserved for Recorder's Use

Notary Public for Oregon My commission expires:

on behalf of the corporation.

WARRANTY DEED

WALTER L. WEST

BITAR BROS; ROBERT A. BITAR CORPORATION

Until a change is requested, all tax statements shall be sent to the following address:
BITAR BROS; ROBERT A. BITAR CORPORATION 2929 E. BURNSIDE

CORTLAND, OREGON 97214

Escrow No. 558167KB

Title No. 185-989

After recording return to: BITAR BROS: ROBERT A. BITAR CORPORATION 2929 E. BURNSIDE PORTLAND, OR 97214

88 11653

DESCRIPTION SHEET

See page I for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

A tract of land located in a portion of the George L. Curry D.L.C. No. 43 in Section 24, Township 3 South, Range 1 West, of the W.M., City of Wilsonville, Clackamas County, Oregon, and more fully described as follows:

Beginning at a point which is North 2124.61 feet and West 3977.11 feet from the southeast corner of the George L. Curry D.L.C. No. 43 located in Section 25, Township 3 South, Range 1 West, of the W.M., Clackamas County, Oregon; thence North 1° 39° 16° East 77.73 feet; thence South 88° 26° 44° Bast 107.00 feet; thence South 1° 39' 16° West 77.73 feet; thence North 88° 26° 44° West 107.00 feet to the point of beginning. ----

Report No.

185-664



Mkt Exception

AV Exception

Clackamas County Department of Assessment and Taxation 150 Beavercreek Rd Oregon City, Oregon 97045 503-655-8671

Property Account Summary

	-, -			•					
arcel Numbe	er 0:	1636894	Situs Addres	s 31960	o sv	V CHARBONNEAU	J DR UNIT 9, W	ILSONVILLE, OR 97	7070
General Inf	ormati	on							
Alternate Pro	Property # 31W24CD80009						···		
Property Des	scription	1			/ILL	AGE CENTER CO	NDO STAGE 2 U	NIT 9	
Property Cat	egory	y Land &/or Buildings							
Status	tatus Active, Host Other Property, Locally Assessed								
Tax Code Ar	ea		086-014						
Remarks									
Tax Rate									
Description								Rate	
Taxable Fire	Distric	: Value						1.9145	
Taxable Valu	ıe							14.2680	
Property Cl	haracte	ristics							
Neighborho	od					Area 03 commer			
Land Class Category					mmercial land in	nproved			
Change property ratio				CIC	CIC				
Related Pro	nertie	s -							
P2240559 is	Locate	d On this	property start	ing 01/02/	2000	0 until 01/01/200	03	1/2/200	0 1/1/2003
n									
Parties Role	Percent	Name			Ad	Idress			
Taxpayer			OS RBT A BIT	AR CORP	RO	ROBERT BITAR 2929 E BURNSIDE ST, PORTLAND, OR 97214 USA			
Owner			BITAR CORF			NO MAILING ADDRESS, AVAILABLE,			
Owner						MAILING ADDRESS, AVAILABLE,			
Property V	-l								
Description	aiues			2	012	2011	2010	2009	200
AVR Total			750,	011	728,166	706,957	686,366	666,37	
Exempt									
TVR Total		750,011		728,166	706,957	686,366	666,37		
Real Mkt Land			0	0	0	0			
		790,	410	790,410	832,380	1,042,230	1,154,14		
			790,	410	790,410	832,380	1,042,230	1,154,14	
M5 Mkt Land				0	0	0	0		
M5 Mkt Bldg 790			,410	790,410	832,380	1,042,230	1,154,14		
M5 SAV				0	0	0	0		
SAVL (MAV	Use Po	rtion)							
MAV (Market Portion)			750	,011		706,957	686,366	666,37	
				Δ n	۸ ا	l ol			

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i	Active Exemptions
	No Exemptions Found

Events					
Effective Date	Entry Date-Time	Туре	Remarks		
08/26/2003	2003-08-26 16:01:00.000	The situs address has changed	by LINDAPET		
07/01/1999	1999-07-01 12:00:00.000	Ownership at Conversion	Warranty Deed: 88-11653, 2/1/88, \$ 0		

Taxes						
Tax Year	Category	TCA/District	Charged	Minimum	Balance Due	Due Date
1995	Property Tax Principal	086-014	7,197.00	0.00	0.00	11/15/1995
1996	Property Tax Principal	086-014	7,835.54	0.00	0.00	11/15/1996
1997	Property Tax Principal	086-014	7,674.79	0.00	0,00	11/15/1997
1998	Property Tax Principal	086-014	7,835.17	0,00	0.00	11/15/1998
1999	Property Tax Principal	086-014	8,022.95	0.00	0.00	11/15/1999
2000	Property Tax Principal	086-014	8,937.14	0.00	0.00	11/15/2000
2001	Property Tax Principal	086-014	9,512.24	0.00	0.00	11/15/2001
2002	Property Tax Principal	086-014	9,705.71	0.00	0.00	11/15/2002
2003	Property Tax Principal	086-014	9,410.03	0.00	0.00	11/15/2003
2004	Property Tax Principal	086-014	9,689.85	0.00	0.00	11/15/2004
2005	Property Tax Principal	086-014	9,808.82	0.00	0.00	11/15/2005
2006	Property Tax Principal	086-014	9,727.42	0.00	0.00	11/15/2006
2007	Property Tax Principal	086-014	10,183.05	0.00	0.00	11/15/2007
2008	Property Tax Principal	086-014	10,380.46	0.00	0.00	11/15/2008
2009	Property Tax Principal	086-014	11,267.11	0.00	0.00	11/15/2009
2010	Property Tax Principal	086-014	11,531.46	0.00	0.00	11/15/2010
2011	Property Tax Principal	086-014	11,783.91	0.00	0.00	11/15/2011
2012	Property Tax Principal	086-014	12,134.60	0.00	0.00	11/15/2012
TOTAL Due as of 2013/09/17 0.00						

Receipts					
Date	Receipt	Amount Applied	Amount Due	Tendered	Change
2012/11/15	3388396	12,134.60	12,134.60	11,770.56	0.00
2011/11/17	3201989	11,783.91	11,783.91	11,430.39	0.00
2010/11/16	2985592	11,531.46	11,531.46	11,185.52	0.00
2009/11/17	2793403	11,267.11	11,267.11	10,929.10	0.00
2008/11/20	2615140	10,380.46	10,380.46	10,069.05	0.00
2007/11/19	2402531	10,183.05	10,183.05	9,877.56	0.00
2006/11/20	2208232	9,727.42	9,727.42	9,435.60	0.00
2005/11/25	2045893	9,808.82	9,808.82	9,514.56	0,00
2004/11/17	1828280	9,689.85	9,689.85	9,399.15	0.00
2003/11/18	1647122	9,410.03	9,410.03	9,127.73	0.00
2002/11/18	1449879	9,705.71	9,705.71	9,414.54	0.00
2001/11/16	1262217	9,512.24	9,512.24	9,226.87	0.00
2000/11/16	1073037	8,937.14	8,937.14	8,669.03	0.00
1999/11/16	876923	8,022.95	8,022.95	7,782.26	0.00
1998/11/15	530320	7,835.17	7,835.17	7,600.11	0.00
1997/11/15	530319	7,674.79	7,674.79	7,444.55	0.00
1996/11/15	530318	7,835.54	7,835.54	7,600.47	0.00
1995/11/15	530317	7,197.00	7,197.00	6,981.09	0.00

Sales History				
Transfer Date	Recording Number	Sale Amount Deed Type	Grantee	Grantor
02/01/1988	1988-011653	0		

Property Details						_
Living Area Sq Ft Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths
	1		1	1	1	1 (



Developed by ASIX, Incorporated. @2005 All rights reserved. Version 1.0.3357.16890 35,0

After Recording Return to: Charbonneau Village Center Condominium Association 32000 SW Charbonneau Drive Wilsonville, OR 97070

SUPPLEMENTAL DECLARATION

CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3

This Supplemental Declaration to be effective upon its recording in Clackamas County, Oregon, pursuant to the provisions of the Oregon Condominium Act made and executed this 10^{th} day of December, 1998, by Wand Nelson Contractors Inc., dba Williamette Valley Homes, an Oregon Corporation ("Willamette Valley") and by the Charbonneau Village Center Condominium Association (The Association), acting through its board of directors.

The property previously known as Nonwithdrawable Variable Property A, owned by the Association and or Willamette Valley was submitted to condominium ownership pursuant to the Charbonneau Village Center Condominium Declaration dated November 1, 1990 and recorded in the records of Clackamas County on November 29, 1990 as fee number 90-59018 (Declaration). The Plat of the Village Center Condominium (The Condominium) was recorded as Plat number 2908, and the Bylaws of the Association of Unit owners of Charbonneau Village Center Condominium were recorded on November 29, 1990 as fee number 90-59019 (Bylaws).

The property previously known as Nonwithdrawable Variable Property A is described on the attached Exhibit A. It is defined in the Declaration, paragraph 6.1 as Nonwithdrawable Variable Property A which is described in Exhibit A1, to the Declaration. Pursuant to the unanimous vote of the members of the Charbonneau Village Center Condominium Association, former Variable Property A has been approved for reclassification into six units.

This Association and Willamette Valley hereby submit this Supplemental Declaration for the purpose of reclassifying former Nonwithdrawable Variable Property A into six units and to describe the boundaries of the new units and the allocation of undivided interest of each unit in the General and Limited Common Elements of the Condominium pursuant to the conditions set forth in the amendment to the Declaration dated December 10, 1998 and to memorialize the agreement that the former Nonwithdrawable Variable Property A is being reclassified in the Condominium subject to the amendments set forth in the amendment to Declaration dated December 10, 1998, accordingly the Association and Willamette Valley declare as follows:

Reclassification of Former Nonwithdrawable Variable Property A. The
 Association and Willamette Valley submit for reclassification the property formerly

99-024252

PAGE -1- SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3

known as Nonwithdrawable Variable Property A and the buildings and improvements on former Variable Property A to the Declaration as amended December 10, 1998 and further declare that the former Nonwithdrawable Variable Property A as reclassified shall be subject to the Covenants, Declarations and Bylaws of the Charbonneau Village Center Condominium Association. Former Nonwithdrawable Variable Property A is hereby reclassified into units 10A, 10B, 10C, 10D, 10E and 10F and their associated General Common Elements and Limited common Elements.

- Boundary of new Units. Units 10A, 10B, 10C, 10D, 10E and 10F shall be bounded by the exterior finished surfaces of the perimeter doors, door frames, walls, windows, window frames, roofs, fireplace overhangs, roof overhangs and building overhangs, roof support posts, the foundation of the buildings and the bottom side of the units to 3 feet below the subfloor of the main floor including the airspace under the subfloor and inside the foundation and bounded by the center of the common walls between the units and by all other materials constituting the perimeter finished surface of the buildings.
- 3. Allocation of Undivided Interest. The allocation of undivided interest in the General Common Element of the various units shall be as stated on Exhibit B attached hereto.
- 4. Unit and Building Descriptions, Unit Designation, Location and Approximate Area Units 10A, 10B, 10C, 10D, 10E and 10F are located in three two story wood frame structures which are completely described on the Plat to Charbonneau Village Center Condominium Stage 3. The location and designation of the units are shown on the Plat to Charbonneau Village Center Condominium Stage 3. Unit 10A has a total area of 2,466 square feet including a 428 square foot garage. Unit 10B has a total area of 2,468 square feet including a 428 square foot garage. Unit 10C has a total area of 2,455 square feet including a 417 square foot garage. Unit 10D has a total area of 2,465 square feet including a 387 square foot garage. Unit 10E has a total area of 2,465 square feet including a 427 square foot garage. Unit 10F has a total area of 2,467 square feet including a 427 square foot garage.
- Description of Limited Common Elements The Limited Common Elements for Units 10A, 10B, 10C, 10D, 10E and 10F are the front, back and side yards, wood decks and concrete patios, which are shown on the Plat to Charbonneau Village Center Condominium Stage 3 as Limited Common Elements. The use of each of said Limited Common Element is limited to the unit adjacent to the Limited Common Element as shown on the Plat to the exclusion of the other units, except Units 10D, 10E and 10F will share a 1/3 each the Limited Common Element shown as a 2,915 square foot roadway and paved area to access their respective
- PAGE -2- SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3

garages and units. Units 10B and 10C will share equally a Limited Common Element, shown on the Plat to Charbonneau Village Center Condominium Stage 3 as a 1,247 square foot roadway and paved area, to access their respective garages

Charbonneau Village Center Condominium Association

Chairman of the Board of Directors of the Association Robert J. Brunmeier

Secretary of the Association

Wand-Nelson Contractors Inc., dba Willamette Valley Homes

Jeronie B. Wand, President

STATE OF OREGON

County of Clackamas

This instrument was acknowledged before me on Dec for Charbonneau Village Center by W.O. Traphagen Condominium Association.

OFFICIAL SEAL
SUSAN L STEVENS
NOTARY PUBLIC-OREGON
COMMISSION PO.061847
COMMISSION EXPIRES FEB 17, 2001

Notary Public for Oregon My Commission Expires:

SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER PAGE -3-**CONDOMINIUM STAGE 3**

Hiniam Proportionate Interests After Interests After Interests After Development of Development of Development of 3.52%
THE INTEREST OF UNITED STATES INCLUDE #9 12.72 12.72 12.72 27.26 23.92 27.26 23.92 25.51 Restauront 8.00 8.00
DESCRIPTION OF UNITS/PROPORTIONAL Total Unit Proportionate Proportionate Floor Area Inclusion of Unit Floor Area Inclusion of Unit Floor Area Inclusion of Unit A.5t A.5t A.5t A.5t A.5t A.5t A.5t A.5
Unit #5 Unit #5 *Retail/Office Unit #3 *Covered Tennis Unit #5 Unit #6 **Retail/Office Unit #6 **Retail/Office Unit #6 **Retail/Office Unit #6 **Retail/Office Unit #8 ***Retail/Office
Designation of the following form of the following form of the following following form of the following f

7.7

STATE OF OREGON) 98.
County of Clarkamas)
This instrument was acknowledged before me on Dec. 31, 1998, for Charbonneau Village Center
Condominium Association.
OFFICIAL SEAL OFFICIAL SEAL SUBAN L STEVENS NOTARY PUBLIC-OREGON COMMISSION NO.061847 L TAMASSION EXPIRES FEB 17, 2001
STATE OF OREGON) ss. County of Clackamas)
1998,
by Terome B. Want as tresiden
Inc. dba Willamette Valley Homes.
OFFICIAL SEAL Notary Public for Oregon Wy Commission Expires: 2-17-2001
NOTARY PUBLIC-OREGON COMMISSION MC.081847 WINDOWS COMMISSION EXPIRES FEB 17, 2001

PAGE -4- SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this 16th day of February, 1999, and in accordance with ORS 110.110 (7), this approval shall automatically expire if this Supplemental Declaration is not recorded within two (2) years from this date.

• •	-SCOTI W. TATLOR
	Real Estate Commissioner
**	Mark
	By: X/////
•	Marge Robinson
1	
The foregoing Supplement	ntal Declaration is approved pursuant to ORS 100.110
this day of	1999.
	RAY ERLAND
	·
	Clackamas County Assessor/Tax Collector
	77-11
£	Ву:

PAGE -5- SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625 (503) 538-5700 FAX 538-9167

LEGAL DESCRIPTION W.O. No. 9814
"CHARBONNEAU VILLAGE CENTER CONDOMINIUM - STAGE 3"
Prepared for Willamette Valley Homes 1 December 1998

A portion of Variable Property "A", a tract of land located in "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE", a condominium recorded 29 November 1990 in Book 94, Pages 30 through 36, Plat No. 2908, Fee No. 90-59018, Clackamas County Plat Records, and located in a portion of the George L. Curry Donation Land Claim No.43 in the Southwest Quarter of Section 24 and the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and more fully described based on the plat of the "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE" as follows:

Beginning at the Initial Point, a 1-inch iron pipe with a yellow plastic cap marked "RYDELL PLS 1437" at the Southwest corner of said "CHARRONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE", said iron pipe being North 1838,00 feet and West 4293,03 feet from a stone marked with an "X" at the Southeast corner of the George L. Curry Donation Land Claim No. 43 and the Southeast corner of Parcel II described in Bargain and Sale Deed to Mariner-Marshall, a joint venture, recorded 29 April 1987, Fee No. 87-18831, Clackamas County Deed Records; thence North 02° 10'58" East along the East line of said Mariner-Marshall tract 86.16 feet to a 5/8-inch iron rebar; thence South 87° 51' 55" East 156.65 feet to a brass screw; thence North 02° 15' 46" East 91.80 feet to a 5/8-inch iron rebar; thence South 89" 57' 40" East 15.22 feet to a 5/8-inch iron rebar; thence South 50° 37' 40" East 36.65 feet to a brass screw; thence South 88° 20' 44" East 54.98 feet to a 5/8-inch iron rebar; thence South 02° 07' 26" West 72.87 feet to a 5/8-inch iron rebar at the Northwest Corner of the Limited Common Element of Unit 8 of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE"; thence North 87° 52' 34" West 5.00 feet to a 5/8-inch iron rebar; thence South 02° 07' 26" West 91.89 feet to a 5/8-inch iron rebar on the South line "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU, THE VILLAGE AT WILSONVILLE"; thence North 86° 02' 59 West along the South line of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE" 251.45 feet to the Initial Point.

Said tract containing 30,314 square feet.

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM BRAINAGE SYSTEMS LAND SURVEYS • WATER RIGHTS

EXHIBIT B

DESCRIPTION OF UNITS/PROPORTIONATE INTEREST OF UNITS

Unit	٠.	Proportionate Interests Prior To Inclusion Of	Proportionate Interests After Inclusion Of Unit #10	Number Of Votes
Designation	Description	Unit #10	CARC II A	:
Unit #1	* Retail/Office	4.14%	3.73%	1
Unit #2	* Retail/Office	4,14%	3.72%	" 1
Unit #3	* Retail/Office	4,60%	4.14%	.1
Unit #4	* Covered Tennis	3,68%	3.31%	1
Unit #5	Facility * Charbonneau	23.92% 1	21.53%	1
Unit #6	Country Club * Retail/Office	3.68%	3.31%	1
Unit #7	* Retail/Office	23.92%	21.53%	1 1, .
Unit#8	* Restaurant	23.92%	21,53%	1
Unit #9	* Retail/Office	8.00%	7,20%	, 1
Unit #10	Unit 10A Unit 10B		1.667% 1.667% 1.667%	1/6 1/6 1/6
	Unit 10C Unit 10D Unit 10E		1.667% 1.666% 1.666%	1/6 1/6 <u>1/6,</u>
	Unit 10F		- 1,00070	10
Total Vote	.	• :	•	

^{*} Unit 10 consist of units 10A, 10B, 10C, 10D, 10E, and 10F, which collectively shall exercise I vote.

STATE OF OREGON 99-024252
CLACKAMAS COUNTY
Received and placed in the public records of Olackamas County
RECEIPT# AND FEE: 88822 845.88
DATE AND TIME: 03/10/99 01:02 PM
JOHN KAUFFMAN, COUNTY CLERK

1

After Recording Return to: Charbonneau Village Center Condominium Association 32000 SW Charbonneau Drive Wilsonyille, OR 97070

AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

WHEREAS, by Declaration dated November 1, 1990, recorded as fee No. 90-59018 recorded November 29, 1990, the Charbonneau Village Center Condominium Association was created designating Units 1 through 8, and the Bylaws of the Association recorded as fee No. 90-59019 were recorded; and

WHEREAS, the property described in said Declarations as Nonwithdrawable Variable Property A is now being developed, to be developed into Unit No. 10A, 10B, 10C, 10D, 10E and 10F, as described herein; and

WHEREAS, former Nonwithdrawable Variable Property A has been automatically reclassified as General Common Elements of Charbonneau Village Center Condominium.

WHERBAS, Charbonneau Village Center Condominium Association has entered into certain actions, and all the members thereof have unanimously voted for this action, now therefore, the Declaration submitting the Charbonneau Village Center Condominium to Condominium Ownership are hereby modified as follows:

- Section 6.7.2 is amended by unanimous vote of the members to allow the Association to exercise all of the previous declarants rights.
- Section 6.1.3 is amended to allow former Nonwithdrawable Variable Property A to be developed with up to 6 units: Each of said units may consist of up to one single family unit (separate townhouse). In addition Section 6.1 is amended to allow a max of 8 units on the three previous variable parcels, and a maximum of 18 units in the entire condominium.
- Section 6.4 is amended to provide that the proportionate interest of the units in the General Common Elements following construction of the Unit 10 Townhouses on former Nonwithdrawable Variable Property A shall be as shown on attached Exhibit A.

99-024253

AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP PAGE -1-

- Section 7.1 is amended to provide that the proportionate allocation of common profits and expenses derived from the General Common and Limited Common Elements shall be distributed and charged as set forth in Exhibit B, except as provided in Section 6.9 of the Bylaws.
- Section 7.2 is amended to provide that the voting rights for the Unit 10
 Townhouses, upon development of Variable Property A, shall be one
 aggregate vote in the Charbonneau Village Center Condominium
 Association to be exercised by the Villas Association,
- 6 Section 7.2 is further amended to add that The Villas Association's right to vote and obligation to pay dues and assessments for Unit 10 shall commence upon recording of the Condominium Plat for unit 10, any amendments and the Supplemental Declaration.
- 7 Section 11.2 is amended to provide that Units 10A, 10B, 10C, 10B, 10B and 10F shall be deemed one unit for purposes of membership within the Charbonneau Village Center Condominium Association.
- 8. This Amendment is made effective December 10, 1998.

-Charbonneau Village Center Condominium Association

By Claim A A Promoter Chairman of the Board of Directors of the Association Robert J. Brunneier

Secretary of the Association W.O. Traphagen

PAGE -2- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

PAGE -3- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

PAGE 4- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP



Ticor Title Company PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit A. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Nebraska corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit A of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

In well



Ticor Title Company

5800 SW Meadows Rd, Suite 150, Lake Oswego, OR 97035 (503)219-1150 FAX (503)597-5060

PRELIMINARY REPORT

ESCROW OFFICER: Denise Adlard TITLE OFFICER:

Lori Guzman

ORDER NO.: 3626058127DSA-TTPOR45

Supplemental No. 3 - Update

TO: Ticor Title Company

Attn: Denise Adlard

5800 SW Meadows Rd, Suite 150

Lake Oswego, OR 97035

OWNER/SELLER: Charbonneau Country Club

BUYER/BORROWER:

PROPERTY ADDRESS: 31860 #B, 32000#4+5, SW Charbonneau Dr

Wilsonville, Oregon 97070

EFFECTIVE DATE: September 12, 2013, 08:00 AM

THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE: 1.

	<u>AMOUNT</u>	<u>PREMIUM</u>
Owner's Standard	220,000.00	\$ 750.00
Governmental Service Fee		\$ 425.00
Additional Chain Charge		\$ 850.00

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO 2. COVERED BY THIS REPORT IS:

A Fee

TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

K & M Ventures, LLC as to Parcel 1; Charbonneau County Club, an Oregon non-profit corporation, as to Parcels 2 and 3; Charbonneau Golf Club, Inc., an Oregon corporation as to Parcel 4; Columbia State Bank, an Oregon corporation as to Parcel 5; Charbonneau Clubhouse LLC, an Oregon limited liability company as to Parcel 6; Julie Marie Smith, as to Parcel 7; Edward R. Eastman and Barbara E. Eastman, as tenants by the entirety as to Parcel 8; Floyd L. Graves and Linda L. Graves as to Parcel 9; Michael D. Lucich, as to Parcel 10; Lynda Chapman, as to Parcel 11; Agostino Gaude and Daniela Miraglio, as tenants by the entirety, as to Parcel 12; Bitar Bros., Robert A. Bitar Corporation as to Parcel 13

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF WILSONVILLE IN THE 4. COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS: SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

PRELIMINARY REPORT

(Continued)

Order No.: 3626058127DSA-TTPOR45

EXHIBIT "ONE"

PARCEL 1

Units 1, 2 and 3, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 2

Units 4 and 5, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 3

A certain parcel known as Variable Property "B" in the Charbonneau Village Center Condominium in Wilsonville, Clackamas County, Oregon, created by Declaration dated November 1, 1990, and recorded November 29, 1990, with Clackamas County Deed Records, Fee No. 90-059018 (Declaration); and more particularly described as follows:

A tract of land in the George L. Curry Donation Land Claim No. 43 in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the Southeast foundation corner of the Charbonneau Communi8ty Building, said corner being North 2001.41 feet and West 3808.99 feet from the Southeast corner of the George L. Curry Donation Land Claim No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence North 1°39'16" East along the East foundation line of said building 108.30 feet to the Northeast corner of the said building; thence South 88°20'44" East, 70.00 feet; thence South 01°39'16" West, 108.33 feet; thence North 88°20'44" West 70.00 feet to the point of beginning.

PARCEL 4

Units 6 and 7, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 5

FDOR0212.rdw

PRELIMINARY REPORT

(Continued)

Order No.: 3626058127DSA-TTPOR45

A certain parcel known as Variable Property "C" in the Charbonneau Village Center Condominium in Wilsonville, Clackamas County, Oregon, created by Declaration dated November 1, 1990, and recorded November 29, 1990, with Clackamas County Deed Records, Fee No. 90-059018 (Declaration); and more particularly described as follows:

A tract of land in the Southwest one-quarter of Section 24, in the George L. Curry Donation Land Claim No. 43, Township 3 South, Range 1 West of the Willamette Meridian:

Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron pipe set 6-inches below the surface of the ground, said point being the Initial Point of "Fairway Village Condominium" created by Declaration recorded June 28, 1984 in Book 86, Page 17, Fee No. 84 22077, Clackamas County Plat Records, said iron pipe bears North 2,469.00 feet and West 3,684.03 feet from the Southeast corner of said Curry Donation Land Claim, said point also being the true point of beginning of the tract described in Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971 Fee No. 71 19507, Clackamas County Records, said iron pipe being the point of beginning of the parcel described in Bargain and Sale Deed to Charbonneau Country Club recorded March 28, 1980, Fee No. 80 11544, Clackamas County Records; thence along the Northerly line of said Charbonneau Country Club parcel South 89 50 44" West 101.56 feet to a one inch iron pipe; thence continuing along said Northerly line North 88°20'44" West 70.00 feet to the Northwest corner thereof; thence along the Westerly line of said Charbonneau Country Club parcel South 01°39'16" West 16.02 feet to the true point of beginning of the parcel herein being described; thence continuing along said Westerly line South 0139'16" West 105.25 feet; the nce continuing along said Westerly line North 8820'44" West 12.00 feet; thence continuing along said Charbonneau Country Club parcel Westerly line South 01°3 9'16" West 120.00 feet; thence North 88°20'44" West 67.55 feet; thence North 01°39'16" East 136.50 feet; the nce South 8820'44" East 10.15 feet; thence North 0139 '16" East 88.75 feet; thence South 8820'44" East 69.50 feet to the true point of beginning.

TOGETHER WITH the Declarant's nonexclusive easement rights to enter upon the General Common Elements and Limited Common Elements for the purposes as set forth in Article 6.2 of the Declaration to construct on and develop Variable Property "C".

PARCEL 6

Unit 8, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL 7

Unit 10A, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 8

Unit 10B, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

FDOR0212.rdw

PRELIMINARY REPORT

(Continued)

Order No.: 3626058127DSA-TTPOR45

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 9

Unit 10C, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 10

Unit 10D, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 11

Unit 10E, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

PARCEL 12

Unit 10F, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

Parcel 13

Unit 9, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, STAGE 2, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in declaration of Unit Ownership recorded December 14, 1994, Fee No. 94-095428.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes of assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by Public Records.
- 2: Facts, rights, interest or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments onto the Land of existing improvements located on adjoining land.
- 5. Any lien services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation of worker's compensation, imposed by law and not shown by the Public Records.
- 6. SPECIFIC ITEMS AND EXCEPTIONS
- 7. The subject properties are exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: 01461466, 31W24CD80004, CODE 086-014-Unit 4
Tax Account No.: 01461475, 31W24CD80005, CODE 086-014-Unit 5
Tax Account No.: 01461527, 31W24CD8000B, CODE 086-014-Var Ppty B
Tax Account No.: 01461536, 31W24CD8000C, CODE 086-014-Var Ppty C

The taxes do not show the exemption reason. Inquiry should be made with the County Assessors Office.

- 8. City Liens, if any, in favor of the City of Wilsonville. None found as of March 19, 2013
- 9. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 6, 1977 Recording No.: 77-012613

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: August 8, 1979 Recording No.: 79-034184

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 2, 1989 Recording No.: 89-018494

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: October 13, 1989

Recording No.: 89-045952

- Liens and assessments, if any, by the Charbonneau County Club Homeowners' Association. 10.
- Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document; 11.

Reserved by: Willamette Factors, Inc.

Purpose: "Ingress, egress, loading, unloading, utilities, maintenance, repair and other lawful purposes"

Recording Date: March 28, 1980 Recording No: 80-011544 Affects: Common Area

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 12.

In favor of: Adjacent property owners

Purpose: Access and utilities

Recording Date: December 8, 1983

Recording No: 83-041263 Affects: Common area

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 13.

In favor of: Adjacent property owner Purpose: Roadway and utilities Recording Date: April 29, 1987 Recording No: 87-018831 Affects: Common Area

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 14.

In favor of: City of Wilsonville

Purpose: Water pipeline and sanitary sewer

Recording Date: December 2, 1987

Recording No: 87-054106 Affects: Common Area

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 15.

In favor of: City of Wilsonville

Purpose: Water pipeline, sanitary sewer and storm drain Recording Date: December 2, 1987 Recording No: 87-054107

Affects: Common Area

16. The matters set forth in the document shown below which, among other things, contains or provides for: certain easements; liens and the subordination thereof; provisions relating to partition; restrictions on severability of component parts; and covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including, but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Entitled: Declaration of Unit Ownership Recording Date: November 29, 1990

Recording No: 90-059018

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: December 14, 1994

Recording No: 94-095428

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: November 17, 1997

Recording No: 97-090153

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1999

Recording No: 99-024252

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1999

Recording No: 99-024253

and Re-Recording Date: May 12, 1999 and Re-Recording No: 99-048300

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 19, 2003 Recording No: 2003-033091

and Re-Recording Date: May 23, 2003 and Re-Recording No: 2003-065842

- 17. Liens and assessments, if any, by the Charbonneau Village Center Condominium Association.
- 18. By-laws of Charbonneau Village Center Condominium Association

Recording Date:

November 29, 1990

Recording No:

90-059019

Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, 19. familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Charbonneau Village Center Condominium

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document: 20.

In favor of: City of Wilsonville

Purpose: Pipelines

Recording Date: January 26, 1999

Recording No: 99-007892

Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, 21. familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Charbonneau Village Center Condominium 3

A deed of trust to secure an indebtedness in the amount shown below, 22.

Amount: \$220,000.00 Dated: May 3, 2004

Trustor/Grantor: Lynda Chapman

Trustee: First American Title Beneficiary: Chase Manhattan Mortgage Corp.

Loan No.: Not noted

Recording Date: May 19, 2004 Recording No: 2004-045345

Affects: Unit 10E

A line of credit deed of trust to secure an indebtedness in the amount shown below, 23.

Amount: \$35,000.00 Dated: May 10, 2004

Trustor/Grantor: Edward R. Eastman and Barbara E. Eastman

Trustee: Chicago Title Insurance Company

Beneficiary: Bank of America, N.A.

Loan No.: Not noted Recording Date: May 21, 2004 Recording No: 2004-045891

Affects: Unit 10B

A deed of trust to secure an indebtedness in the amount shown below, 24.

Amount: \$230,500.00 Dated: May 11, 2012 Trustor/Grantor: Julie Marie Smith

Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for Umpqua Bank Loan No.: 8501150525/MIN 1000458-1000010461-9 Recording Date: May 18, 2012 Recording No: 2012-031141 Affects: Unit 10A

A line of credit deed of trust to secure an indebtedness in the amount shown below, 25.

Amount: \$100,000.00 Dated: June 4, 2007

Trustor/Grantor: Julie Marie Smith Trustee: Stuart Title of Oregon, Inc. Beneficiary: JPMorgan Chase Bank, N.A. Loan No.: 26400011383

Recording Date: July 9, 2007 Recording No: 2007-059989

Affects: Unit 10A

An agreement recorded May 22, 2012 at 2012-032037 which states that this instrument was subordinated to the document or interest described in the instrument

Recording Date: May 18, 2012 Recording No: 2012-031141

A deed of trust to secure an indebtedness in the amount shown below, 26.

Amount: \$208,000.00 Dated: August 17, 2012

Trustor/Grantor: Floyd L. Graves and Linda L. Graves

Trustee: Chicago Title

Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for Pacific Residential Mortgage,

Loan No.: 10A-0003160/MIN 100409600000080566

Recording Date: August 23, 2012 Recording No: 2012-054549

Affects: Unit 10C

A deed of trust to secure an indebtedness in the amount shown below, 27.

Amount: \$301,455.00 Dated: June 20, 2013

Trustor/Grantor: Michael D. Lucich
Trustee: Fidelity National Title Company of Oregon
Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for Equity Home Mortgage, LLC
Loan No.: 005992730/MIN 101049300059927304

Recording Date: June 21, 2013 Recording No: 2013-043252

Affects: Unit 10D

28. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

a) The rights of tenants holding under unrecorded leases or tenanciesb) Any facts which would be disclosed by an accurate survey of the Land

c) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.

ADDITIONAL REQUIREMENTS/NOTES:

A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,215.72 Levy Code: 086-014 Account No.: 01461439 Map No.: 31W24CD80001

Affects: Unit 1

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

B. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,637.27 Levy Code: 086-014 Account No.: 01461448 Map No.: 31W24CD80002

Affects: Unit 2

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

C. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$5,622.90 Levy Code: 086-014 Account No.: 01461457 Map No.: 31W24CD80003

Affects: Unit 3

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

D. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$559.87 Levy Code: 086-014 Account No.: 01461484 Map No.: 31W24CD80006

Affects: Unit 6

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

E. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$2,107.42 Levy Code: 086-014 Account No.: 01461493 Map No.: 31W24CD80007

Affects: Unit 7

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

F. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$10,685.48 Levy Code: 086-014 Account No.: 01461509 Map No.: 31W24CD80008

Affects: Unit 8

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

G. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,386.04 Levy Code: 086-014 Account No.: 01870327 Map No.: 31W24CD8010A

Affects: Unit 10A

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

H. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,027.91 Levy Code: 086-014 Account No.: 01870336 Map No.: 31W24CD8010B

Affects: Unit 10B

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

I. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,027.91 Levy Code: 086-014 Account No.: 01870345 Map No.: 31W24CD8010C

Affects: Unit 10C

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

J. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,027.91 Levy Code: 086-014 Account No.: 01870354 Map No.: 31W24CD8010D

Affects: Unit 10D

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

K. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,386.04 Levy Code: 086-014 Account No.: 01870363 Map No.: 31W24CD8010E

Affects: Unit 10E

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

L. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$4,027.91 Levy Code: 086-014 Account No.: 01870372 Map No.: 31W24CD8010F

Affects: Unit 10F

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

M. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2012-2013 Amount: \$12,134.60 Levy Code: 086-014 Account No.: 01636894 Map No.: 31W24CD80009

Affects: Unit 9

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- N. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA policy unless removed prior to issuance.
- O. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance by the corporation named below.

Name of Corporation: Charbonneau Country Club, an Oregon non-profit corporation

- a) A Copy of the corporation By-laws and Articles of Incorporation
- b) An original or certified copy of a resolution authorizing the transaction contemplated herein.
- c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- P. NOTE: Filings with the State of Oregon require us to insure owners for no less than true market value. Where we are asked to insure for less than the apparent value, we will require proof that the sales price is the true market value of the property for title insurance purposes.
- Q. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- R. NOTE: This report is subject to any amendments which might occur when the names of prospective purchasers are submitted to us for examination.

S. IMPORTANT NOTICE TO TRANSFEROR(S) REGARDING WITHHOLDING TAX:

Effective January 1, 2008, Oregon law (ORS 314.258) requires closing agents closing a transaction for the transfer of certain Oregon real property interests to: (a) withhold from the transferor's proceeds an amount specified by law; and (b) remit the amount withheld to the Oregon Department of Revenue.

State mandated forms must be completed by all transferors in order to either: (a) claim or certify an exemption from the requirements of ORS 314.258; or (b) certify the withholding amount due pursuant to ORS 314.258.

You should consult with your tax or legal advisor in order to complete these forms prior to the closing of your transaction. Failure to timely deliver the appropriate form(s) to your closing agent may delay your closing or increase your withholding amount.

We are not legal or tax advisors. Although we may provide you with these forms and provide some assistance in filling out the forms, by law we are unable to advise you on the selection of which form(s) you must complete or the content in the forms.

T. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

Effective Date: 5/1/2008

Fidelity National Financial, Inc. Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

Personal Information Collected

We may collect Personal Information about you from the following sources:

- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information we receive from you through our Internet websites, such as your name, address, email
 address, Internet Protocol address, the website links you used to get to our websites, and your activity
 while using or reviewing our websites;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

Disclosure of Personal Information

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title
 whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

DISCLOSURE TO AFFILIATED COMPANIES - We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

DISCLOSURE TO NONAFFILIATED THIRD PARTIES - We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

Confidentiality and Security of Personal Information

Effective Date: 5/1/2008

Fidelity National Financial, Inc. Privacy Statement (continued)

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

Access to Personal Information/ Requests for Correction, Amendment, or Deletion of Personal Information

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF'S CURRENT POLICY IS TO MAINTAIN CUSTOMERS' PERSONAL INFORMATION FOR NO LESS THAN YOUR STATE'S REQUIRED RECORD RETENTION REQUIREMENTS FOR THE PURPOSE OF HANDLING FUTURE COVERAGE CLAIMS.

For your protection, ALL REQUESTS MADE UNDER THIS SECTION MUST BE IN WRITING AND MUST INCLUDE YOUR NOTARIZED SIGNATURE TO ESTABLISH YOUR IDENTITY. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer
Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, FL 32204

Changes to this Privacy Statement

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.

Clackamas County Official Records

2013-043252

Sherry Hall, County Clerk

06/21/2013 01:55:29 PM

Cnt=1 Stn=1 LESLIE \$110.00 \$16.00 \$10.00 \$17.00

\$153.00

After Recording Return To:

UNIVERSAL AMERICAN MORICAGE CIMPANY, ILC 15550 LICHIWAVE DRIVE, SUITE 200

CLEARWAIER, FLORIDA 33760 Loen Number: 0005992730 Case Number: 48-48-6-0375965

[Space Above This Line For Recording Data]

Mortgage Electronic Registration Systems, Inc. (MERS) is the Grantee of this Security Instrument.

DEED OF TRUST

NOT ASSUMABLE LOAN IS APPROVAL OF ARTMENT OF VETERANS AFFAIRS OR ITS AUTHORIZED AGENT.

MIN: 101049300059927304

MERS Phone: 888-679-6377

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 10, 12, 17, 19 and 20. Certain rules regarding the usage of words used in this document are also provided in Section 15.

"Security Instrument" means this document, which is dated JUNE 20, 2013

with all Riders to this document.
(B) "Borrower" is Michael D Lucich

Borrower is the trustor under this Security Instrument.
(C) "Lender" is EQUITY HOME MORTGAGE, LLC
Lender is a OREGON LIMITED LIABILITY COMPANY organd existing under the laws of OREGON
Lender's address is 7320 SW HUNZIKER ROAD, #305, TIGARD, OREGON 97223 organized

(D) "Trustee" is Fidelity National Title of Oregon
700 NE Multnomah Blvd., #1450, PORTLAND, OREGON 97232
(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiarry under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

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(F) "Note" means the promissory note signed by Borrower and dated JUNE 20, 2013 The Note states that Borrower owes Lender THREE HUNDRED ONE THOUSAND FOUR HUNDRED FIFTY-FIVE AND 00/100 Dollars (U.S. \$ 301, 455.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than JULY 1, 2043 (G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property." (H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest. (I) "Ridders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:				
☐ Adjustable Rate Rider☐ Balloon Rider☐ 1-4 Family Rider☐ Condominium Rider	☐ Planned Unit Development Rider ☐ Biweekly Payment Rider ☐ Second Home Rider ☐ Other(s) [specify] VA Assumption Policy Rider			
administrative rules and orders (that hav opinions. (K) "Community Association Dues, F. that are imposed on Borrower or the Progranization. (L) "Electronic Funds Transfer" mean or similar paper instrument, which is inimagnetic tape so as to order, instruct, or includes, but is not limited to, point-of-telephone, wire transfers, and automated (M) "Escrow Items" means those items (N) "Miscellaneous Proceeds" means third party (other than insurance proceedstruction of, the Property; (ii) condemieu of condemnation; or (iv) misreprese (O) "Periodic Payment" means the replus (ii) any amounts under Section 3 of (P) "RESPA" means the Real Estate Segulation, Regulation X (12 C.F.R. Pasuccessor legislation or regulation that "RESPA" refers to all requirements and even if the Loan does not qualify as a "condemnation in Interest of Borrow."	so that are described in Section 3. any compensation, settlement, award of damages, or proceeds paid by any dos paid under the coverages described in Section 5) for: (i) damage to, or mation or other taking of all or any part of the Property; (iii) conveyance in intations of, or omissions as to, the value and/or condition of the Property. gularly scheduled amount due for (i) principal and interest under the Note,			

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TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the COUNTY of CLACKAMAS:

[Type of Recording Jurisdiction] [Name of Recording Jurisdiction]
UNIT 10-D, CHARBONNEAU VILLAGE CENTER CONDOMINIUM - STAGE 3, IN
THE CITY OF WILSONVILLE, COUNTY OF CLACKAMAS AND STATE OF
OREGON. TOGETHER WITH THE LIMITED COMMON ELEMENTS AND THE
UNDIVIDED INTEREST IN THE GENERAL COMMON ELEMENTS APPERTAINING
THERETO AS SET FORTH IN DECLARATION OF UNIT OWNERSHIP RECORDED
MARCH 10, 1999, FEE NO. 99-024252 AND RE-RECORDED MAY 12, 1999,
FEE NO. 99-048301.
A.P.N.: 01870354

which currently has the address of

32078 SW Charbonneau Dr #10D

Wilsonville

, Oregon

[Street] 97070 [Zip Code]

("Property Address"):

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges. Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

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DocMagic eRomas www.docmagic.com Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 14. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security

2. Application of Payments or Proceeds. Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note; (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other amounts due under this Security Instrument, and then to reduce the principal balance of the Note.

If Lender receives a payment from Borrower for a delinquent Periodic Payment which includes a sufficient amount to pay any late charge due, the payment may be applied to the delinquent payment and the late charge. If more than one Periodic Payment is outstanding, Lender may apply any payment received from Borrower to the repayment of the Periodic Payments if, and to the extent that, each payment can be paid in full. To the extent that any excess exists after the payment is applied to the full payment of one or more Periodic Payments, such excess may be applied to any late charges due. Voluntary prepayments shall be applied first to any prepayment charges and then as described in the Note.

Any application of payments, insurance proceeds, or Miscellaneous Proceeds to principal due under the Note shall not extend or postpone the due date, or change the amount, of the Periodic Payments.

3. Funds for Escrow Items. Borrower shall pay to Lender on the day Periodic Payments are due under the Note, until the Note is paid in full, a sum (the "Funds") to provide for payment of amounts due for: (a) taxes and assessments and other items which can attain priority over this Security Instrument as a lien or encumbrance on the Property; (b) leasehold payments or ground rents on the Property, if any; and (c) premiums for any and all insurance required by Lender under Section 5. These items are called "Escrow Items." At origination or at any time during the term of the Loan, Lender may require that Community Association Dues, Fees, and Assessments, if any, be escrowed by Borrower, and such dues, fees and assessments shall be an Escrow Item. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this Section. Borrower shall pay Lender the Funds for Escrow Items unless Lender waives Borrower's obligation to pay the Funds for any or all Escrow Items. Lender may waive Borrower's obligation to pay to Lender Funds for any or all Escrow Items at any time. Any such waiver may only be in writing. In the event of such waiver, Borrower shall pay directly, when and where payable, the amounts due for any Escrow Items for which payment of Funds has been waived by Lender and, if Lender requires, shall furnish to Lender receipts evidencing such payment within such time period as Lender may require. Borrower's obligation to make such payments and to provide receipts shall for all purposes be deemed to be a covenant and agreement contained in this Security Instrument, as the phrase "covenant and agreement" is used in Section 9. If Borrower is obligated to pay Escrow Items directly, pursuant to a waiver, and Borrower fails to pay the amount due for an Eserow Item, Lender may exercise its rights under Section 9 and pay such amount and Borrower shall then be obligated under Section 9 to repay to Lender any such amount. Lender may revoke the waiver as to any or all Escrow Items at any time by a notice given in accordance with Section 14 and, upon such revocation, Borrower shall pay to Lender all Funds, and in such amounts, that are then required under this Section 3.

Lender may, at any time, collect and hold Funds in an amount (a) sufficient to permit Lender to apply the Funds at the time specified under RESPA, and (b) not to exceed the maximum amount a lender can require under RESPA. Lender shall estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with Applicable Law.

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The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is an institution whose deposits are so insured) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA. Lender shall not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and Applicable Law permits Lender to make such a charge. Unless an agreement is made in writing or Applicable Law requires interest to be paid on the Funds, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender can agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds as required by RESPA.

If there is a surplus of Funds held in escrow, as defined under RESPA, Lender shall account to Borrower for the excess funds in accordance with RESPA. If there is a shortage of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the shortage in accordance with RESPA, but in no more than 12 monthly payments. If there is a deficiency of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the deficiency in accordance with RESPA, but in no more than

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower

any Funds held by Lender.

4. Charges; Liens. Borrower shall pay all taxes, assessments, charges, fines, and impositions attributable to the Property which can attain priority over this Security Instrument, leasehold payments or ground rents on the Property, if any, and Community Association Dues, Fces, and Assessments, if any. To the extent that these items

are Escrow Items, Borrower shall pay them in the manner provided in Section 3.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender, but only so long as Borrower is performing such agreement; (b) contests the lien in good faith by, or defends against enforcement of the lien in, legal proceedings which in Lender's opinion operate to prevent the enforcement of the lien while those proceedings are pending, but only until such proceedings are concluded; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which can attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Within 10 days of the date on which that notice is given, Borrower shall satisfy the lien or take one or more of the actions set forth above in this Section 4.

Lender may require Borrower to pay a one-time charge for a real estate tax verification and/or reporting service

used by Lender in connection with this Loan.

5. Property Insurance. Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and any other hazards including, but not limited to, earthquakes and floods, for which Lender requires insurance. This insurance shall be maintained in the amounts (including deductible levels) and for the periods that Lender requires. What Lender requires pursuant to the preceding sentences can change during the term of the Loan. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's right to disapprove Borrower's choice, which right shall not be exercised unreasonably. Lender may require Borrower to pay, in connection with this Loan, either: (a) a onetime charge for flood zone determination, certification and tracking services; or (b) a one-time charge for flood zone determination and certification services and subsequent charges each time remappings or similar changes occur which reasonably might affect such determination or certification. Borrower shall also he responsible for the payment of any fees imposed by the Federal Emergency Management Agency in connection with the review of any flood zone determination resulting from an objection by Borrower.

If Borrower fails to maintain any of the coverages described above, Lender may obtain insurance coverage, at Lender's option and Borrower's expense. Lender is under no obligation to purchase any particular type or amount of coverage. Therefore, such coverage shall cover Lender, but might or might not protect Borrower, Borrower's equity in the Property, or the contents of the Property, against any risk, hazard or liability and might provide greater

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or lesser coverage than was previously in effect. Borrower acknowledges that the cost of the insurance coverage so obtained might significantly exceed the cost of insurance that Borrower could have obtained. Any amounts disbursed by Lender under this Section 5 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

All insurance policies required by Lender and renewals of such policies shall be subject to Lender's right to disapprove such policies, shall include a standard mortgage clause, and shall name Lender as mortgagee and/or as an additional loss payee. Lender shall have the right to hold the policies and renewal certificates. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. If Borrower obtains any form of insurance coverage, not otherwise required by Lender, for damage to, or destruction of, the Property, such policy shall include a standard mortgage clause and shall name Lender as mortgagee and/or as an additional loss payee.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower. Unless Lender and Borrower otherwise agree in writing, any insurance proceeds, whether or not the underlying insurance was required by Lender, shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such insurance proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such insurance proceeds, Lender shall not be required to pay Borrower any interest or earnings on such proceeds. Fees for public adjusters, or other third parties, retained by Borrower shall not be paid out of the insurance proceeds and shall be the sole obligation of Borrower. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such insurance proceeds shall be applied in the order provided for in Section 2.

If Borrower abandons the Property, Lender may file, negotiate and settle any available insurance claim and related matters. If Borrower does not respond within 30 days to a notice from Lender that the insurance carrier has offered to settle a claim, then Lender may negotiate and settle the claim. The 30-day period will begin when the notice is given. In either event, or if Lender acquires the Property under Section 21 or otherwise, Borrower hereby assigns to Lender (a) Borrower's rights to any insurance proceeds in an amount not to exceed the amounts unpaid under the Note or this Security Instrument, and (b) any other of Borrower's rights (other than the right to any refund of unearned premiums paid by Borrower) under all insurance policies covering the Property, insofar as such rights are applicable to the coverage of the Property. Lender may use the insurance proceeds either to repair or restore the Property or to pay amounts unpaid under the Note or this Security Instrument, whether or not then due.

- 6. Occupancy. Borrower shall occupy, establish, and use the Property as Borrower's principal residence within 60 days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender otherwise agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control.
- 7. Preservation, Maintenance and Protection of the Property; Inspections. Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the Property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition. Unless it is determined pursuant to Section 5 that repair or restoration is not economically feasible, Borrower shall promptly repair the Property if damaged to avoid further deterioration or damage. If insurance or condemnation proceeds are paid in connection with damage to, or the taking of, the Property, Borrower shall be responsible for repairing or restoring the Property only if Lender has released proceeds for such purposes. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.

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Lender or its agent may make reasonable entries upon and inspections of the Property. If it has reasonable cause, Lender may inspect the interior of the improvements on the Property. Lender shall give Borrower notice at the time of or prior to such an interior inspection specifying such reasonable cause.

8. Borrower's Loan Application. Borrower shall be in default if, during the Loan application process, Borrower or any persons or entities acting at the direction of Borrower or with Borrower's knowledge or consent gave materially false, misleading, or inaccurate information or statements to Lender (or failed to provide Lender with material information) in connection with the Loan. Material representations include, but are not limited to, representations concerning Borrower's occupancy of the Property as Borrower's principal residence.

9. Protection of Lender's Interest in the Property and Rights Under this Security Instrument. If (a) Borrower fails to perform the covenants and agreements contained in this Security Instrument, (b) there is a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Security Instrument (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture, for enforcement of a lien which may attain priority over this Security Instrument or to enforce laws or regulations), or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Security Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Security Instrument; (b) appearing in court; and (c) paying reasonable attorneys' fees to protect its interest in the Property and/or rights under this Security Instrument, including its secured position in a bankruptcy proceeding. Securing the Property includes, but is not limited to, entering the Property to make repairs, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 9, Lender does not have to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 9.

Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be

payable, with such interest, upon notice from Lender to Borrower requesting payment.

If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. Borrower shall not surrender the leasehold estate and interests herein conveyed or terminate or cancel the ground lease. Borrower shall not, without the express written consent of Lender, alter or amend the ground lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger

10. Assignment of Miscellaneous Proceeds; Forfeiture. All Miscellaneous Proceeds are hereby assigned to

and shall be paid to Lender.

If the Property is damaged, such Miscellaneous Proceeds shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such Miscellaneous Proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may pay for the repairs and restoration in a single disbursement or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such Miscellaneous Proceeds, Lender shall not be required to pay Borrower any interest or earnings on such Miscellaneous Proceeds. If the restoration or repair is not economically feasible or Lender's security would be lessened, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such Miscellaneous Proceeds shall be applied in the order provided for in Section 2.

In the event of a total taking, destruction, or loss in value of the Property, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to

Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced

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by the amount of the Miscellaneous Proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the partial taking, destruction, or loss in value divided by (b) the fair market value of the Property immediately before the partial taking, destruction, or loss in value. Any balance shall be paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is less than the amount of the sums secured immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the Opposing Party (as defined in the next sentence) offers to make an award to settle a claim for damages, Borrower fails to respond to Lender within 30 days after the date the notice is given, Lender is authorized to collect and apply the Miscellaneous Proceeds either to restoration or repair of the Property or to the sums secured by this Security Instrument, whether or not then due. "Opposing Party" means the third party that owes Borrower Miscellaneous Proceeds or the party against whom Borrower has a right of action in regard to Miscellaneous Proceeds.

Borrower shall be in default if any action or proceeding, whether civil or criminal, is begun that, in Lender's judgment, could result in forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. Borrower can cure such a default and, if acceleration has occurred, reinstate as provided in Section 18, by causing the action or proceeding to be dismissed with a ruling that, in Lender's judgment, precludes forfeiture of the Property or other material impairment of Lender's interest in the Property or rights under this Security Instrument. The proceeds of any award or claim for damages that are attributable to the impairment of Lender's interest in the Property are hereby assigned and shall be paid to Lender.

All Miscellaneous Proceeds that are not applied to restoration or repair of the Property shall be applied in the order provided for in Section 2.

11. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to Borrower or any Successor in Interest of Borrower shall not operate to release the liability of Borrower or any Successors in Interest of Borrower. Lender shall not be required to commence proceedings against any Successor in Interest of Borrower or to refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or any Successors in Interest of Borrower. Any forbearance by Lender in exercising any right or remedy including, without limitation, Lender's acceptance of payments from third persons, entities or Successors in Interest of Borrower or in amounts less than the amount then due, shall not be a waiver of or preclude the exercise of any right or remedy.

12. Joint and Several Liability; Co-signers; Successors and Assigns Bound. Borrower covenants and agrees that Borrower's obligations and liability shall be joint and several. However, any Borrower who co-signs this Security Instrument but does not execute the Note (a "co-signer"): (a) is co-signing this Security Instrument only to mortgage, grant and convey the co-signer's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower can agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without the co-signer's consent.

Subject to the provisions of Section 17, any Successor in Interest of Borrower who assumes Borrower's obligations under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower's rights and benefits under this Security Instrument. Borrower shall not be released from Borrower's obligations and liability under this Security Instrument unless Lender agrees to such release in writing. The covenants and agreements of this Security Instrument shall bind (except as provided in Section 19) and benefit the successors and assigns of Lender.

13. Loan Charges. Lender may charge Borrower fees for services performed in connection with Borrower's default, for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument, including, but not limited to, attorneys' fees, property inspection and valuation fees. In regard to any other fees, the absence of express authority in this Security Instrument to charge a specific fee to Borrower shall not be construed a prohibition on the charging of such fee. Lender may not charge fees that are expressly prohibited by this Security Instrument or by Applicable Law.

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If the Loan is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the Loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge (whether or not a prepayment charge is provided for under the Note). Borrower's acceptance of any such refund made by direct payment to Borrower will constitute a waiver of any right of action Borrower might

have arising out of such overcharge.

14. Notices. All notices given by Borrower or Lender in connection with this Security Instrument must be in writing. Any notice to Borrower in connection with this Security Instrument shall be deemed to have been given to Borrower when mailed by first class mail or when actually delivered to Borrower's notice address if sent by other means. Notice to any one Borrower shall constitute notice to all Borrowers unless Applicable Law expressly requires otherwise. The notice address shall be the Property Address unless Borrower has designated a substitute notice address by notice to Lender. Borrower shall promptly notify Lender of Borrower's change of address. If Lender specifies a procedure for reporting Borrower's change of address, then Borrower shall only report a change of address through that specified procedure. There may be only one designated notice address under this Security Instrument at any one time. Any notice to Lender shall be given by delivering it or by mailing it by first class mail to Lender's address stated herein unless Lender has designated another address by notice to Borrower. Any notice in connection with this Security Instrument shall not be deemed to have been given to Lender until actually received by Lender. If any notice required by this Security Instrument is also required under Applicable Law, the Applicable Law requirement will satisfy the corresponding requirement under this Security Instrument.

15. Governing Law; Severability; Rules of Construction. This Security Instrument shall be governed by federal law and the law of the jurisdiction in which the Property is located. All rights and obligations contained in this Security Instrument are subject to any requirements and limitations of Applicable Law. Applicable Law might explicitly or implicitly allow the parties to agree by contract or it might be silent, but such silence shall not be construed as a prohibition against agreement by contract. In the event that any provision or clause of this Security Instrument or the Note conflicts with Applicable Law, such conflict shall not affect other provisions of this Security

Instrument or the Note which can be given effect without the conflicting provision.

As used in this Security Instrument: (a) words of the masculine gender shall mean and include corresponding neuter words or words of the feminine gender; (b) words in the singular shall mean and include the plural and vice versa; and (c) the word "may" gives sole discretion without any obligation to take any action.

16. Borrower's Copy. Borrower shall be given one copy of the Note and of this Security Instrument.

17. Transfer of the Property; Acceleration; Assumption. This loan may be declared immediately due and payable upon transfer of the property securing such loan to any transferee, unless the acceptability of the assumption of the loan is established pursuant to Section 3714 of Chapter 37, Title 38, United States Code. The

acceptability of any assumption shall also be subject to the following additional provisions:

Funding Fee: A fee equal to one-half of 1 percent of the balance of this loan as of the date of transfer of the property shall be payable at the time of transfer to the loan holder or its authorized agent, as trustee for the Department of Veterans Affairs. If the assumer fails to pay this fee at the time of transfer, the fee shall constitute an additional debt to that already secured by this instrument, shall bear interest at the rate herein provided, and at the option of the payee of the indebtedness hereby secured or any transferee thereof, shall be immediately due and payable. This fee is automatically waived if the assumer is exempt under the provisions of 38 U.S.C. 3729(c).

(b) Processing Charge: Upon application for approval to allow assumption of this loan, a processing fee may be charged by the loan holder or its authorized agent for determining the creditworthiness of the assumer and subsequently revising the holder's ownership records when an approved transfer is completed. The amount of this charge shall not exceed the maximum established by the Department of Veterans Affairs for a loan to which Section 3714 of Chapter 37, Title 38, United States Code applies.

OREGON-Single Family-UNIFORM INSTRUMENT MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS - MERS (Rev. 1/01) Page 9 of 14

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Indemnity Liability Assumption: If this obligation is assumed, then the assumer hereby agrees to assume all of the obligations of the veteran under the terms of the instruments creating and securing the loan. The assumer further agrees to indemnify the Department of Veterans Affairs to the extent of any claim payment arising from the guaranty or insurance of the indebtedness created by this instrument.

If the acceptability of the assumption of this loan is not established for any reason, and Lender exercises its option to declare all sums secured by this Security Instrument Immediately due and payable, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 14 within which Borrower must pay all sums secured by this Security Instrument. If Borrower falls to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

18. Borrower's Right to Reinstate After Acceleration. If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earliest of: (a) five days before sale of the Property pursuant to any power of sale contained in this Security Instrument; (b) such other period as Applicable Law might specify for the termination of Borrower's right to reinstate; or (c) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees, property inspection and valuation fees, and other fees incurred for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument; and (d) takes such action as Lender may reasonably require to assure that Lender's interest in the Property and rights under this Security Instrument, and Borrower's obligation to pay the sums secured by this Security Instrument, shall continue unchanged. Lender may require that Borrower pay such reinstatement sums and expenses in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality or entity; or (d) Electronic Funds Transfer. Upon reinstatement by Borrower, this Security Instrument and obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under Section 17.

19. Sale of Note; Change of Loan Servicer; Notice of Grievance. The Note or a partial interest in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower. A sale might result in a change in the entity (known as the "Loan Servicer") that collects Periodic Payments due under the Note and this Security Instrument and performs other mortgage loan servicing obligations under the Note, this Security Instrument, and Applicable Law. There also might be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change which will state the name and address of the new Loan Servicer, the address to which payments should be made and any other information RESPA requires in connection with a notice of transfer of servicing. If the Note is sold and thereafter the Loan is serviced by a Loan Servicer other than the purchaser of the Note, the mortgage loan servicing obligations to Borrower will remain with the Loan Servicer or be transferred to a successor Loan Servicer and are not assumed

by the Note purchaser unless otherwise provided by the Note purchaser.

Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other parry's actions pursuant to this Security Instrument or that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of Section 14) of such alleged breach and afforded the other party hereto a reasonable period after the giving of such notice to take corrective action. If Applicable Law provides a time period which must elapse before certain action can be taken, that time period will be deemed to be reasonable for purposes of this paragraph. The notice of acceleration and opportunity to cure given to Borrower pursuant to Section 21 and the notice of acceleration given to Borrower pursuant to Section 17 shall be deemed to satisfy the notice and opportunity to take corrective action provisions of this Section 19.

OREGON-Single Family-UNIFORM INSTRUMENT MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS - MERS (Rev. 1/01) Page 10 of 14

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20. Hazardous Substances. As used in this Section 20: (a) "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials; (b) "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection; (c) "Environmental Cleanup" includes any response action, remedial action, or removal action, as defined in Environmental Law; and (d) an "Environmental Condition" means a condition that can cause, contribute to, or otherwise trigger an Environmental Cleanup.

Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances, or threaten to release any Hazardous Substances, on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property (a) that is in violation of any Environmental Law, (b) which creates an Environmental Condition, or (c) which, due to the presence, use, or release of a Hazardous Substance, creates a condition that adversely affects the value of the Property. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property (including, but not limited to,

hazardous substances in consumer products).

Borrower shall promptly give Lender written notice of (a) any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge, (b) any Environmental Condition, including but not limited to, any spilling, leaking, discharge, release or threat of release of any Hazardous Substance, and (c) any condition caused by the presence, use or release of a Hazardous Substance which adversely affects the value of the Property. If Borrower learns, or is notified by any governmental or regulatory authority, or any private party, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law. Nothing herein shall create any obligation on Lender for an Environmental Cleanup.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

21. Acceleration; Remedies. Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under Section 17 unless Applicable Law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale. If the default is not cured on or before the date specified in the notice, Lender at its option may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and any other remedies permitted by Applicable Law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this Section 21, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall execute or cause Trustee to execute a written notice of the occurrence of an event of default and of Lender's election to cause the Property to be sold and shall cause such notice to be recorded in each county in which any part of the Property is located. Lender or Trustee shall give notice of sale in the manner prescribed by Applicable Law to Borrower and to other persons prescribed by Applicable Law. After the time required by Applicable Law, Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder at the time and place and under the terms designated in the notice of sale in one or more parcels and in any order Trustee determines. Trustee may postpone sale of all or any parcel of the Property by public announcement at the time and place of any previously scheduled

sale. Lender or its designee may purchase the Property at any sale.

OREGON-Single Family-Uniform instrument Modified for department of Veterans Affairs - Mers (Rev. 1/01) Page 11 of 14 Docklegic Eforms www.docmagic.com

Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it.

22. Reconveyance. Upon payment of all sums secured by this Security Instrument, Lender shall request Trustee to reconvey the Property and shall surrender this Security Instrument and all notes evidencing debt secured by this Security Instrument to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled to it. Such person or persons shall pay any recordation costs. Lender may charge such person or persons a fee for reconveying the Property, but only if the fee is paid to a third party (such as the Trustee) for services rendered and the charging of the fee is permitted under Applicable Law.

23. Substitute Trustee. Lender may from time to time remove Trustee and appoint a successor trustee to any Trustee appointed hereunder. Without conveyance of the Property, the successor trustee shall succeed to all the title, power and duties conferred upon Trustee herein and by Applicable Law.

24. Attorneys' Fees. As used in this Security Instrument and in the Note, attorneys' fees shall include those

awarded by an appellate court.

25. Protective Advances. This Security Instrument secures any advances Lender, at its discretion, may make under Section 9 of this Security Instrument to protect Lender's interest in the Property and rights under this Security Instrument.

26. Required Evidence of Property Insurance.

WARNING

Unless you provide us with evidence of the insurance coverage as required by our contract or loan agreement, we may purchase insurance at your expense to protect our interest. This insurance may, but need not, also protect your interest. If the collateral becomes damaged, the coverage we purchase may not pay any claim you make or any claim made against you. You may later cancel this coverage by providing evidence that you have obtained property coverage elsewhere.

You are responsible for the cost of any insurance purchased by us. The cost of this insurance may be added to your contract or loan balance. If the cost is added to your contract or loan balance, the interest rate on the underlying contract or loan will apply to this added amount. The effective date of coverage may be the date your prior coverage lapsed or the date you failed to provide proof of coverage.

The coverage we purchase may be considerably more expensive than insurance you can obtain on your own and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by Applicable Law.

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OREGON-Single Family-UNIFORM INSTRUMENT
MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS - MERS
(Rav. 1/01) Page 12 of 14

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NOTICE TO BORROWER

Department of Veterans Affairs regulations at 38 C.F.R. 36.4337 provide as follows:

"Regulations issued under 38 U.S.C. Chapter 37 and in effect on the date of any loan which is submitted and accepted or approved for a guaranty or for insurance thereunder, shall govern the rights, duties, and liabilities of the parties to such loan and any provisions of the loan instruments inconsistent with such regulations are hereby amended and supplemented to conform thereto."

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

Manual D Lucich	-Borrower		(Seal) -Borrower
	(Seal) -Borrower		(Seal) -Borrower
	(Seal) -Borrower		(Seal) -Borrower
Vitness:		Witness:	
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[Space Below This	Line For Acknowledgment]
State of OREGON	
County of CLACKAMAS	
This instrument was acknowledged before me o	n Jun. 20, 2013
by Michael D Lucich	
OFFICIAL SEAL MARY ANN MC DOUGALL NOTARY PUBLIC-OREGON COMMISSION NO. 459062 MY COMMISSION EXPIRES JULY 15, 2016	May Que mcougal Signature of Jotarial officer
W) Commission	Title (and Rank)
(Seal, if any)	My commission expires: 7-15-16
	•
OREGON-Single Family-UNIFORM INSTRUMENT MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS -	MERS DocHlagic Afforms www.docmagic.com
(Rev. 1/01)	Page 14 of 14

Loan Number: 0005992730

CONDOMINIUM RIDER

THIS CONDOMINIUM RIDER is made this 20th day of JUNE, 2013, and is incorporated into and shall be deemed to amend and supplement the Mortgage, Deed of Trust, or Security Deed (the "Security Instrument") of the same date given by the undersigned (the "Borrower") to secure Borrower's Note to EQUITY HOME MORTGAGE, LLC, AN OREGON LIMITED LIABILITY COMPANY (the "Lender") of the same date and covering the Property described in the Security Instrument and located at:

32078 SW Charbonneau Dr #10D, Wilsonville, Oregon 97070
[Property Address]

The Property includes a unit in, together with an undivided interest in the common elements of, a condominium project known as:

Assn of Unit Owners of Charbonneau Village Center
[Name of Condominium Project]

(the "Condominium Project"). If the owners association or other entity which acts for the Condominium Project (the "Owners Association") holds title to property for the benefit or use of its members or shareholders, the Property also includes Borrower's interest in the Owners Association and the uses, proceeds and benefits of Borrower's interest.

CONDOMINIUM COVENANTS. In addition to the covenants and agreements made in the Security Instrument, Borrower and Lender further covenant and agree as follows:

- A. Condominium Obligations. Borrower shall perform all of Borrower's obligations under the Condominium Project's Constituent Documents. The "Constituent Documents" are the: (i) Declaration or any other document which creates the Condominium Project; (ii) by-laws; (iii) code of regulations; and (iv) other equivalent documents. Borrower shall promptly pay, when due, all dues and assessments imposed pursuant to the Constituent Documents.
- B. Property Insurance. So long as the Owners Association maintains, with a generally accepted insurance carrier, a "master" or "blanket" policy on the Condominium Project which is satisfactory to Lender and which provides insurance coverage in the amounts (including deductible levels), for the periods, and against loss by fire, hazards included within the term "extended coverage," and any other hazards, including, but not limited to, earthquakes and floods, from which Lender requires insurance, then: (i) Lender waives the provision in Section 3 for the Periodic Payment to Lender of the yearly premium installments for property insurance on the Property; and (ii) Borrower's obligation under Section 5 to maintain property insurance coverage on the Property is deemed satisfied to the extent that the required coverage is provided by the Owners Association policy.

What Lender requires as a condition of this waiver can change during the term of the loan.

MULTISTATE CONDOMINIUM RIDER
MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS
(REV. 1/01) Page 1 of 3

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Borrower shall give Lender prompt notice of any lapse in required property insurance coverage provided by the master or blanket policy.

In the event of a distribution of property insurance proceeds in lieu of restoration or repair following a loss to the Property, whether to the unit or to common elements, any proceeds payable to Borrower are hereby assigned and shall be paid to Lender for application to the sums secured by the Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

- C. Public Liability Insurance. Borrower shall take such actions as may be reasonable to insure that the Owners Association maintains a public liability insurance policy acceptable in form, amount, and extent of coverage to Lender.
- D. Condemnation. The proceeds of any award or claim for damages, direct or consequential, payable to Borrower in connection with any condemnation or other taking of all or any part of the Property, whether of the unit or of the common elements, or for any conveyance in lieu of condemnation, are hereby assigned and shall be paid to Lender. Such proceeds shall be applied by Lender to the sums secured by the Security Instrument as provided in Section 10.
- E. Lender's Prior Consent. Borrower shall not, except after notice to Lender and with Lender's prior written consent, either partition or subdivide the Property or consent to: (i) the abandonment or termination of the Condominium Project, except for abandonment or termination required by law in the case of substantial destruction by fire or other casualty or in the case of a taking by condemnation or eminent domain; (ii) any amendment to any provision of the Constituent Documents if the provision is for the express benefit of Lender; (iti) termination of professional management and assumption of self-management of the Owners Association; or (iv) any action which would have the effect of rendering the public liability insurance coverage maintained by the Owners Association unacceptable to Lender.
- F. Remedies. If Borrower does not pay condominium dues and assessments when due, then Lender may pay them. Any amounts disbursed by Lender under this paragraph F shall become additional debt of Borrower secured by the Security Instrument. Unless Borrower and Lender agree to other terms of payment, these amounts shall bear interest from the date of disbursement at the Note rate and shall be payable, with interest, upon notice from Lender to Borrower requesting payment.

MULTISTATE CONDOMINIUM RIDER MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS (REV. 1/01) Page 2 of 3 **DocMagic &**சீனால் www.docmagic.com

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BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Condominium Rider.

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(Seal)

(Seal)

(Seal)

-Borrower

-Borrower

-Borrower

-Borrower

MULTISTATE CONDOMINIUM RIDER
MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS
(REV. 1/01) Page 3 of 3

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___ (Seal) -Borrower

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Loan Number: 0005992730

CONDOMINIUM RIDER

THIS CONDOMINIUM RIDER is made this 20th day of JUNE, 2013, and is incorporated into aud shall be deemed to amend and supplement the Mortgage, Deed of Trust, or Security Deed (the "Security Instrument") of the same date given by the undersigned (the "Borrower") to secure Borrower's Note to EQUITY HOME MORTGAGE, LLC, AN OREGON LIMITED LIABILITY COMPANY (the "Lender") of the same date and covering the Property described in the Security Instrument and located at:

32078 SW Charbonneau Dr #10D, Wilsonville, Oregon 97070 [Property Address]

The Property includes a unit in, together with an undivided interest in the common elements of, a condominium project known as:

VILLAS ON THE GREEN HOMEOWNERS ASSOCIATION
[Name of Condominium Project]

(the "Condominium Project"). If the owners association or other entity which acts for the Condominium Project (the "Owners Association") holds title to property for the benefit or use of its members or shareholders, the Property also includes Borrower's interest in the Owners Association and the uses, proceeds and benefits of Borrower's interest.

CONDOMINIUM COVENANTS. In addition to the covenants and agreements made in the Security Instrument, Borrower and Lender further covenant and agree as follows:

- A. Condominium Obligations. Borrower shall perform all of Borrower's obligations under the Condominium Project's Constituent Documents. The "Constituent Documents" are the: (i) Declaration or any other document which creates the Condominium Project; (ii) by-laws; (iii) code of regulations; and (iv) other equivalent documents. Borrower shall promptly pay, when due, all dues and assessments imposed pursuant to the Constituent Documents.
- B. Property Insurance. So long as the Owners Association maintains, with a generally accepted insurance carrier, a "master" or "blanket" policy on the Condominium Project which is satisfactory to Lender and which provides insurance coverage in the amounts (including deductible levels), for the periods, and against loss by fire, hazards included within the term "extended coverage," and any other hazards, including, but not limited to, earthquakes and floods, from which Lender requires insurance, then: (i) Lender waives the provision in Section 3 for the Periodic Payment to Lender of the yearly premium installments for property insurance on the Property: and (ii) Borrower's obligation under Section 5 to maintain property insurance coverage on the Property is deemed satisfied to the extent that the required coverage is provided by the Owners Association policy.

What Lender requires as a condition of this waiver can change during the term of the loan.

MULTISTATE CONDOMINIUM RIDER
MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS
(REV. 1/01) Page 1 of 3

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Borrower shall give Lender prompt notice of any lapse in required property insurance coverage provided by the master or blanket policy.

In the event of a distribution of property insurance proceeds in lieu of restoration or repair following a loss to the Property, whether to the unit or to common elements, any proceeds payable to Borrower are hereby assigned and shall be paid to Lender for application to the sums secured by the Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

- C. Public Liability Insurance. Borrower shall take such actions as may be reasonable to insure that the Owners Association maintains a public liability insurance policy acceptable in form, amount, and extent of coverage to Lender.
- D. Condemnation. The proceeds of any award or claim for damages, direct or consequential, payable to Borrower in connection with any condemnation or other taking of all or any part of the Property, whether of the unit or of the common elements, or for any conveyance in lieu of condemnation, are hereby assigned and shall be paid to Lender. Such proceeds shall be applied by Lender to the sums secured by the Security Instrument as provided in Section 10.
- E. Lender's Prior Consent. Borrower shall not, except after notice to Lender and with Lender's prior written consent, either partition or subdivide the Property or consent to: (i) the abandonment or termination of the Condominium Project, except for ahandonment or termination required by law in the case of substantial destruction by fire or other casualty or in the case of a taking by condemnation or eminent domain; (ii) any amendment to any provision of the Constituent Documents if the provision is for the express benefit of Lender; (iii) termination of professional management and assumption of self-management of the Owners Association; or (iv) any action which would have the effect of rendering the public liability insurance coverage maintained by the Owners Association unacceptable to Lender.
- F. Remedies. If Borrower does not pay condominium dues and assessments when due, then Lender may pay them. Any amounts disbursed by Lender under this paragraph F shall become additional debt of Borrower secured by the Security Instrument. Unless Borrower and Lender agree to other terms of payment, these amounts shall bear interest from the date of disbursement at the Note rate and shall be payable, with interest, upon notice from Lender to Borrower requesting payment.

MULTISTATE CONDOMINIUM RIDER
MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS
(REV. 1/01) Page 2 of 3

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BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Condominium Rider.

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MULTISTATE CONDOMINIUM RIDER
MODIFIED FOR DEPARTMENT OF VETERANS AFFAIRS
(REV. 1/01) Page 3 of 3

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Clackamas County Official Records Sherry Hall, County Clerk

ds **2013-043251** 06/21/2013 01:55:29 PM

D-D Cnt=1 Stn=1 LESLIE \$20.00 \$16.00 \$10.00 \$17.00

\$63.00

RECORDING REQUESTED BY:

Chicago Title Company of Oregon 5300 SW Meadows Road, Suite 100 Lake Oswego, OR 97035

GRANTOR:

Henry H. Marcoux and Marian D. Marcoux

GRANTEE: Michael D. Lucich

SEND TAX STATEMENTS TO:

Michael D. Lucich Marbonneau & Unit 10-D

AFTER RECORDING RETURN TO: Same as above

Escrow No: 472513509450JSP-CT42

32078 SW Charbonneau Drive, Unit 10-D Wilsonville, OR 97070

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED - STATUTORY FORM (INDIVIDUAL or CORPORATION)

Henry H. Marcoux and Marian D. Marcoux

Grantor, conveys and warrants to

Michael D. Lucich

32773

CHICAGO TITLE

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Unit 10-D, CHARBONNEAU VILLAGE CENTER CONDOMINIUM - STAGE 3, in the City of Wilsonville, County of Clackamas and State of Oregon.

TOGETHER WITH the limited common elements and the undivided interest in the general common elements appertaining thereto as set forth in Declaration of Unit Ownership recorded March 10, 1999, Fee No. 99-024252 and re-recorded May 12, 1999, Fee No. 99-048301.

The true consideration for this conveyance is \$327,500.00.

ENCUMBRANCES: See Attached

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, CHAPTER 8, OREGON LAWS 2010.

472513509450JSP-CT42
Deed (Warranty - Statutory (Individual or Corporation))

EXHIBIT "A"

- 1. City Liens, if any, in favor of the City of Wilsonville. None found as of May 6, 2013.
- 2. Liens and assessments, if any, by the Charbonneau Country Club.
- 3. Liens and assessments, if any, by the Association of Unit Owners of Charbonneau Village Center Condominium.
- 4. Liens and assessments, if any, by the Villas on the Green Homeowner's Association.
- 5. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 6, 1977 Recording No.: 77-012613

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: October 13, 1989 Recording No.: 89-045952

Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as
offered for dedication, on the map of said tract/plat;

Purpose: Ingress, egress, loading, unloading, utilities, maintenance, repair and other lawful purposes

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a
document:

Granted to: Adjacent property owners Purpose: Access and utilities Recording Date: December 8, 1983 Recording No.: 83-041263

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a
document:

Granted to: Adjacent property owners Purpose: Roadway and utilities Recording Date: April 29, 1987 Recording No.: 87-018831

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a
document:

Granted to: City of Wilsonville

Purpose: Pipelines

Recording Date: December 2, 1987

Recording No.: 87-054106

Modification and/or amendment by instrument:

Recording Date: January 26, 1999 Recording No.: 99-007892

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a
document:

Granted to: City of Wilsonville

Purpose: Pipelines

Recording Date: December 2, 1987

Recording No.: 87-054107

11. The matters set forth in the document shown below which, among other things, contains or provides for: certain easements; liens and the subordination thereof; provisions relating to partition; restrictions on severability of component parts; and covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including, but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability,

handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Declaration of Unit Ownership Entitled:

Recording Date: November 29, 1990

Recording No.: 90-059018

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: December 14, 1994

Recording No.: 94-095428

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: November 17, 1997

Recording No.: 97-090153

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1999 Recording No.: 99-024252

and Re-Recording Date: May 12, 1999

and Re-Recording No: 99-048301

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1999 Recording No.: 99-024253

and Re-Recording Date: May 12, 1999

and Re-Recording No: 99-048300

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 19, 2003 Recording No.: 2003-033091

and Re-Recording Date: May 23, 2003 and Re-Recording No: 2003-065842

By-laws of: Association of Unit Owners of Charbonneau Village Center Condominium

Recording Date: November 29, 1990

Recording No.: 90-059019

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: November 17, 1997

Recording No.: 97-090153

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Wilsonville

Purpose: Pipelines

Recording Date: January 26, 1999 Recording No.: 99-007892

By-laws of: Villas on the Green Homeowner's Association

Recording Date: March 10, 1999 Recording No.: 99-024250

Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: March 10, 1999 Recording No.: 99-024251

Dated June 19, 2013; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Henry H. Marcoux

Marian D. Marcoux

STATE OF OREGON County of (Jackama)

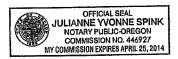
This instrument was acknowledged before me on 06/19 /13 by Henry H. Marcoux and Marian D.

Notary Public for Oregon

My Commission Expires: 4-26-2614

(SEAL)

JULIANNE YVONNE SPINK NOTARY PUBLIC-DREGON COMMISSION NO. 446927 MY COMMISSION EXPIRES APRIL 25, 2014



472513509450JSP-CT42 Deed (Warranty - Statutory (Individual or Corporation)) Loan Number: 0005992730 Case Number: 48-48-6-0375965

VA ASSUMPTION POLICY RIDER

THIS LOAN IS NOT ASSUMABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF VETERANS AFFAIRS OR ITS AUTHORIZED AGENT.

THIS ASSUMPTION POLICY RIDER is made this 20th day of JUNE, 2013 , and is incorporated into and shall be deemed to amend and supplement the Mortgage, Deed of Trust, or Deed to Secure Debt ("Instrument") of the same date herewith, given by the undersigned ("Mortgagor") to secure the Mortgagor's Note ("Note") of the same date to EQUITY HOME MORTGAGE, LLC

("Mortgagee") and covering the property described in the Instrument and located at: 32078 SW Charbonneau Dr #10D, Wilsonville, Oregon 97070

(Property Address)

Notwithstanding anything to the contrary set forth in the Instrument, Mortgagee and Mortgagor hereby acknowledges and agrees to the following:

GUARANTY: Should the Department of Veterans Affairs fail or refuse to issue its guaranty in full amount within 60 days from the date that this loan would normally become eligible for such guaranty committed upon by the Department of Veterans Affairs under the provisions of Title 38 of the U.S. Code "Veterans Benefits", the Mortgagee may declare the indebtedness hereby secured at once due and payable and may foreclose immediately or may exercise any other rights hereunder or take any other proper action as by law provided.

TRANSFER OF THE PROPERTY: If all or any part of the Property or any interest in it is sold or transferred, this loan shall be immediately due and payable upon transfer ("assumption") of the property securing such loan to any transferee ("assumer"), unless the acceptability of the assumption and transfer of this loan is established by the Department of Veterans Affairs or its authorized agent pursuant to section 3714 of Chapter 37, Title 38, United States Code.

An authorized transfer ("assumption") of the property shall also be subject to additional covenants and agreements as set forth below:

VA ASSUMPTION POLICY RIDER VAPR RDR 01/22/09

Page 1 of 2

DocMagic Charms www.docmagic.com

- (a) ASSUMPTION FUNDING FEE: A fee equal to one-half of 1 percent (.50%) of the unpaid principal balance of this loan as of the date of transfer of the property shall be payable at the time of transfer to the mortgagee or its authorized agent, as trustee for the Secretary of Veterans Affairs. If the assumer fails to pay this fee at the time of transfer, the fee shall constitute an additional debt to that already secured by this instrument, shall bear interest at the rate herein provided, and, at the option of the mortgagee of the indebtedness hereby secured or any transferee thereof, shall be immediately due and payable. This fee is automatically waived if the assumer is exempt under the provisions of 38 U.S.C. 3729 (b).
- (b) ASSUMPTION PROCESSING CHARGE: Upon application for approval to allow assumptions and transfer of this loan, a processing fee may be charged by the mortgagee or its authorized agent for determining the creditworthiness of the assumer and subsequently revising the holder's ownership records when an approved transfer is completed. The amount of this charge shall not exceed the maximum established by the Department of Veterans Affairs for a loan to which section 3714 of Chapter 37, Title 38, United States Code applies.
- (c) ASSUMPTION INDEMNITY LIABILITY: If this obligation is assumed, then the assumer hereby agrees to assume all of the obligations of the veteran under the terms of the instruments creating and securing the loan, including the obligation of the veteran to indemnify the Department of Veterans Affairs to the extent of any claim payment arising from the guaranty or insurance of the indebtedness created by this instrument.

IN WITNESS WHEREOF, Mortgagor(s) has executed this Assumption Policy Rider.

VA ASSUMPTION POLICY RIDER VAPR.RDR 01/22/09	Page 2 of 2	DocMagic EForms www.docmagic.com
	(Seal) Mortgagor	(Seal) Mortgagor
	(Seal) Mortgagor	(Seal) Mortgagor
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Ticor Title Company

5800 SW Meadows Rd, Suite 150 Lake Oswego, OR 97035 (503)219-1150 * FAX (503)597-5060

April 1, 2013

SFA Design Group LLC and Ben Altman 9020 SW Washington Square Drive Suite 505 Portland, OR 97223 Order No.: 3626058127DSA-TTPOR45

Reference: 31860 #B, 32000#4+5, SW Charbonneau Dr, Wilsonville, OR 97070

We have enclosed copy(s) of the Preliminary Report and All copy(s) of the exceptions for our Order Number 3626058127DSA-TTPOR45. Please call us immediately if you have any questions or concerns.

Denise Adlard Escrow Officer

Ticor Title Company



Ticor Title Company PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit A. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Nebraska corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit A of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

In well



Ticor Title Company

5800 SW Meadows Rd, Suite 150, Lake Oswego, OR 97035 (503)219-1150 FAX (503)597-5060

PRELIMINARY REPORT

ORDER NO.: 3626058127DSA-TTPOR45

ESCROW OFFICER: Denise Adlard

TITLE OFFICER:

Lori Guzman

TO: Ticor Title Company

Attn: Denise Adlard

5800 SW Meadows Rd, Suite 150

Lake Oswego, OR 97035

OWNER/SELLER: Charbonneau Country Club

BUYER/BORROWER:

PROPERTY ADDRESS: 31860 #B, 32000#4+5, SW Charbonneau Dr

Wilsonville, Oregon 97070

EFFECTIVE DATE: March 19, 2013, 08:00 AM

THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE: 1.

	<u>AMOUNT</u>	PREMIUM
Owner's Standard	220,000.00	\$ 750.00
Restrictions, Encroachment, Minerals 209.3-06		\$ 100.00
Location Endorsement 222-06 w/209.3-06		\$ 0.00
Governmental Service Fee		\$ 75.00
Additional Chain Charge		\$ 150.00

THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED 2. BY THIS REPORT IS:

A Fee

- TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:
 - Charbonneau County Club, an Oregon non-profit corporation
- THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF WILSONVILLE IN THE 4. COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS: SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

PRELIMINARY REPORT

(Continued)

Order No.: 3626058127DSA-TTPOR45

EXHIBIT "ONE"

PARCEL I

Unit 4, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL II

Unit 5, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, as set forth in Condominium Declaration recorded November 29, 1990 as 90-59018, in the City of Wilsonville, Clackamas County, Oregon, together with those limited common elements appurtenant to said Unit as set forth in said declaration, and together with an undivided fractional ownership of the general common elements of said Condominium as set forth in the said Declaration and in any subsequent amendments thereto as appurtenant to said Unit.

PARCEL III

A certain parcel known as Variable Property "B" in the Charbonneau Village Center Condominium in Wilsonville, Clackamas County, Oregon, created by Declaration dated November 1, 1990, and recorded November 29, 1990, with Clackamas County Deed Records, Fee No. 90-059018 (Declaration); and more particularly described as follows:

A tract of land in the George L. Curry Donation Land Claim No. 43 in the Southwest one-quarter of Section 24 and the Northwest one-quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the Southeast foundation corner of the Charbonneau Communi8ty Building, said corner being North 2001.41 feet and West 3808.99 feet from the Southeast corner of the George L. Curry Donation Land Claim No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence North 1°39'16" East along the East foundation line of said building 108.30 feet to the Northeast corner of the said building; thence South 88°20'44" East, 70.00 feet; thence South 01°39'16" West, 108.33 feet; thence North 88°20'44" West 70.00 feet to the point of beginning.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes of assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by Public Records.
- 2. Facts, rights, interest or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments onto the Land of existing improvements located on adjoining land.
- 5. Any lien services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation of worker's compensation, imposed by law and not shown by the Public Records.
- 6. SPECIFIC ITEMS AND EXCEPTIONS
- 7. The subject properties are exempt from ad valorem taxation. Any change in ownership prior to delivery of the assessment roll may result in tax liability.

Tax Account No.: 01461466, 31W24CD80004, CODE 086-014-Unit 4
Tax Account No.: 01461475, 31W24CD80005, CODE 086-014-Unit 5
Tax Account No.: 01461527, 31W24CD8000B, CODE 086-014-Var Ppty B

The taxes do not show the exemption reason. Inquiry should be made with the County Assessors Office.

- 8. City Liens, if any, in favor of the City of Wilsonville. None found as of March 19, 2013
- 9. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 6, 1977 Recording No.: 77-012613

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: August 8, 1979 Recording No.: 79-034184

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: May 2, 1989 Recording No.: 89-018494

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: October 13, 1989

Recording No.: 89-045952

- 10. Liens and assessments, if any, by the Charbonneau County Club Homeowners' Association.
- 11. The matters set forth in the document shown below which, among other things, contains or provides for: certain easements; liens and the subordination thereof; provisions relating to partition; restrictions on severability of component parts; and covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including, but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Entitled: Declaration of Unit Ownership Recording Date: November 29, 1990

Recording No: 90-059018

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: December 14, 1994

Recording No: 94-095428

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: November 17, 1997

Recording No: 97-090153

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1999

Recording No: 99-024252

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 10, 1999

Recording No: 99-024253

and Re-Recording Date: May 12, 1999 and Re-Recording No: 99-048300

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: March 19, 2003 Recording No: 2003-033091

and Re-Recording Date: May 23, 2003 and Re-Recording No: 2003-065842

- 12. Liens and assessments, if any, by the Charbonneau Village Center Condominium Association.
- 13. By-laws of Charbonneau Village Center Condominium Association

Recording Date:

November 29, 1990

Recording No:

90-059019

14. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Charbonneau Village Center Condominium

- 15. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
- 16. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

a) The rights of tenants holding under unrecorded leases or tenancies

b) Any facts which would be disclosed by an accurate survey of the Land

- c) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.
- 17. The Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance by the corporation named below.

Name of Corporation: Charbonneau Country Club, an Oregon non-profit corporation

- a) A Copy of the corporation By-laws and Articles of Incorporation
- b) An original or certified copy of a resolution authorizing the transaction contemplated herein.
- c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

ADDITIONAL REQUIREMENTS/NOTES:

- A. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA policy unless removed prior to issuance.
- B. NOTE: Filings with the State of Oregon require us to insure owners for no less than true market value. Where we are asked to insure for less than the apparent value, we will require proof that the sales price is the true market value of the property for title insurance purposes.

C. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

- D. NOTE: This report is subject to any amendments which might occur when the names of prospective purchasers are submitted to us for examination.
- E. IMPORTANT NOTICE TO TRANSFEROR(S) REGARDING WITHHOLDING TAX:

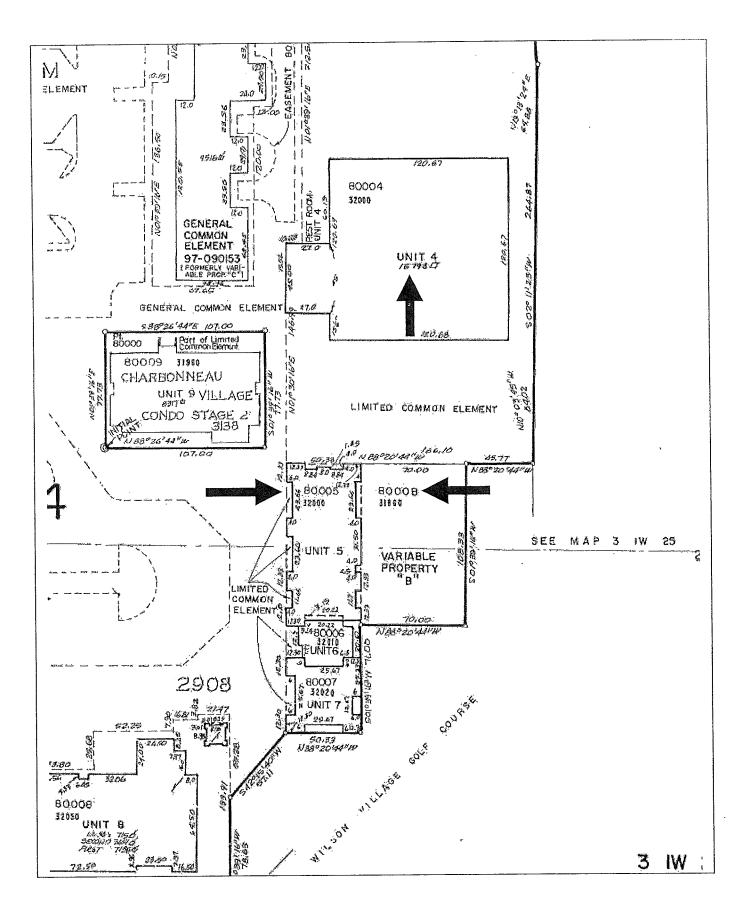
Effective January 1, 2008, Oregon law (ORS 314.258) requires closing agents closing a transaction for the transfer of certain Oregon real property interests to: (a) withhold from the transferor's proceeds an amount specified by law; and (b) remit the amount withheld to the Oregon Department of Revenue.

State mandated forms must be completed by all transferors in order to either: (a) claim or certify an exemption from the requirements of ORS 314.258; or (b) certify the withholding amount due pursuant to ORS 314.258.

You should consult with your tax or legal advisor in order to complete these forms prior to the closing of your transaction. Failure to timely deliver the appropriate form(s) to your closing agent may delay your closing or increase your withholding amount.

We are not legal or tax advisors. Although we may provide you with these forms and provide some assistance in filling out the forms, by law we are unable to advise you on the selection of which form(s) you must complete or the content in the forms.

F. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS. IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS AS CERTAINED BY ACTUAL SURVEY.

Effective Date: 5/1/2008

Fidelity National Financial, Inc. Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

Personal Information Collected

We may collect Personal Information about you from the following sources:

- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information we receive from you through our Internet websites, such as your name, address, email address,
 Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

Disclosure of Personal Information

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

DISCLOSURE TO AFFILIATED COMPANIES - We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Effective Date: 5/1/2008

Fidelity National Financial, Inc. Privacy Statement (continued)

DISCLOSURE TO NONAFFILIATED THIRD PARTIES - We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

Confidentiality and Security of Personal Information

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

Access to Personal Information/ Requests for Correction, Amendment, or Deletion of Personal Information

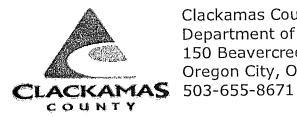
As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF'S CURRENT POLICY IS TO MAINTAIN CUSTOMERS' PERSONAL INFORMATION FOR NO LESS THAN YOUR STATE'S REQUIRED RECORD RETENTION REQUIREMENTS FOR THE PURPOSE OF HANDLING FUTURE COVERAGE CLAIMS.

For your protection, ALL REQUESTS MADE UNDER THIS SECTION MUST BE IN WRITING AND MUST INCLUDE YOUR NOTARIZED SIGNATURE TO ESTABLISH YOUR IDENTITY. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer
Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, FL 32204

Changes to this Privacy Statement

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.



Clackamas County Department of Assessment and Taxation 150 Beavercreek Rd Oregon City, Oregon 97045 503-655-8671

Property Account Summary

	ber)1461527	Situs Address	31860 SW (CHARBONNEAU D	R UNIT B , WI	LSONVILLE, C	OR 97070	
eneral I	nformat	ion							
Alternate F			31W24CD8000B						
roperty D			2908 CHARBONNE	AU VILLAGE (CENTER CONDOM	INIUM VARIAE	BLE PPTY B		
Property C			Land &/or Building:						
Status		1	Active, Locally Asse	essed					
Tax Code	Area		086-014						
Remarks									
ax Rate									
Description	n					Ra	ite		
No Values	Found								
roperty		teristics				I Carabay		<u></u>	
Neighborh					ea 03 commercia				
Land Class					mercial land impr	ovea			
Change pr	roperty i	atio		CIC					
Related P	roperti	es							
No Values	Found								
Parties									
Role	Percent			Address					
Taxpayer	100	CHARBON CLUB	NEAU COUNTRY	97070 US					OR
Owner	100	CHARBON CLUB	NEAU COUNTRY	WALTER E 97070 US	ATTRIDGE 3200 A	0 SW CHARBO	NNEAU DR, W	VILSONVILLE,	OR
		CLUB	NEAU COUNTRY			0 SW CHARBO	NNEAU DR, W	VILSONVILLE,	
Property	Values	CLUB	NEAU COUNTRY			0 SW CHARBO	2010	2009	OR
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			Amount	Applied Ar	nount Due		Tendered	Change
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Date Rec	nd	Recording Number 1990-059025	,		t Deed Tyl			
Date Rec No Events Fou Sales History Transfer Date	nd		,	Sale Amoun	t Deed Tyl			

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Version 1.0.3357.16890



Clackamas County Department of Assessment and Taxation 150 Beavercreek Rd Oregon City, Oregon 97045

CLACKAMAS 503-655-8671

Property Account Summary

Parcel Num	ber	01461475	Situs Address	32000 SW	CHARBONNEAU D	R UNIT 5, W	ILSONVILLE, C	R 97070	
General I									
Alternate F	roperty	#	31W24CD8000						
Property D	escription	on ·			GE CENTER COND	OMINIUM UN	11 5		
Property C	ategory		Land &/or Build						
Status				ther Property,	Locally Assessed				
Tax Code /	Area		086-014						
Remarks									
Tax Rate						ln.	ate		
Description						R	116		
No Values	Found								
Property		teristics		20021. 4	ea 03 commercia	1 Caphy			
Neighborh		···			mercial land impr				
Land Class				CIC	mercial land impi	Oveu			
Change pr	operty i	atio		CIC					
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		ted On this p					1/1/19		
P2221965	is Loca	ted On this	oroperty				[1/1/19		
Parties									
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		CLUB		OR 97070 L					
Owner	100	CHARRONN	EAU COUNTRY		OOTE PRESIDEN	T 31840 SW (CHARBONNEAU	J DR, WILSON	
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Property	Values n	CHARBONN	EAU COUNTRY	ROBERT L	FOOTE PRESIDEN JSA				VILLE,
Property Descriptio	Values n	CHARBONN	EAU COUNTRY	ROBERT L	OOTE PRESIDEN JSA 2012	2011	2010	2009	VILLE,
Property Descriptio AVR Total	Values n	CHARBONN	EAU COUNTRY	ROBERT L	OOTE PRESIDEN JSA 2012	2011	2010	2009	200
Property Descriptio AVR Total Exempt	Values n	CHARBONN	EAU COUNTRY	ROBERT L	OOTE PRESIDEN JSA 2012 0	2011	2010	2009	200
Property Descriptio AVR Total Exempt TVR Total	Values n Land	CHARBONN	EAU COUNTRY	ROBERT L	COOTE PRESIDEN JSA 2012 0 0	2011	2010	2009	VILLE,
Property Descriptio AVR Total Exempt TVR Total Real Mkt I	Values n Land	CHARBONN	EAU COUNTRY	ROBERT L	2012 0 0 0	2011	2010	2009	200
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Property Descriptio AVR Total Exempt TVR Total Real Mkt I Real Mkt I Real Mkt I	Values n Land Bldg Total	CHARBONN	EAU COUNTRY	ROBERT L	2012 0 0 0 0 0 0	2011 0 0 0 0 0 0	2010 0 0 0 0 0 0	2009	200
Property Descriptio AVR Total Exempt TVR Total Real Mkt I Real Mkt I Real Mkt M5 Mkt La	Values n Land Bldg Total	CHARBONN	EAU COUNTRY	ROBERT L	2012 2012 0 0 0 0 0 0 0	2011 0 0 0 0 0 0 0	2010 0 0 0 0 0 0 0	2009 0 0 0 0 0 0	200
Property Descriptio AVR Total Exempt TVR Total Real Mkt I Real Mkt I Real Mkt I M5 Mkt La M5 Mkt B	Values n Land Bldg Total and	CHARBONN	EAU COUNTRY	ROBERT L	2012 2012 0 0 0 0 0 0 0 0 0	2011 0 0 0 0 0 0 0	2010 0 0 0 0 0 0 0 0	2009 0 0 0 0 0 0 0	200
Property Descriptio AVR Total Exempt TVR Total Real Mkt I Real Mkt I Real Mkt I Real Mkt I M5 Mkt La M5 Mkt B	Values n Land Bldg Total and ldg	CHARBONN CLUB	EAU COUNTRY	ROBERT L	2012 2012 0 0 0 0 0 0 0 0 0	2011 0 0 0 0 0 0 0	2010 0 0 0 0 0 0 0 0	2009 0 0 0 0 0 0 0	200
Property Descriptio AVR Total Exempt TVR Total Real Mkt I Real Mkt I Real Mkt I M5 Mkt La M5 Mkt B M5 SAV SAVL (MA	Values n Land Bldg Total and ldg	CHARBONN CLUB	EAU COUNTRY	ROBERT L	2012 2012 0 0 0 0 0 0 0 0 0 0 0 0 0	2011 0 0 0 0 0 0 0 0 0	2010 0 0 0 0 0 0 0 0 0	2009 0 0 0 0 0 0 0 0	

No Exemption	ns Found								
Events									
Effective Date	Entry Da	te-Time	Туре			Remarl	KS		
08/26/2003	2003-08	3-26 15:51:00.0	00 The sit	us address has c	hanged	by LIN	DAPET		
07/01/1999	1999-07	'-01 12:00:00.0	00 Owners	ship at Conversion	n	Quitcla	im Deed: 9	0-60184, 1	1/1/90,\$0
Receipts									
Date Re	eceipt		Amount	: Applied	Am	ount Du	e	Tendered	Chang
Date Re No Events Fo	ound		Amount	: Applied	Am	ount Du	e	Tendered	Chang
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Date Re No Events Fo Sales Histor Transfer Date 11/01/1990 Property De	y e etails				e Amount 0			Grantee	Grantor

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10/20

BARGAIN AND SALE DEED STATUTORY FORM

WILLAMETTE FACTORS INC., AN OREGON CORPORATION, Grantor, conveys to CHARBONNEAU COUNTRY CLUB, INC., AN OREGON NON-PROFIT CORPORATION, Grantee, the property described in Exhibit "A".

The true consideration for this conveyance is \$1.00 and other value.

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

Dated this 27 day of NOVEMBER, 1990.

WILLAMETTE FACTORS, INC., an Oregon corporation

Robert L. Foote, President

STATE OF OREGON

County of Milliamele

On this 27 day of November, 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the President of Willamette Factors, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

My Commission by Marian Return To:

Howard Fewerstein, Esq.
Stoel, Rives, Boley, Jones
& Grey
2300 Standard Insurance Center
900 s.W. Fifth Avenue
Portland, Oregon 97204

L:\WPSI/PYG\WILLAH.DD2 11-20-90

Mainfance February

Notary Public for Guyane

My Commission expires: 12/5/90

UNTIL A CHANGE IS REQUESTED ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS: Walter E. Attridge Charbonneau Country Club 32000 S.W. Charbonneau Drive Wilsonville, Oragon 97070

EXHIBIT A

A certain parcel known as Variable Property "B" in the Charbonneau Village Center Condominium in Wilsonville, Clackamas County, Oregon created by Declaration dated November 1, 1990 and recorded on <u>Vollator 1974</u>, 1990, with Clackamas County Deed Records, Fee No. 97-59012 ("Declaration"); and more particularly described as follows:

A tract of land in the George L. Curry D. L. C. No. 43, in the southwest one-quarter of Section 24 and the northwest onequarter of Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon, described as follows:

Beginning at the southeast foundation corner of the Charbonneau Community Building, said corner being North 2001.41 feet and West 3808.99 feet from the southeast corner of the George L. Curry D. L. C. No. 43, in Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon; thence North 1° 39' 16" East along the east foundation line of said building 108.30 feet to the northeast corner of said building; thence South 88' 20' 44" East 70.00 feet; thence South 01' 39' 16" West 108.33 feet; thence North 88' 20' 44" West 70.00 feet to the point of beginning.

Together with the rights of Grantor, as Declarant, to construct on and develop Variable Property "B", as provided in Article VI of the Declaration.

193.047

Being rerecorded to add Date add Fee No on pages 4 and 5

Filed for Record at Request of, After Recording Return to: Willamette Factors, Inc. 31840 Charbonneau Drive Wilsonville, Oregon 97070 . Attention: Robert L. Foote, President



QUITCLAIM DEED

WILLAMETTE FACTORS, INC., an Oregon corporation ("Willamette Factors"); CHARBONNEAU VILLAGE CENTER, INC., an Oregon corporation ("Village Center"); and CHARBONNEAU COUNTRY CLUB, an Oregon non-profit corporation ("Country Club"), for and in consideration of one (\$1) dollar and other value raceived, release and quitclaim all of their respective rights, titles and interests as follows:

To Willamette Factors, that certain parcel of real estate described in the attached Exhibit A;

To Village Center, that certain parcel of real estate described in the attached Exhibit B;

To the Country Club, that certain parcel of real estate described in the attached Exhibit C;

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

DATED as of the Aday of Movember, 1990.

CHARBONNEAU COUNTRY CLUB, an

Oregon non-profit corporation

Walter E. Attridge

President

in acce Nancy Clare

Secretary

CHARBONNEAU VILLAGE CENTER, INC., an Oregon corporation

Robert L. President

WILLAMETTE FACTORS, INC., an

Oregon corporation

Robert L.

President

90 60184

59022

1 - QUITCLAIM DEED La/WP31/PYG/WILLM.QD 11-1-90

STATE OF OREGON County of CLACKAMES On this 65T day of November, 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the Fresident of Willamette Factors, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed. DESSIE E. ALEXANDER RISTARY PUBLIC OREGON Notary Public for STATE OR FOO. My Commission Expires My Commission expires: STATE OF JARGON County of day of November, 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the President of Charbonneau Village Center, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed. DEBBIE E, ALEXANDER Notary Public for Wint NUTARY PUBLIC OREGON My Commission expires: My Commission Expires. STATE OF OREGON County of / On this $\frac{1}{27}$ day of November, 1990, personally appeared the above-named Walter E. Attridge, who, being first duly sworn, did say that he is the President of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was

DEBBIE E. ALEXANDER NOTARY PUBLIC OREGON

My Commission Expires

instrument to be its voluntary act and deed.

My Commission expires:_

signed by authority of its Board of Directors and acknowledged said

STATE OF OREGON)
County of CLACKAMAS)

On this /
On this /
day of November, 1990, personally appeared the above-named Mancy Clare Ralston, who, being first duly sworn, did say that she is the Secretary of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

ALCONOLOGY WAS INVESTIGATED TO SELECT THE SE

DEBBIE E. ALEXANDER
NOTARY PUBLIC OREGON
My Commission Expires

Notary Public for STATE ONGAON
My Commission expires: 4-25-44

APPROVED

1st

2nd

RETURN TO:

McEwen, Gisvold, Rankin & Stewart Attorneys at Law Attn: Patricia Young Carter 1600 Standard Flaza 1100 S. W. Sixth Avenue Portland, Oregon 97204

EXHIBIT A

CONVEYED TO WILLAMETTE FACTORS

Units 6, 7 and 8, CHARDONNEAU VILLAGE CENTER CONDOMINIUM, in the County of Clackamas and State of Oregon, TOGETHER WITH the undivided interest in the General and Limited Common Elements appurtenant thereto as more fully set forth and described in the DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP, recorded November 29, 1990, as Recorders Fee No. 90 5908 Clackamas County Records which description is incorporated herein and by reference made a part hereof.

LI/KTS1/PTC/WILLAM.EA1

EXHIBIT B

CONVEYANCE TO VILLAGE CENTER

Units 1, 2 and 3, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, in the County of Clackamas and State of Oregon, TOGETHER WITH the undivided interest in the General and Limited Common Elements appurtenant thereto as more fully set forth and described in the DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP, recorded November 29th 1990, as Recorders Fee No. 40 5948 Clackamas County Records which description is incorporated herein and by reference made a part hereof.

F:/Ab21/bac/alityn xb;

EXHIBIT C

CONVEYED TO COUNTRY CLUB

Units 4 and 5, CHARBONNEAU VILLAGE CENTER CONDOMINIUM, in the County of Clackamas and State of Oregon, TOGETHER WITH the undivided interest in the General and Limited Common Elements appurtenant thereto as more fully set forth and described in the DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP, recorded November 222, 1990, as Recordera Fee No. 20-520/2, Clackamas County Records which description is incorporated herein and by reference made a part hereof.

LI/WP51/PYC/WILLAH.ECI

Generalization of the second section of the second

STATE OF OREGON County of Clackamas

 John F Kauftman, County Clerk, for the County of Clackamas, do hereby cortify that the instrument of writing was received for recording in the record and said county of.

STATE OF CORMAN Country of Cachemia Country of Cachemia Country of Cachemia Country and Country Country of Cachemia Country and Country of Cachemia Cachem

August 15, 1994

AMENDMENT OF DECLARATION 1/

ARTICLE III DESCRIPTION OF UNITS; 3.3 Boundaries of Units Item 3.3.1 Unit # 4 (TENNIS BUILDING)
CHARBONNEAU VILLAGE CENTER CONDOMINIUM

This amendment of the westerly boundary of Unit #4 - Tennis Building is for the purpose of changing the classification of 1,233 ft2 from Limited Common Element associated with Unit #4 to Building Use for the purpose of constructing an addition of 987 ft2 to house: a lobby; men and women dressing rooms; storage room; mechanical room and enclosing the existing men and women restrooms, plus a covered entry patio of 246 ft2. The second floor of the proposed addition will house a 528 ft2 Observation Deck opening to the tennis courts. The area to be enclosed is now classified as a Limited Common Element of the Tennis Building. (See Attachment A - Addition To Tennis Bldg. - 3pages)

Article III, section 3.3 - Boundaries Of Units, sub section 3.3.1 is hereby amended on this 15th day of August, 1994 to define the westerly boundary of Unit #4 as follows. Beginning at a point on the existing western boundary of Unit #4 that is located fifteen feet and six inches north of the existing south west corner of Unit #4 the external boundary shall be extended as follows. From the above point west 88 degrees, 29 minutes & 44 seconds (88 - 29' - 44") for a distance of twenty seven feet (27') to the existing boundary between a General Common Element of the Charbonneauu Village Center Condominium and the Limited Common Element assigned to the Tennis Building - Unit #4.; thence north 01 - 30' - 16" for a distance of forty five feet & eight inches along the above element boundary; thence east 91 - 30' - 16" for a distance of twenty seven feet (27') back to the existing westerly boundary of Unit #4. All of the described corners to be ninety degree angles.

APPROVED:

Jack D. Rayborn, President Date Charbonneau Village Center Condominium

STATE OF OREGON County of Clackamas

The foregoing instrument was acknowledged before me on this

a day of September, 1994 by Jack Rayborn, Chairman of the
Charbonneau Village Center Condominium on behalf of the Board of

Charbonneau Village Center Condominium on behalf of the Board of Directors of the Association in accordance with Board action to approve this Ammendment Of Declaration on July 18, 1994.

OFFICIAL SEAL
SUSAN STEVENS
NOTARY PUBLIC - OREGON
COMMISSION NO. 019420
MY COMMISSION BY DISCOUNT OF

Notary Public for Oregon
My commission expires: 10-25-96

MY COMMISSION EXPIRES OCT. 25, 1906

I/ Original Declaration recorded with Clackamas County in the State of Oregon on November 29th, 1990 as Fee #9059018. Ownership dated from November 1, 1990.

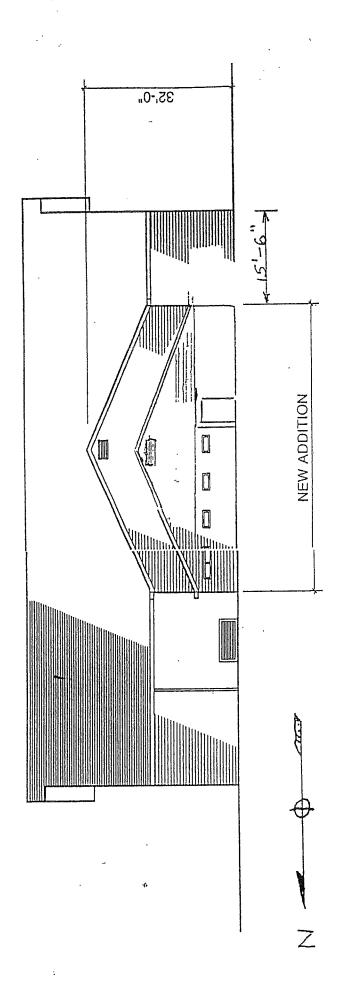
After recording, please return to:

Charbonneau Country Club 32000 SW Charbonneau Drive Wilsonville, OR 97070

CHARBONNEAU COUNTRY CLUB

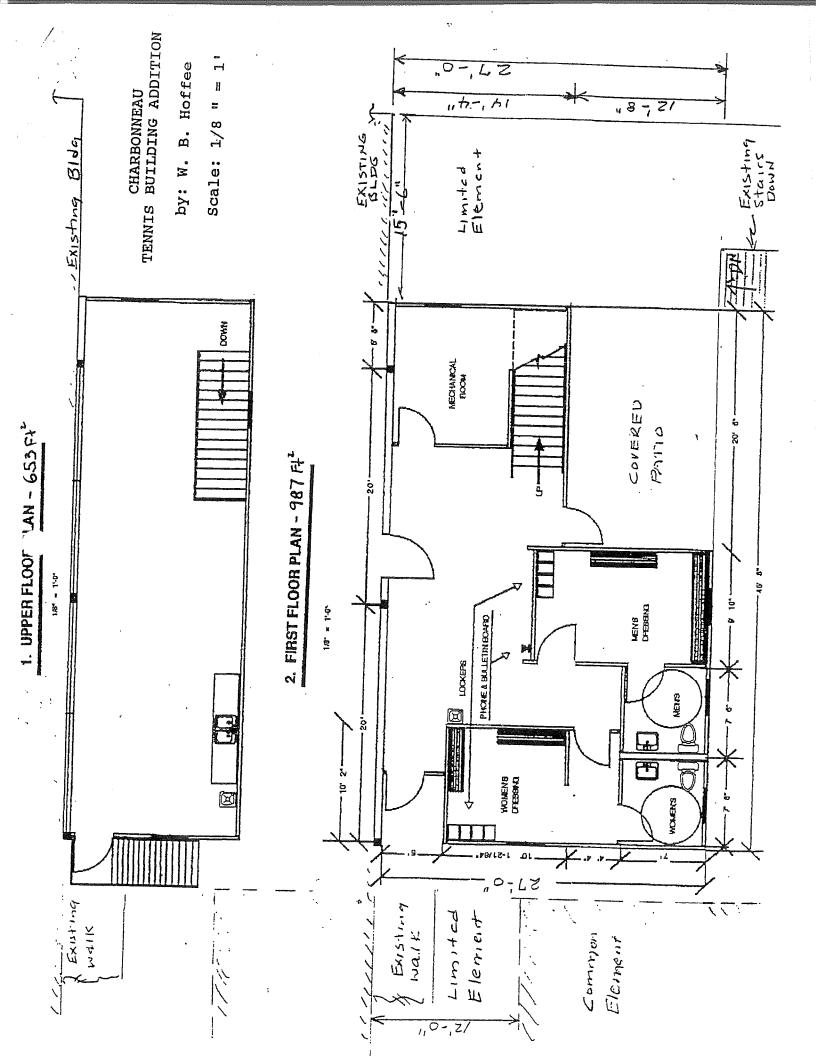
ADDITION TO TENNIS BUILDING

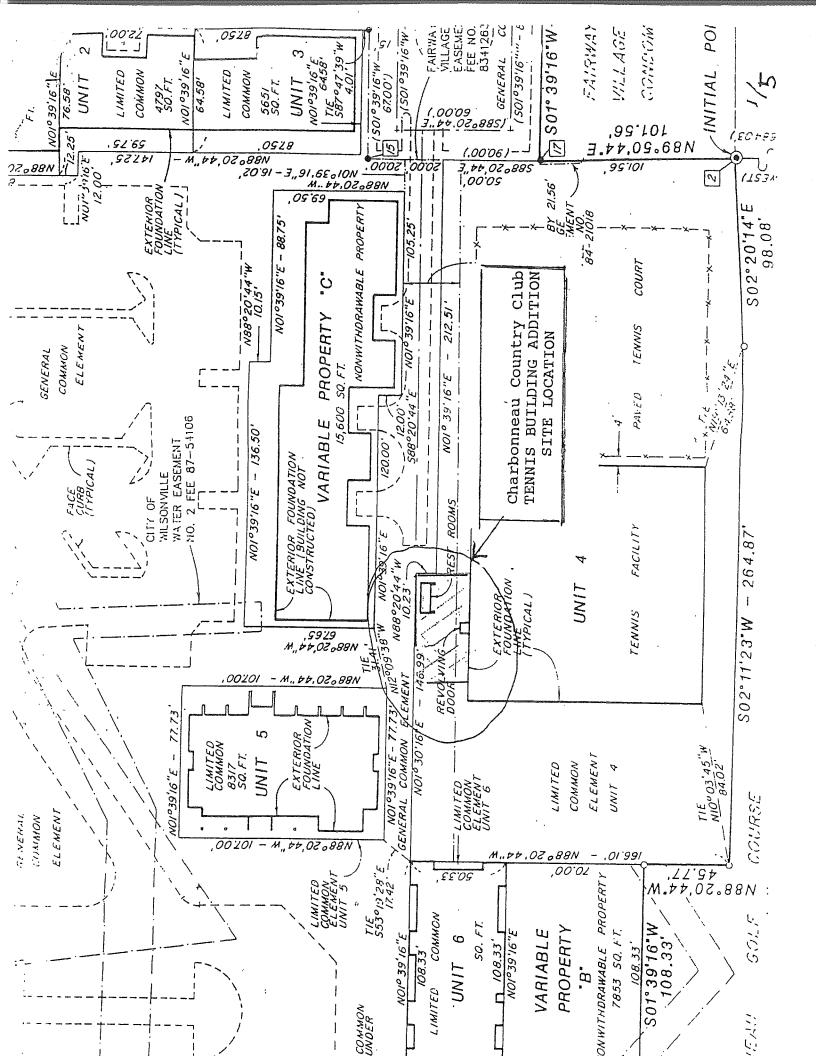
Unit # 4 of Charbonneau Village Center Condominium



. ELEVATION

1/16" = 1'-0"





ARTICLE III DESCRIPTION OF UNITS; 3.3 Boundaries of Units Item 3.3.1 Unit # 4 (TENNIS BUILDING)
CHARBONNEAU VILLAGE CENTER CONDOMINIUM

This amendment of the westerly boundary of Unit #4 - Tennis Building is for the purpose of changing the classification of 1,233 ft2 from Limited Common Element associated with Unit #4 to Building Use for the purpose of constructing an addition of 987 ft2 to house: a lobby; men and women dressing rooms; storage room; mechanical room and enclosing the existing men and women restrooms, plus a covered entry patio of 246 ft2. The second floor of the proposed addition will house a 528 ft2 Observation Deck opening to the tennis courts. The area to be enclosed is now classified as a Limited Common Element of the Tennis Building. (See Attachment A - Addition To Tennis Bldg. - 2pages)

Article III, section 3.3 - Boundaries Of Units, sub section 3.3.1 is hereby amended on this 15th day of August, 1994 to define the westerly boundary of Unit #4 as follows. Beginning at a point on the existing western boundary of Unit #4 that is located fifteen feet and six inches north of the existing south west corner of Unit #4 the external boundary shall be extended as follows. From the above point west 88 degrees, 29 minutes & 44 seconds (88 - 29' - 44") for a distance of twenty seven feet (27') to the existing boundary between a General Common Element of the Charbonneauu Village Center Condominium and the Limited Common Element assigned to the Tennis Building - Unit #4.; thence north 01 - 30' - 16" for a distance of forty five feet & eight inches along the above element boundary; thence east 91 - 30' - 16" for a distance of twenty seven feet (27') back to the existing westerly boundary of Unit #4. All of the described corners to be ninety degree angles.

ATTEST - CHARBONNEAU VILLAGE CENTER CONDOMINIUM - BOARD ACTION
Jack Rayborn, Chairman Jack Rayborn, Chairman
David Nepom, Vice Chair
Gil Thomas or Jim Matthews /
Bitar Bros. by M.K.J. Rumpakis
Fred Burgess V

ARTICLE III DESCRIPTION OF UNITS; 3.3 Boundaries of Units Item 3.3.1 Unit # 4 (TENNIS BUILDING)
CHARBONNEAU VILLAGE CENTER CONDOMINIUM

This amendment of the westerly boundary of Unit #4 - Tennis Building is for the purpose of changing the classification of 1,233 ft2 from Limited Common Element associated with Unit #4 to Building Use for the purpose of constructing an addition of 987 ft2 to house: a lobby; men and women dressing rooms; storage room; mechanical room and enclosing the existing men and women restrooms, plus a covered entry patio of 246 ft2. The second floor of the proposed addition will house a 528 ft2 Observation Deck opening to the tennis courts. The area to be enclosed is now classified as a Limited Common Element of the Tennis Building. (See Attachment A - Addition To Tennis Bldg. - 2pages)

Article III, section 3.3 - Boundaries Of Units, sub section 3.3.1 is hereby amended on this 15th day of August, 1994 to define the westerly boundary of Unit #4 as follows. Beginning at a point on the existing western boundary of Unit #4 that is located fifteen feet and six inches north of the existing south west corner of Unit #4 the external boundary shall be extended as follows. From the above point west 88 degrees, 29 minutes & 44 seconds (88 - 29' -44") for a distance of twenty seven feet (27') to the existing boundary between a General Common Element of the Charbonneauu Village Center Condominium and the Limited Common Element assigned to the Tennis Building - Unit #4.; thence north 01 - 30' - 16" for a distance of forty five feet & eight inches along the above element boundary; thence east 91 - 30' - 16" for a distance of twenty seven feet (27') back to the existing westerly boundary of Unit #4. All of the described corners to be ninety degree angles.

ATTEST - CHARBONNEAU VILLAGE CENTER CONDOMINIUM	
Approve	date
Jack Rayborn, Chairman	
David Nepom Vice Chair Was My	9/1/94
David Nepom, Vice Chair May 1010	
Gil Thomas or Jim Matthews	
Bitar Bros. by M.K.J. Rumpakis	
Fred Burgess	

ARTICLE III DESCRIPTION OF UNITS; 3.3 Boundaries of Units Item 3.3.1 Unit # 4 (TENNIS BUILDING)
CHARBONNEAU VILLAGE CENTER CONDOMINIUM

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ATTEST - CHARBONNEAU VILLAGE CENTER CONDOMINIUM - BOARD ACTION * Approve date

Jack Rayborn, Chairman

David Nepom, Vice Chair

Gil Thomas or Jim Matthews -
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ATTEST - CHARBONNEAU VILLAGE		tou	BOARD ACTION	*
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CONVENANTS, CONDITIONS AND RESTRICTIONS

FOR

CHARBONNEAU COUNTRY CLUB
Clackamas County, Oragon

The following shall constitute the Covenants, Conditions and Restrictions for Charbonneau Country Club, Clackamas County, Oregon.

The undersigned hereby declare that the real property described on Exhibit "A" attached hereto and made a part hereof shall be held and conveyed upon and subject to the easements, conditions, covenants, restrictions and reservations hereinafter set forth; all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said property. These easements, covenants, restrictions, conditions and reservations shall constitute covenants which run with the land and shall be binding upon all persons claiming under them and also these conditions, covenants, restrictions, easements and reservations shall inure to the benefit of and be limitations upon all future owners of said property, or any interest therein.

ARTICLE I

DEFINITIONS

Section 1. "Club" shall mean and refer to CHARBONNEAU COUNTRY CLUB, a non-profit corporation organized under the laws of the State of Oregon, its successors and assigns.

Section 2. "Said Property" shall mean and refer to that certain real property herein described and such additions thereto

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as may hereafter be brought within the jurisdiction of the Club by recorded declarations in the manner hereinafter set forth.

Saction 3. "Common Area" shall mean all real property, and appurtenances thereto, now or hereafter owned, leased or otherwise controlled by the Club for the common use and enjoyment of the members of the Club.

<u>Section 4</u>. "Residence Locations" shall mean and refer to any separately designated parcel of land upon which a residence can be or has been constructed.

Section 5. "Residence" shall mean that portion or part of any structure intended to be occupied by one family as a dwelling, together with attached or detached garage, as the case may be, and the patios, porches, or steps annexed thereto or its equivalent as defined in Article VI, Section 3 (a) and (b).

Section 6. "Member" shall mean and refer to every person or entity who holds membership in the Club.

Section 7. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of all or any part of said property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 8. "Declarant" shall mean and refer to Willamotte Factors, Inc., an Oregon Corporation, its successors and assigns, if such successors or assigns should acquire more than one undeveloped residence location or building from the Declarant for the purpose of development.

ANNEXATION OF ADDITIONAL PROPERTY

Real property in addition to that described on Exhibit "A" may be subject to the jurisdiction of the Club, by Declarant recording in the Clackamas County, Oregon Deed Records a declaration of its intention to cause such property to become subject to the jurisdiction of the Club, whereupon automatically it shall be included in any reference herein to "said property" or "said properties".

If within five years from the date of this document any of the owners of residence locations located within the hereinafter described plats wish to join this Club and subject their residence locations to the jurisdiction of the Club, they may do so without the consent of the existing members and without paying any assessments previously assessed by the Club, by executing and recording a document in the Clackamas County, Oregon Deed Records declaring their intention to cause such property to become subject to the jurisdiction of the Club.

Charbonneau, The Village at Wilsonville
Charbonneau II, The Village at Wilsonville
Charbonneau III, The Village at Wilsonville
Charbonneau IV, The Village at Wilsonville
Charbonneau V, The Village at Wilsonville,
Clackamas County, Oregon

Section 1. Within twelve (12) years of the date of this instrument, additional lands may be annexed by Declarant without consent of the members.

Section 2. After the twelfth anniversary of this instrument, annexation of additional property shall require the assent of persons entitled to cast two-thirds (2/3) of the votes of the Class A members present in person or by written proxy (except as provided in Section 3 below) and the assent of persons entitled to cast two-thirds (2/3) of the votes of the Class B members present in person or by written proxy at a meeting of the Club duly called for such purpose, written notice of which shall be sent to all members not less than thirty (30) nor more than sixty (60) days in advance of such meeting, setting forth the purpose thereof.

Section 3. The presence of members or of proxies entitled to cast sixty percent (60%) of the votes of each class of membership shall constitute a quorum at such meeting. In the event that a quorum is not forthcoming at any such meeting, another meeting may be called, subject to the notice requirement set forth above, and the required quorum at such meeting shall be one-half of the required quorum at the preceding meeting.

ARTICLE III

MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any residence location which is subject by covenants of record to assessment by the Club, including contract Sellers, shall be a proprietary member of the Club. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation.

No owner shall have more than one (1) membership. Membership shall be appurtenant to and may not be separated from ownership of any residence location which is subject to assessment by the Club.

Ownership of such residence locations shall be the sole qualification for membership and shall automatically commence upon a person becoming such owner and shall automatically terminate when such ownership shall terminate or be transferred.

Each lessee, rentor, or other occupant of a residence within said property not eligible for a proprietory membership, but who satisfies the conditions of the Bylaws of the Club and of these conditions, covenants, and restrictions shall be an associate member which status shall continue in effect during such poriod as the associate member shall be an authorized non-proprietory tenant of a resident within said property.

Associate membership shall carry all of the rights and privileges and shall be subject to all obligations and rosponsibilities of proprietory membership except the right to vote. At any time an associate member shall cease to be a resident of said property or becomes a proprietory member, his right and privileges as an associate member shall terminate.

ARTICLE IV

VOTING RIGHTS

The Club shall have two classes of voting membership,

CLASS A. Class A members shall be all those owners as defined
in Article III with the exception of the Declarant. Class A members
shall be entitled to one (1) vote for each residence location or its
equivalent as defined in Article VI, Section 3 (a) and (b), in which
they hold the interest required for membership of Article III. When
more than one person holds such interest in any residence location,
all such persons shall be members. The vote for such residence

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location shall be exercised as they among themselves determine, or, if unable to agree, they may cast fractional votes proportionate to their ownership interest, but in no event shall more than one (1) Class A vote be cast with respect to any one residence location. The vote applicable to any of said property being sold under a recorded contract of purchase shall be exercised by the contract vendor unless the contract expressly provides otherwise.

CLASS B. The Class B member(s) shall be the Declarant, its successors and assigns. Class B member(s) shall be entitled to three (3) votes for each residence location or its equivalent as defined in Article VI. Section 3 (a) and (b), in which it holds the interest required for membership by Article III; provided that the Class B membership shall be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- a. When the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, or
- b. On a date twelve (12) years from the date of recording of these covenants in the county deed records.

ARTICLE V

PROPERTY RIGHTS

Members' easements of enjoyment. Every member of the Club shall have a right and easement of enjoyment in and to the common areas and such easements shall be appurtenant to and shall pass with the title to every residence location;



subject, however, to the following provisions:

- a. The right of the Club to limit the number of guests of members permitted to use the common areas.
- b. The right of the Club to charge reasonable admission fees for the use of any facility situated upon the common areas.
- c. The right of the Club, in accordance with its Articles and ByLaws, to borrow money for the purpose of improving the common areas and in aid thereof to mortgage said common areas for such purposes, and the right of any mortgagee in said properties shall be subordinate to the rights of the members hereunder.
- d. The right of the Club to suspend any member's voting rights and/or right to use of any of the common areas for any period during which any assessment against said member's property remains unpaid; and for a period not to exceed thirty (30) days for each infraction of its published rules and regulations.
- e. The right of the Club to dedicate or transfer all or any part of the common areas to the Declarant or any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument signed by members entitled to cast a majority of the votes of the Class A membership and a majority of the votes of the Class B membership, if any, has been recorded in the appropriate records of Clackamas County, Oregon, agreeing to such dedication or transfer, and unless written notice of the proposed action is sent to every member not less than thirty (30) days nor more than ninety (90) days prior to such dedication or
- f. The right of the Club to enter into a lease or other contract with the Declarant regarding the use and occupancy of the proposed clubhouse and proposed recreational facilities subject to such conditions as may be agreed to by the members. No such lease or other contract shall become effective until approved by a vote of not less than a majority of the votes of the Class A membership and a majority of the votes of the Class B membership, if any. (The proposed clubhouse and recreational facilities do not include the existing golf course and the existing restaurant facilities).

g. The right of the Directors of the Club to promulgate reasonable rules and regulations governing
such rights of use, from time to time, in the interest
of securing maximum safe usage of the common areas by
the members without unduly infringing upon the privacy
or enjoyment of the owner or occupant of any part of
said property, including, without being limited thereto,
rules restricting persons under or over designated ages
from using certain portions of said property during
certain times, and reasonable regulations and restrictions regarding parking.

Section 2. Delegation of use. Any member may delegate, in accordance with the Rules and Regulations adopted from time to time by the Directors, his right of enjoyment to the common areas to the members of his family, his tenants or contract purchasers, providing they reside within a residence.

Section 3. Title to the Common Areas. The Declarant hereby covenants for itself and its successors and assigns that it will convey to the Club fee simple title to the common areas so designated on a plat prior to the conveyance of the first residence location with such plat.

ARTICLE VI

COVENANT FOR MAINTENANCE ASSESSMENTS

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Section 1. Creation of the Lien and Personal Obligation of Assessments. The Declarant hereby covenants for all of said property, and each owner of any residence location by acceptance of a deed or contract of purchase therefor, whether or not it shall be so expressed in any such deed or other conveyance or agreement for conveyance, is deemed to covenant and agree to pay to the Club, (1) regular annual or other regular periodic assessments or charges as established by the Club from time to time, and (2) special assessments for capital improvements, such

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assessments to be fixed, established and collected from time to time as hereinafter provided. The regular and special assessments, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall be a charge on the residence location and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorneys' fees, shall also be the personal obligation of the person who was the owner of such property at the time such assessment became due. The obligation shall remain a lien upon the property until paid or foreclosed, but shall not be a personal obligation of successors in title unless expressly assumed by them.

Section 2. Purpose of Assessments. The assessments levied by the Club shall be used exclusively for the purpose of promoting the recreation, health, safety and protection of the residents in Charbonneau and in particular for the improvement and maintenance of the common areas, public thoroughfares within Charbonneau and other property designated by the Directors of the Club.

The Club may also render such additional services as designated by its directors.

January 1, 1978, the MAXIMUM regular monthly assessment shall be \$25.00 for each residence location subject thereto.

a. Real property which is subject to these covenants and is zoned for apartments shall be equivalent to one residence location until the apartment unit is initially occupied. Upon the initial occupancy of each unit such unit shall be a residence location for assessment and voting purposes.

- b. Real property which is subject to these covenants and is zoned for commercial structures shall be equivalent to one residence location until the space is initially occupied. Upon the initial occupancy of such commercial space each 5,000 square feet or fraction thereof occupied by a tenant shall be a residence location for assessment and voting purposes.
- c. From and after January 1, 1978, the maximum annual assesment may be increased effective January 1 of each year, beginning January 1, without a vote of the membership in conformance with the rise, if any, of the Consumer Price Index (published by the Department of Labor, Washington, D.C., or successor U.S. governmental agency) from July of the year in which these covenants are recorded to July of the year preceding the year in which such increase becomes effective, taking into consideration prior increases in such maximum, if any.
- d. From and after January 1, 1978, the maximum annual assessment may be increased above that determined by reference to Consumer Price Index, as aforesaid, by a vote of the members, provided that any such increase shall be approved by the affirmative vote of not less than fifty-one percent (51%) of the votes of each class of members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting setting forth the purpose of the meeting. The limitations hereof shall not apply to any change in the maximum flat charge and basis of the assessments undertaken as an incident to a merger or consolidation in which the Association is authorized to participate under its Articles of Incorporation.

Section 4. Special Assessments for Capital Improvements.

In addition to the annual assessments authorized above, the

Club may levy in any assessment year, a special assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected

repair or replacement of a described capital improvement upon the common areas, including the necessary fixtures and personal property related thereto, provided that any such special assessment for structural alterations, capital additions or capital improvements shall require the assent of fifty-one percent (51%) of the votes of each class of members who are voting in person or by proxy at a maeting duly called for this purpose, written notice of which shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting setting forth the purpose of the meeting. This section shall not prohibit the Directors from authorizing capital expenditures for replacements or repairs or improvements from funds generated by regular assessments.

ments and any special assessments must be fixed at a uniform rate for services rendered for all residence locations and may be collected on an annual, quarterly or monthly basis in the discretion of the Directors. If special services are rendered to specific residence locations at the request of such residence locations, additional basessments shall be charged to such residence locations.

Section 6. Quorum for Any Action Authorized Under Sections 3 and 4. At the first meeting called, as provided in Sections 3 and 4 hereof, the presence at the meeting of members or of proxies entitled to cast sixty percent (60%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not forthcoming, at any meeting, another meeting may be called, subject to the notice requirement set forth in Sections 3 and 4, and the required quorum at such subsequent meeting shall be one-half

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of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the date of the meeting at which no quorum was forthcoming.

Section 7. Date of Commencement of Annual Assessments: Due Dates: The annual assessments provided for herein shall commence as to all residence locations within a plat on the first day of the month following the conveyance to the Club of the common areas located within such plat. If there are no common areas, the annual assessments provided for herein shall commence as to all residence locations within such plat on the first day of the month following the conveyance of the first lot within the plat. The first regular assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the regular assessment at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors. The Club shall upon demand at any reasonable time furnish a certificate in writing signed by an officer of the Club setting forth whether the assessments on a specific residence location have been paid. A reasonable charge may be made by the Board for the issuance of these certificates. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 8. Effect of Nonpayment of Assessments: Remedies
of the Club. Any assessments which are not paid when due
shall be delinquent. If the assessment is not paid within thirty (30)
days after the due date, the assessment shall bear interest from the

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date of delinquency at the rate of ten percent (10%) per annum. The Secretary of the Club shall file in the office of the Director of Records, County Clerk, or appropriate recorder of conveyances of Clackamas County, Oregon, within one hundred twenty (120) days after delinquency, a statement of the amount of any such charges or assessments together with interest as aforesaid, which have become delinquent with respect to any residence location and upon payment in full thereof, shall execute and file a proper release of the lien securing the same. The aggregate amount of such assessment, together with interest, costs, expenses, and a reasonable attorney's fee for the filing and enforcement thereof, shall constitute a lien on the residence location with respect to which it is fixed including any improvement thereon, from the date the notice of delinquency thereof is filed in the office of said Director of Records or County Clerk or other appropriate recording office, until the same has been paid or released as herein provided. Such lien may be enforced by the Club in the manner provided by law with respect to liens upon real property. The owner of said property at the time said assessment becomes due shall be personally liable for the expenses, costs, disbursements and attorneys' fees which shall also be secured by said lien, including additional attorneys' fees incurred on appeal. The owner at the time such assessment is incurred, shall also be liable for any deficiency remaining unpaid after any foreclosure sale. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the common areas or abandonment of his residence location or any improvement thereon.

Section 9. Subordination of the Lien to Mortgagess. The lien of the assessments provided for herein shall be inferior, junior and subordinate to the lien of all mortgages and trust deeds now or hereafter placed upon said property or any part thereof. Sale or transfer of any residence location or any other part of said property shall not affect the assessment lien. However, the sale or transfer of any residence location which is subject to any mortgage, pursuant to a decree of foreclosure under such mortgage or any proceeding in lieu of foreclosure thereof, shall extinguish the lien of such assessments as to amounts thereof which became due prior to such sale or transfer. No sale or transfer shall relieve such residence location and any improvements thereon from liability for any assessments thereafter becoming due or from the lien thereof.

Section 10. Exempt Property. The following property subject to this declaration shall be exempt from the assessments created herein: (a) All properties expressly dedicated to and accepted by a local public authority; (b) The common areas; (o) All other properties owned by the Club; and (d) All property owned by Declarant, its successors and assigns, if such successors or assigns should acquire more than one undeveloped residence location for the purpose of development.

. ARTICLE VII

ENCROACHMENTS

Section 1. If any portion of a residence or other structure now or hereafter constructed upon said property encroaches upon any part of a common area or upon a residence location or residence locations used or designated for use by another residence locations owner, such encroachment shall be made known to the Architectural

Committee which will investigate the origin, length of time and extent of the encroachment. If the Committee finds that it would be a hardship on the present owner of the structure which is now encroaching to have the encroaching material removed, then an easement for the encroachment and for the maintenance of same is granted and reserved and shall exist and be binding upon the Declarant, the Club and upon all present and future owners of any part of said property for the benefit of the present and future owners of such encroaching building or structure for the purpose of occupying and maintaining same, and in the event a structure consisting of more than one residence becomes partially or totally destroyed or in need of repair or replacement, mutual and reciprocal easements are granted and reserved upon the common areas and in and upon each residence and residence location for the benefit of the Club and the adjacent owner or owners to the extent reasonably necessary or advisable to make repairs or replacements; and minor encroachments resulting from any such repairs and/or replacements and the maintenance thereof are hereby granted and reserved for the benefit of the present and future owners thereof. The eassments for encroachment herein granted and reserved shall run with the land.

ARTICLE VIII

ARCHITECTURAL CONTROL

Section 1. APPROVAL. No building, fence, wall, hedge, structure, improvement, common area, refurbishing, painting, staining, decorating, obstruction, ornament, landscaping or planting shall be placed or permitted to remain upon or be removed from any part of a residence location or the exterior of the

residence unless a written request for approval thereof has been approved in writing by a majority of the Architectural Committee or by its representative designated by a majority of the Committee.

Section 2. ENFORCEMENT. Notwithstanding a prior approval, if a condition exists or changes have come about which may be caused by any event, time or effect which in the opinion of the majority of the Architectural Committee must be remedied, corrected, altered, modified or eliminated, then said Committee shall so notify the owner thereof, and the owner shall forthwith comply with said notice. If the owner refuses or delays in so complying with said notice, then the Club shall have the right to perform said work specified in the Committee's notice to the owner and the cost of same shall be payable by the owner.

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Section 3. ARCHITECTURAL COMMITTEE. The Architectural Committee referred to herein shall be composed of three members appointed by the Board of Directors of the Club. The decision of any two members of the Architectural Committee shall be final and binding, however, applications may be resubmitted. Upon failure of the Committee or its designated representative to approve or disapprove any application for a period of thirty (30) days after it has been submitted in writing to the Chairman of the Committee or his designated representative, said application will be deemed to have been approved. Members shall be elected for a term of three (3) years by the majority vote of the Board of Directors of the Club.

If any member of the Committee is unable or unwilling to act, the remaining members shall elect a successor to serve out the unexpired term.

Section 4. NO COMPENSATION. No member of the Architectural Committee, however created or constituted, shall receive any compensation from the Club or make any charge for his services.

Section 5. CONSTRUCTION BY DECLARANT. This article shall not govern the original construction upon portions of said property owned by the Declarant or its successors or assigns. However, Declarant shall approve in writing all plans for original construction prior to the commencement of such construction.

ARTICLE IX

EXTERIOR MAINTENANCE

Each owner, and/or homeowner association shall be responsible for maintaining and keeping in good order and repair the exterior of all residence locations.

If an owner and/or the homeowner association fails to maintain and keep in good order and repair the exterior of any such residence location, the Club, after reasonable notice, may do so and file a lien for such expense pursuant to Article VI, Section 8.

ARTICLE X

USE RESTRICTIONS

The following restrictions shall be applicable to the real property described on Exhibit "A" and shall be for the benefit of and limitations upon all present and future owners and authorized users thereof of said property or of any interest therein.

Section 1. Unless written approval is first obtained from the Architectural Committee, no sign of any kind shall be displayed to the public view on any residence location except one professional

sign of not more than five (5) square feet advertising the residence for sale or rent, or signs used by the developer to advertise the residence location or residence during the construction and sales period.

Section 2. No animals, livestock or poultry of any kind shall be raised, bred or kept on any part of said property, except dogs, cats or other tame, domestic household pets, provided such household pets are not kept, bred or maintained for any commercial purpose. The number of pets kept at each residence may be limited and the control thereof shall be by rules prescribed by the Directors.

Section 3. No part of said property shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. No garbage, trash or other waste shall be kept or maintained on any part of said property except in a sanitary container. All incinerators or other equipment for the storage of or disposal of such material shall be kept in a clean and sanitary condition.

Section 4. No noxious or offensive condition or anything which may be or become an annoyance or nuisance to the neighborhood shall be permitted.

Section 5. No trailer, camper-truck, tent, garage, barn, shack or other out-building shall be at any time used as a residence temporarily or permanently on any part of said property.

Section 6. Parking of boats, trailers, motorcycles, trucks, truck-campers and like equipment shall not be allowed on any part of said property nor on public ways adjacent thereto excepting only within the confines of an enclosed garage, and no portion of same

-18

may project beyond the enclosed area except under such circumstances, if any, as may be prescribed by written permit approved by the Architectural Committee. All other parking of equipment shall be prohibited except in such areas, fully screened from public view, as may be approved in writing by the Architectural Committee.

If any of the provisions of this section are violated, the Board of Directors of the Club may employ a tow truck to remove the vehicle after prior written notice to the owner and the owner of the vehicle shall be responsible for any charges arising therefrom.

Section 7. All owners are entitled to an equal share in the rights, interests, privileges, and obligations of the Club. The owners shall have the right to use all common areas subject to the rules, regulations and restrictions applicable thereto.

Section 8. All common areas are to be maintained by the Club and no changes in the equipment, design, decor, landscaping, removal or trimming of trees, lawns or shrubs will be permitted without written authorization by the Architectural Committee.

Section 9. All walks, streets, bike paths and electric cart paths located on common areas are for the use of Club members on an equal basis, subject to reasonable rules and regulations promulgated in writing by the Directors. It shall be the responsibility of each member to allow maximum ease of pedestrian, bike and vehicular ingress and egress over walks, streets, and driveways by prohibiting automobile parking in front of garages or in the driveways, paths or alleyways and allowing no obstruction or barrier on, across or adjacent to sidewalks or paths which would inter-

fere with any other member's use of the common areas or access to his residence location.

Section 10. Owners are expressly prohibited from painting or changing the exterior of any building, garage, fence or wall without the written permission of the Architectural Committee.

Section 11. All antennaes are prohibited outside any building without permission from the Architectural Committee.

Section 12. Club Directors will have jurisdiction over activities permitted in the common areas. All disputes, complaints or matters of change in existing or future use restrictions will be submitted to the Club Directors for arbitration.

ARTICLE XI

EASEMENTS

All conveyances of land situated within said property, made by the Declarant, and by all persons claiming by, through or under Declarant, shall be subject to the foregoing restrictions, conditions and covenants whether or not the same be expressed in the instruments of conveyance, and each and every such instrument of conveyance shall likewise be deemed to grant and reserve, whether or not the same be declared therein, mutual and reciprocal easements over and across all of the common areas for the purpose of traveling by foot, by bike, cart or other conveyance or resting or otherwise being thereon, and over, under and across all portions of said property (except those portions thereof actually intended to be occupied as living space in any building nor or hereafter located upon said property and specifically including [without

being limited thereto; the interior of party walls, attic crawl spaces and the area below the living space in any living units), for the purpose of building, constructing and maintaining underground or concealed electric and telephone lines, gas, water, sewer, storm drainage lines, radio and television antennae and cables, and other utilities and services now or thereafter commonly supplied by public utilities or municipal corporations and upon all neighborhood recreational zones and common areas for constructing and maintaining thereon streets, driveways, community and rocreational facilities, ornaments, swimming pools, lawns, landscaping and planted areas thereon; all of said easements shall be for the benefit of all present and future owners of property subjected to the jurisdiction of the Club by recorded covenants and restrictions recorded as hereinabove provided, and their tenants, contract purchasers and guests; said easements and rights of use, however, shall not be unrestricted but shall be subject to reasonable rules and regulations. governing said right of use, as promulgated from time to time by the Directors of the Club in the interest of securing maximum safe useage of said easements without unduly infringing upon the privacy of the owner or occupant of any part of said property. An easement over, upon and across all parts of said property is granted and reserved to the Club, its successors and assigns to the extent reasonably required to perform exterior maintenance if necessary, as provided in Article IX, and to the extent reasonably necessary to perform other maintenance reasonably necessary or advisable to protect or preserve the value of said property and the residences thereon.

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All residence locations adjacent to the golf course hereby grant an easement for the retrieval of errant golf balls.

All common area adjacent to a golf course grants an easement for the construction of cart paths thereon, such cart paths to be built of asphalt or other similar materials.

ARTICLE XII

GENERAL PROVISIONS

Section 1. Enforcement. The Club, or any Owner, or the owner of any recorded mortgages on any part of said property shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, easements, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Club or by any owner to enforce any covenant or restriction shall not be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Club, or the Owner of any residence location subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of twenty-five (25) years from the date appearing on this Declaration, after which time said covenants shall be automatically extended for successive periods of ten (10) years each. Any of the

covenants and restrictions of this Declaration, except the easements herein granted, may be amended by an instrument signed by members entitled to cast not less than seventy-five percent (75%) of the votes of each class of membership. Easements herein granted and reserved shall not be amended except by instrument signed and acknowledged by one hundred percent (100%) of the owners of the property concerned, and by the Architectural Committee. All such amendments must be recorded in the appropriate Deed Records of Clackemas County, Oregon, to be effective.

Section 4. No Right of Reversion. Nothing in this Declaration, or in any form of deed which may be used by Declarant, or its successors and assigns, in selling said property, or any part thereof, shall be deemed to vest or reserve in Declarant or the Club any right of reversion or re-entry for breach or violation of any one or more of the provisions hereof.

Section 5. Right of Mortgagees Relating to Maintenance.

At any time that any part of the common area, or any other part of said property or any residence or building or improvement located thereon is not properly maintained and kept in good order and repair, to the extent reasonably necessary to protect and preserve the appearance and value thereof and the appearance and value of the remainder of said property, then the record owner of any mortgage or trust deed upon any part of said property or residence or building thereon, upon giving written notice as hereinafter provided, shall be entitled to exercise the rights of the mortgagor-owner of such

property as a member of the Club to vote at all regular and special meetings of the members of the Club for a period of one year following the date of such notice. During said period of time such mortgagors shall be given notice of all regular and special meetings of the Club, the owner-mortgagor shall receive such notice also and may attend such meetings as an observer. Said notice shall quote this paragraph and shall be sent by Certified United States mail, return receipt requested, to the owner-mortgagor, a copy by regular mail to the Club at last known address of each.

Section 6. Insurance. The Club shall at all times cause all buildings and improvements owned by the Club, to be insured with broad form fire and extended coverage insurance for the full replacement value thereof. This insurance shall be payable to any mortgagees, and to the Club, as their respective interests may appear. The Directors of the Club shall be the attorney in fact for all owners for the adjustment and settlement of any claim or loss under such insurance. The Club shall at all times provide liability insurance with limits of not less than \$200,000 for one person, \$500,000 for any one accident and \$50,000 for property, with the Club and owners as joint insureds.

Section 7. In order to protect and preserve the appearance and value of said properties, each owner is required to repair or rebuild his residence after each loss to it, notwithstanding the fact that there may be no proceeds available for such purpose. If an owner does not promptly so repair or rebuild, then the Club may do so after fifteen (15) days' written notice of its

intent to so repair or rebuild if the owner fails to commence the same within said period. All expenses incurred by the Club on behalf of said owner shall become a lien upon the owner's residence and the owner's residence location. If said expenses which have been paid by the Club are not repaid by the owner within forty-five (45) days after completion of said repair or rebuilding, then the Club may foreclose upon said lien as provided by law.

Section 8. The provisions contained in this Declaration shall bind and inure to the benefit of and be enforceable by Declarant, the Club and the owner or owners of any portion of said property, and their heirs and assigns, and each of their legal representatives and failure by Declarant or by the Club or by any of the property owners or their legal representatives, heirs, successors or assigns, to enforce any of such conditions, restrictions or charges shall in no event be deemed a waiver of the right to do so.

Section 9. Any or all rights, powers and reservations of Declarant herein contained may be assigned to the Club or to any other corporation or association which is now organized or which may hereafter be organized and which will assume the duties of Declarant hereunder pertaining to the particular rights, powers and reservations assigned; and upon any such corporation or association evidencing its intent in writing to accept such assignment and assume such duties, it shall to the extent of such assignment have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Declarant herein. All rights of Declarant hereunder reserved or created shall be

held and exercised by Willamette Factors, Inc. alone, so long as it owns any interest in any portion of said property.

Section 10. Declarant may construct a clubhouse or recreation hall or other facility upon the property. Until conveyed to the Club such facilities shall be under the authority of the Declarant or its nominee, which may be, but need not be the Club, to govern use, and control the policies of the facilities.

At such time or times as the Declarant or its successor as developer shall deem appropriate, it may convey to the Club some or all of the facilities, provided that any part so conveyed shall be free of debt or encumbrance at the time of conveyance. The Club shall accept each such conveyance and thereupon shall be vested with authority to govern the facility or facilities so conveyed and thereafter shall be entitled to all revenue produced by the facility and shall be responsible to operate, maintain and support the facility and the Declarant thereafter shall have no control over the facility and shall have no obligation or responsibility with respect thereto.

IN WITNESS WHEREOF, the owners of all property described upon Exhibit A have hereunto caused these presents to be executed this 5 day of April, 1977.

WILLAMETTE FACTORS, INC.

Secretary

STATE OF OREGON County of Multnomah On this 5 day of April, 1977, before me appeared and KOUKIOU to me personally known, who being duly sworn, did say that they are the President and Secretary, respectively, of WILLAMETTE FACTORS, INC., and that the said instrument was signed and sealed in behalf of said Corporation by the authority of its Board of Directors, and they acknowledged said instrument to be the free act and deed of \mathbb{R}^d said Corporation. IN TESTIMONY WHEREOF, I have hereunto set my hand and wife my official seal the day and year last above written. Notary Public for Oregon 27.
My Commission Expires: My Commission Expires Feb. 15, 1880



Lots C-2, C-6 and C-31, Charbonneau III, The Village at Wilsonville, Clackamas County, Oregon

Lots E-9 and E-21, Charbonneau IV, The Village
 at Wilsonville, Clackamas County, Oregon

Lots F-1 through F-14 and F-16 through F-32, Charbonneau V, The Village at Wilsonville, Clackamas County, Oregon

Lots G-1 through and including G-18, Charbonneau V, The Village at Wilsonville, Glackamas County, Oregon

Lots G-20 through G-56, Charbonneau V, The Village at Wilsonville, Clackamas County, Oregon

Lots 30 through 38, 40, 41, 42, 45 and 47, Charbonneau Single Family East, The Village at Wilsonville, Clackamas County, Oregon

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ADDENDUM

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COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

CHARBONNEAU COUNTRY CLUB

Clackamas County, Oregon

Whereas, certain Covenants, Conditions and Restrictions dated April.
6, 1977, and recorded at Book 77, Page 12613, of the Clackamas County real property records have heretofore been executed and recorded by Willamette Factors, Inc., hereinafter referred to as "Declarant", and,

Whereas, pursuant to Article II, Section 1, of said prior Covenants, Conditions and Restrictions, Declarant desires to add certain additional land to the jurisdiction of the Charbonneau Country Club.

NOW, THEREFORE, Declarant hereby declares that the real property described hereinbelow shall be made a part thereof and shall be held and conveyed upon and subject to the easements, conditions, covenants, restrictions and reservations set forth in the aforementioned Covenants, Conditions and Restrictions for Charbonneau Country Club which were dated April 6, 1977, and recorded at Book 77, Page 12613, of the Clackamas Country real property records:

Charbonneau VIII, The Village at Wilsonville, Lots L-1-10, L-13-40
Charbonneau IX, The Village at Wilsonville

IN WITNESS WHEREOF, the Declarant hereby causes this document to be executed this 7th day of August, 1979.

WILLAMETTE FACTORS, INC

By:

· Bv:

79 34184

Tile Insurance Compan

Page Two STATE OF OREGON County of Multnomah On this 7th day of August, 1979, before me appeared Patrick C. Jordan and Ken Lien; to me personally known, who being duly sworn, did say that they are the President and Secretary, respectively, of WILLAMETTE FACTORS; INC., and that the said instrument was signed and sealed in behalf of said Corporation by the authority of its Board of Directors, and they acknowledged said instrument to be the free act and deed of said Corporation. IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written. Notary Public for Ore My Commission Expires Q. AFTER RECORDING, PLEASE RETURN TO: Marilyn Sheets
Benj. Franklin Federal
Savings & Loan Assn.
One SW Columbia, Suite 1800 97258 ، Portland, Oregon

DECLARATION OF ANNEXATION OF ADDITIONAL PROFERTY

WHEREAS, Willamette Factors, Inc., is the "Declarant" under Covenants, Conditions and Restrictions for Charbonneau Country Club, Clackamas County, Oregon, dated April 5, 1977, recorded April 6, 1977, Clackamas County Recorder's Fee No. 77 12613 ("CCORS"); and

WHEREAS, the owner of the real property described in the attached Exhibit "A" ("Property") have requested Willamette Factors, Inc. to subject the Property to the CC&Rs;

NOW, THEREFORE, Willamette Factors, Inc. declares that the Property is annexed to and is subjected to the CC&Rs and shall hereafter be included in any reference in the CC&Rs to "said Property" or "said Properties," provided, however, that the common areas in the Property shall not be deemed Common Areas as defined in the CC&Rs.

IN WITNESS WHEREOF, the undersigned has executed this Declaration as of the 3 day of April , 1989.

WILLAMETTE FACTORS, INC., an Oregon corporation

By: A Starte

STATE OF OREGON

ss.

County of Clarkamas

On this 3 day of April, 1989, before me, appeared R.L. Footo, to me personally known, who being duly sworn did say that he/she is the resident of

1 - DECLARATION OF ANNEXATION OF ADDITIONAL PROPERTY

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Iransomerica files ins. Co.

Willamette Factors, Inc., and that the foregoing instrument was signed on behalf of said Corporation by authority of its Board of Disectors, and acknowledged that said instrument is the free act and deed of said Corporation.

PUV

After recording, return to:

Mike Najewicz, Esq. Legal Counsel The Benj. Franklin Federal Savings & Loan Association 501 S.E. Hawthorne Boulevard Portland, Oregon 97214

Z

2 - DECLARATION OF ANNEXATION OF ADDITIONAL PROPERTY PSCmm12094

Title No.: 41-23345H

A tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in Sections 24 and 25, Township 3 South, Range 1 West, of the Willamette Meridian, CITY OF WILSONVILLE, in the City of Wisonville, County of Clackamas and State of Oregon, and more fully described as follows:

Beginning at a point which is North 2,287.89 feet and West 4,954.96

Beginning at a point which is North 2,287.89 feet and West 4,954.96

Beginning at a point which is North 2,287.89 feet and West 4,954.96

Beginning at a point which is North 2,287.89 feet and West 4,954.96

Beginning at a point which is North 2,287.89 feet and West 4,954.96

Beginning at a point which is North 2,287.89 feet and West 4,954.96

Beginning at a point which is North 2,287.89 feet would be the first contains a point on the East right-of-way of French Prairie Road as shown on point on the East right-of-way of French Prairie Road as shown on point on the East right-of-way of French Prairie Road as shown on point on the East right-of-way of French Prairie Road as shown on point on the East right-of-way of French Prairie Road as shown on point on the East right on a 228.00 foot recorded May 3, 1978, in Book 75, page 8, Clackamas County Deed Records; recorded May 3, 1978, in Book 75, page 8, Clackamas County Deed Records; redound the Road Records and the Road Records and second to the Road Records and second 10, 14" East 123.32

Feet; thence on a 278.00 foot radius curve right (long chord bears South Record Road Records and Records Recor

continued....

EXHIBIT PAGE

Title No.: 41-23345H EXHIBIT "A" continued

PARCEL II:

Beginning at a one inch from pipe set in a two inch from pipe, said point being North 2287.89 feet and West 4954.96 feet from the Southpoint being North 2287.89 feet and West 4954.96 feet from the Southeast corner of the George L. Curry Bonation Land Claim No. 43, located east corner of the George L. Curry Bonation Land Claim No. 43, located east corner of the City of Wilsonville. Gounty of Clackamas and State Meridian. In the City of Wilsonville. Gounty of Clackamas and State of Oregon, said point also being the most Northerly point on the of Oregon, said point also being the most Northerly point on the CHARBONNEAU VII, THE VILLAGE AT WILSONVILLE, a subdivision recorded CHARBONNEAU VII, THE VILLAGE AT WILSONVILLE, a subdivision recorded CHARBONNEAU VII, THE VILLAGE AT WILSONVILLE, a subdivision recorded the true point of beginning of a tract conveyed to Mariners Village that the true point of beginning of a tract conveyed to Mariners Village that the true point of beginning of a tract conveyed to Mariners Village tract 329.48 feet to an one inch iron pipe; said Mariners Village tract 329.48 feet to an one inch iron pipe; said Mariners Village tract 329.48 feet to the South right-of-way thence North 23°04'02" West 334.90 feet to the South right-of-way line of said French Prairie Road; thence North 79°53'06" East along said South right-of-way line 30.00 feet to the point of beginning.

Beginning at a one inch iron pipe set on a Northerly boundary line of the Charbonneau Golf Course described in a mortgage to Benj. Franklin Federal Savings and Loan Association of Portland by deed recorded August 12, 1971, Fce No. 71-19507, Clackamas County Deed Records, said point also being North 1837.88 feet and West 4298.69 Records, said point also being North 1837.88 feet and West 4298.69 Records, said point also being the George L. Gurry Donation feat from the Southeast corner of the George L. Gurry Donation Land Claim No. 43 located in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, said point also being the Southeast corner of a tract of land conveyed to Maxiners Village Apartments. Inc. and George Marshall, a joint venture, by deed recorded September 15, 1978, Fee No. 78-39923, Clackamas County Deed Records; thence North 2°10'58" East along the West line of said Mariners Village tract 308.46 feet to an one inch iron pipe; thence North 68°30'35" East along the Easterly line of said Mariners Village tract 6.17 feet; thence South 2°10'58" West 310.61 feet to an angle point on the said Golf Course tract; thence South 88°48'03" West 5.66 feet to the point of beginning.

PAGE 2

continued...

Title No.: 41-23345H EXHIBIT "A" continued

(Parcel III continued...)

TOGETHER WITH a roadway easement, being more particularly described as follows:

Beginning at a one inch iron pipe set at the most Northerly corner of a tract of land conveyed to Mariners Village Apartments, Inc. and George Marshall, a joint venture, by deed recorded 15 September 1978, Fee No. 76-39923, Clackamas County Deed Records, said point 1978, Fee No. 76-39923, Clackamas County Deed Records, said point being on the South right-of-way line of French Frairie Road as platted being on the South right-of-way line of French Frairie Road as platted being on the South right-of-way line of French Frairie Road as platted by EDGEWARTER AT CHARBONNEAU, a subdivision recorded 30 December 1983 by EDGEWARTER AT CHARBONNEAU, a subdivision recorded 30 December 1983 in Book 86, Page 3, Clackamas County Book of Plats, and being also in Book 86, Page 3, Clackamas County Book of Plats, and being also in Book 86, Page 3, Clackamas County Book of Plats, and being also in Book 86, Page 3, Clackamas County Book of Plats, and being also in the George L. Curry Donation Land Claim No. 43 located in Section of the George L. Curry Donation Land Claim No. 43 located in Section of the George L. Curry Donation Land Claim No. 43 located in Section of the George L. Curry Donation Land Claim No. 43 located in Section of the George L. Curry Donation Land Claim No. 43 located in Section Claim Relation South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence on a 826.38 ioot radius curve Leit thence Rorth 69°13'01"

French Prairie Road right-of-way (long chord bears North 69°13'01"

French Prairie Road right-of-way (long chord bears North 84°27'32" West 126.48 feet; thence North 84°27'32" West 126.48 feet; thence North 84°27'32" West 126.48 feet; thence North 62°10'58" to the East line of said Mariners Village tract; thence North 02°10'58" tract 50.00 feet East along the East line of said Mariners Village tract; thence North 34°28'04" on the East line of said Mariners Village tract; thence North 34°28'04" on the East line of said Mariners Village tract; thence North 34°28'04" on the East line of sa line of said Mariners Village tract an arc distance of 19.01 feet the true point of beginning.

EXHIBIT PAGE

DECLARATION FOR THE ANNEXATION OF FOUNTAINLAKES; FAIRWAY ESTATES AT CHARBONNEAU AND OTHER UNDEVELOPED PROPERTY

This Declaration for Annexation is made and executed this Annexation of October, 1989, by the undersigned officers of CHARBONNEAU COUNTRY CLUB.

RECITALS:

WHEREAS, Willamette Factors, Inc., is the owner of various undeveloped properties within the subdivision known as Charbonneau in Clackamas County, Oregon, including lots within the platted subdivision known as Fountainlakes and Fairway Estates at Charbonneau.

WHEREAS, owners of lots with the Fountainlakes and Fairway Estates at Charbonneau have consented to annexation to Charbonneau Country Club pursuant to Article XII of the Declaration of Protective Covenants, Conditions and Restrictions affecting Fountainlakes at Charbonneau.

WHEREAS, Charbonneau Country Club ("Club") may annex additional property from time to time as provided in Article II of the Covenants, Conditions, and Restrictions for Charbonneau Country Club, recorded as Fee No. 77-12613 in Clackamas County Records. Members of the Club have approved the annexation of various properties pursuant to Section 2 of Article II, including the property within Fountainlakes and Fairway Estates; and

NOW, THEREFORE, in consideration of the foregoing, it is hereby declared as follows:

- 1. The platted subdivision known as Fountainlakes, Fairway Estates and various undeveloped properties are hereby annexed to and made a part of Charbonneau Country Club. Legal descriptions for Fountainlakes, Fairway Estates and the various undeveloped properties to be annexed are described in Exhibit "A" attached hereto.
- 2. All owners, mortgagees, and all other persons acquiring any interest in Fountainlakes, Fairway Estates (including any additional properties annexed to Fountainlakes) and the undeveloped properties described in Exhibit "A", shall be bound by the Covenants, Conditions and Restrictions for Charbonneau Country Club recorded as Fee No. 77-12613 in Clackamas County Records, its Articles of Incorporation, and its Bylaws, as the same may be amended from time to time.

- 3. This annexation is not intended to abolish or eliminate the rights or responsibilities of Fountainlakes Homeowners Association, Inc., or any other Homeowners Associations which may be formed. Notwithstanding this annexation and the jurisdiction of the Club, all owners and other persons acquiring any interest in Fountainlakes and Fairway Estates shall continue to be bound by any interest in Fountainlakes and Fairway Estates shall continue to be bound by the Declaration of Protective Covenants, Conditions and Restrictions affecting Fountainlakes at Charbonneau, recorded as Fee No. 89-32821 in Clackamas County Records, the Articles of Incorporation, and the Bylaws of Fountainlakes Homeowners Association, Inc., as the same may be amended from time to time.
- 4. By executing this Declaration of Annexation, the undersigned officers of Charbonneau Country Club certify that the annexation was approved by the members of Charbonneau Country Club in accordance with Article II of the Covenants, Conditions and Restrictions for Charbonneau Country Club.

IN WITNESS WHEREOF, this Declaration of Annexation has been executed as of the date first above written.

	CHARBONNEAU COUNTRY CLUB
	BY: DE truidge, hus.
	BY: Mancyclare Paleton, Sc.
STATE OF OREGON	,
County of Clockonor)ss.)
appeared Wall Abridge and Dangel they are the President Charles and Charles and Charles are the Charles and Charles are the Charles and Charles are the Charle	of high personally of the personally sworn did say that respectively, of nonprofit organization, and that the din behalf of said Charbonneau Country Club by ors, and acknowledged that said instrument is the onneau Country Club.

NEIL L. ROBINSON NOTARY PUBLIC - OREGON My Commission Expires Notary Public for Oregon My Commission expires: 11/27/90

DECLARATION FOR ANNEXATION - Page 2

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LEONARD A. RYDELL, P.E., P.L.S. Consulting Civil Engineer - Land Surveyor 601 PINEHURST DRIVE, NEWBERG, OREGON 97132 (503) 538-5700

LEGAL DESCRIPTION
Charbonneau Single Family East-Seventh Addition 16 August 1989
Prepared for Willamette Factors, Inc.
Page 1 of 2

A tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in the North Half of the Southeast Quarter of Section 24, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

Beginning at the Initial Point, a 5/8-inch iron rebar set flush with the surface of the ground inside a 2-inch iron pipe set 6-inches below the surface of the ground, said point being on the North line of that tract of land conveyed by being on the North line of that tract of land conveyed by being on the North line of that tract of land conveyed by Marie Barnett Cooper to Willamette Factors, Inc. by Warranty Marie Barnett Cooper to Willamette Factors, Inc. by Warranty Marie Barnett Cooper to Willamette Factors, Inc. by Warranty Marie Barnett Cooper to Willamette Factors and West 1341,22 feet and North 4546.03 County Deed Records, and West 1341,22 feet and North 4546.03 County Deed Records, and West 1341,22 feet and North 4546.03 feet from a stone marked with an "X" at the Southeast corner of the George L. Curry Donation Land Claim No. 43 in Section of the George L. Curry Donation Land Claim No. 43 in Section of the George L. Curry Donation Land Claim No. 43 in Section of the George L. Curry Donation Land Claim No. 43 in Section of the George L. Curry Donation Land Claim No. 43 in Section of the George L. Curry Donation Land Claim No. 43 in Section of the Worth line of said Willamette Factors tract 17 feet to a 1-1/4 inch iron pipe (deed monument) at the Roctors tract 613.67 feet to a 5/8-inch iron rebar at the Factors tract 613.67 feet to a 5/8-inch iron rebar at the Factors tract 613.67 feet to a 5/8-inch iron rebar at the Factors tract 613.67 feet to a 5/8-inch iron rebar on the East North 11 no of Said "CHARBONNEAU SINGLE FAMILY EAST - FIFTH ADDITION" 243.27 feet to a 5/8-inch iron rebar on the West right-of-way line of Country View Lane; thence South 83° 40' right-of-way line of Country View Lane; thence North 11 no of Said "CHARBONNEAU SINGLE FAMILY EAST - FIFTH ADDITION" 100.00 feet "CHARBONNEAU SINGLE FAMILY EAST - FIFTH ADDITION" 100.00 feet "CHARBONNEAU SINGLE FAMILY EAST - FIFTH ADDITION" 75.95 feet to a 5/8-inch iron rebar; thence North 03° 42' 20" East 10 a 5/8-inch iron rebar; thence North 03° 42'

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS • SOLAR-CONSERVATION HOMES



LEGAL DESCRIPTION
Charbonneau Single Family East-Seventh Addition 16 August 1989 Page 2 of 2 Prepared for Willamette Factors, Inc.

along the East line of said "CHARBONNEAU SINGLE FAMILY EAST FIFTH ADDITION" 73.05 feet to a 5/8-inch iron rebar; thence
North 17° 07' 03" West along the East line of said
"CHARBONNEAU SINGLE FAMILY EAST - FIFTH ADDITION" 79.70 feet
to a 5/8-inch iron rebar; thence North 44° 20' 23" West
along the North line of said "CHARBONNEAU SINGLE FAMILY EAST
- FIFTH ADDITION" 52.92 feet to a 5/8-inch iron rebar;
thence North 80° 01' 06" West along the North line of said
"CHARBONNEAU SINGLE FAMILY EAST - FIFTH ADDITION" 61.19 feet
to a 5/8-inch iron rebar; thence South 89° 41' 17" West
along the North line of said "CHARBONNEAU SINGLE FAMILY EAST
- FIFTH ADDITION" 164.00 feet to a 5/8-inch iron rebar on the
East right-of-way line of Country View Loop; thence North
00° 18' 43" West 80.00 feet to a 5/8-inch iron rebar; thence
on a 15.00 foot radius curve right (long chord bears North
44° 41' 17" East 21.21 feet) an arc distance of 23.56 feet to
45/8-inch iron rebar; thence North 18° 11' 23" West 63.04
feet to a 5/8-inch iron rebar; thence North 00° 18' 43" West
100.00 feet to the True Point of Deginning.

Said tract containing 7.0737 acres.

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REGISTERED PROFESSIONAL CAND SURVEYOR

Wind OREGUN SCPT. 30, 1477 EEDHARD A: RYDELL 1437



LEONARD A. RYDELL, P.E., P.L.S. Consulting Civil Engineer - Land Surveyor 601 PINEHURST DRIVE, NEWBERG, OREGON 97132 (503) 538-5700

LEGAL DESCRIPTION

Charbonneau Single Family East-Sixth Addition

Charbonneau Single Factors, Inc.

Page 1 of 2

A tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in the North Half of the Southeast Quarter of Section 24, Township 3 South, Range l West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

Beginning at the Initial Point, a 5/8-inch iron rebar set flush with the surface of the ground inside a 2-inch iron pipe set 6-inches below the surface of the ground, said point being on the North line of that tract of land conveyed by being on the North line of that tract of land conveyed by being on the North line of that tract of land conveyed by being on the North line of that tract of land conveyed by being on the North line of that tract of land conveyed by being on the North 1486.03 (19.25770, Clackamas Deed recorded 26 December 1960, Fee No. 60-25770, Clackamas Deed recorded Records, and West 1341.22 feet and North 4546.03 (19.257) (19

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS • SOLAR-CONSERVATION HOMES

LEGAL DESCRIPTION

"Charbonneau Single Family East-Sixth Addition 16 August 1989

Prepared for Willamette Factors, Inc. Page 2 of 2

FIFTH ADDITION" 80.17 feet to a 5/8-inch iron rebar on the North right-of-way line of French Prairie Road as platted by North right-of-way line of French Prairie Road as platted by Single TAMILY EAST - FIFTH ADDITION"; Baid "CHARBONNEAU SINGLE FAMILY EAST - FIFTH ADDITION"; Baid "CHARBONNEAU SINGLE FAMILY EAST - Road North right-of-way an arc distance of 87.02 feet to a Road North right-of-way an arc distance of 87.02 feet to a Road north right-of-way an arc distance of French Prairie 5/8-inch iron rebar at the Northwest corner of French Prairie Road as platted by said "CHARBONNEAU SINGLE FAMILY EAST - FIFTH ADDITION", said rebar being also the Northeast corner of the French Prairie Road right-of-way as platted by 1988 in Book 90, Page 28, Plat No. 2786, Clackamas County 1988 in Book 90, Page 28, Plat No. 2786, Clackamas County 1988 in Book 90, Page 28, Plat No. 2786, Clackamas County 1988 in Book 90, Page 28, Plat No. 2786, Clackamas County 1988 in Book 90, Page 28, Plat No. 2786, Clackamas County 1988 in Book 90, Page 28, Plat No. 2786, Clackamas County 1988 in Book 1980, 571, 287 West 202.11 feet) along (long chord bears North 76° 42' 42" West 202.11 feet) along (long chord bears South 184° 57' 287 West 778.28 feet) along 1907, 190

Said tract containing 8.7891 acres.

SAVE AND EXCEPT a tract of land conveyed by Willamette Factors, Inc. to Charbonneau County Club by Warranty Deed recorded 20 April 1978, Fee No. 78-16321, Clackamas County Deed Records, and more fully described as follows:

Beginning at a point which is North 4116.05 feet and West 1977.79 feet from the Southeast corner of the George L. Curry Donation Land Claim No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence North 89° 49' 01" West 136.95 feet; thence North 64° 50' 34" North 01° 52' 50" West 218.80 feet; thence North 64° 50' 34" East 138.94 feet; thence South 03° 46' 44" East 278.79 feet to the point of beginning.

said tract containing 0.7578 acres.

0

OREGON BIRT, 30, 1917 LEONARD A, RYDELL

LAND SURVEYOR

LEONARD A. RYDELL, P.E., P.L.S. Consulting Civil Engineer - Land Surveyo 601 PINEHURST DRIVE, NEWBERG, OREGON 9713: (503) 538-5700

LEGAL DESCRIPTION
"Fountainlakes at Charbonneau"
Prepared for Willamette Factors, Inc

W. O. No. 7701 29 June 1989 Page 1 of 2

A portion of a tract of land conveyed by Marie Barnett Cooper to Willamette Factors, Inc. by Warranty Deed recorded 26 (December 1968, Fee No. 68 25770, Clackamas County Deed Records and located in a portion of the George L. Curry Donation Land Claim No. 43 in the West Half of the Northeast Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Section, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

Beginning at the Initial Point, a 5/8-inch iron rebar set flush with the surface of the ground inside a 2-inch iron pipe set 6-inches below the surface of the ground, said point pipe set 6-inches below the surface of the ground, said point pipe set 6-inches below the surface of the ground, said point pipe set 6-inches below the surface of the ground, said point pipe set 6-inches below the surface of the ground, said point pipe set of Initial Point of Parcel No. 2 of "CHARBONNEAU X, being the Initial Point of Parcel No. 2793, Clackamas County Book 1988 in Book 91, Page 5, Plat No. 2793, Clackamas County Book of T-wn Plats and West 1481.03 feet and North 1694.00 feet from a stone marked with an "X" at the Southeast corner of the George L. Curry Donation Land Claim No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence East along the South line of said Parcel No. 2 of "CHARBONNEAU X" 56.62 feet to 5/8-inch iron rebar on the West right-of-way line of French Prairie Road as platted by "CHARBONNEAU SINGLE FAMILY EAST — SECOND ADDITION", a subdivision recorded 12 January 1978 in Book 74, Page 12, Plat No. 2290, Clackamas County Record of Plats; thence on a 622.00 foot radius curve left (long chord bears "CHARBONNEAU SINGLE FAMILY EAST — SECOND ADDITION an arc "CHARBONNEAU SINGLE FAMILY EAST — SECOND ADDITION and a county of the set of South 17° 51' 19" West 851.08 feet) along said West line of South 17° 51' 19" West 851.08 feet) along said West line of "CHARBONNEAU SINGLE FAMILY EAST — SECOND ADDITION" an arc distance of 875.77 feet to a 5/8-inch iron rebar at the Southwest corner of said "CHARBONNEAU SINGLE FAMILY EAST — SECOND ADDITION, said rebar being also the Northwest corner of "CHARBONNEAU SINGLE FAMILY — FIRST ADDITION", a subdivision recorded 7 May 1974 in Book 64, Page 17, Plat No. 1990, Clackamas County Record of Plats; thence on a 1078.00 foot radius curve right (long chord bears South 42° 47' 26"

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS • SOLAR-CONSERVATION HOMES

LEGAL DESCRIPTION *Fountainlakes at Charbonneau* Prepared for Willamette Factors, Inc W. O. No. 7701 29 June 1989 Page 2 of 2

West 62.54 feet) along the West boundary of said "CHARBONNEAU SINGLE FAMILY - FIRST ADDITION" an arc distance of 62.55 feet to a one inch iron pipe; thence South 44° 27' 12" West along the West boundary of said "CHARBONNEAU SINGLE FAMILY - FIRST ADDITION" 22.65 feet to a 5/8-inch iron rebar; thence on a 15.00 foot radius curve right (long chord hears South 80° 30' the West boundary of said "CHARBONNEAU SINGLE FAMILY - FIRST 15.00 foot radius curve right (long chord bears South 89° 39' 15.00 foot radius curve right (long chord bears South 89° 39' 39' West 21.29 feet) along the West boundary of said "CHARBONNEAU SINGLE FAMILY - FIRST ADDITION" an arc distance of 23.67 feet to a one inch iron pipe on the East of 23.67 feet to a one inch iron pipe on the East of "CHARBONNEAU VI, THE VILLAGE AT WILSONVILLE", a of "CHARBONNEAU VI, THE VILLAGE AT WILSONVILLE", a subdivision recorded 19 January 1978 in Book 74, Page 13, subdivision recorded 19 January 1978 in Book 74, Page 13, epide North 45° 07' 27" West along said "CHARBONNEAU VI" 68.74 feet North 45° 07' 27" West along said "CHARBONNEAU VI" 68.74 feet on a 418.00 foot radius to a one inch iron pipe; thence on a 418.00 foot radius curve left (long chord bears North 73° 09' 58" West 393.02 curve left (long chord bears North 73° 09' 58" West 393.02 curve left (long chord bears North 73° 09' 58" West 393.02 feet to a 5/8-inch iron rebar; thence on a 432.00 foot radius curve right (long rebar; thence on a 432.00 foot radius curve right (long chord bears South 80° 35' 27" West 27.12 feet) along said "CHARBONNEAU VI" an arc distance of 27.12 feet to a 5/8-inch iron rebar; thence North 460.94 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to a 5/8-inch iron rebar; thence North 86° 34' 18" Last 217.39 feet to

Said tract containing 13.6492 acres.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON LEQUARD A RYPILE



LEONARD A. RYDELL, P.E., P.L.S. Consulting Civil Engineer - Land Surveyor 601 PINEHURST DRIVE, NEWBERG, OREGON 97132 (503) 538-5700

LEGAL DESCRIPTION Charbonneau Village Center Prepared for Willamette Factors, Inc. 15 August 1989 W. O. No. 7701 Page 1 of 3

A tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in Section 24, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

Beginning at a point which is North 2202.31 feet and West West 3974.86 feet from a stone marked with an "X" at the Southeast corner of the George L. Curry Donation Land Claim Southeast corner of the George L. Curry Donation Land Claim Southeast corner of the Charbonneau Commercial Elso being the Northwest corner of the Charbonneau Commercial Elso being the Northwest corner of the Charbonneau Commercial Building tract conveyed to Mariners Village Apartments, Inc. Building tract conveyed to Mariners Village Apartments, Inc. Building tract conveyed to Mariners Village Apartments, Inc. Building tract of 8 39924; thence South 01° 39' 16" West along the West line of said Commercial Building tract; thence Southwest corner of said Commercial Building tract; thence South 88° 20' 44" East along the South line of said Commercial Building tract, said point being also on of said Commercial Building tract, said point being also on of said Commercial Building tract, said point being also on of said Commercial Building tract, said point being also on of said Commercial Building tract, said point being also on of said Commercial Building tract, said point being also on of said Commercial Building tract, said point being also on of said Commercial Building tract, said point being also on of said Commercial Building tract, said point being also on of said Charbonneau Country Club by Bargain and Sale Factors, Inc. to Charbonneau Country Club by Willamette Factors of the Charbonneau Country Club by Willamette Charbonneau Community Building foundation corner of the Charbonneau Community Building foundation corner of the Charbonneau Foo Shop; thence

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS • SOLAR-CONSERVATION HOMES

LEGAL DESCRIPTION Charbonneau Village Center Prepared for Willamette Factors, Inc. 15 August 1989 W. O. No. 7701 Page 2 of 3

Factors, Inc. to Mariners-Marshall, a joint venture, by Bargain and Sale Deed recorded 29 April 1977, Fee No. 87 18831; thence North 02° 10' 58" East along the East line of said Parcel II 310.61 feet to a one inch iron pipe at the Northeast corner of said Parcel II, said point being on the Northeast corner of said Parcel II, said point being on the Northeast corner of land conveyed by Willamette Factors, South line of a tract of land conveyed by Willamette Factors, Inc. to Mariners Village Apartments, Inc. and George Marshall, a joint venture, by Bargain and Sale Deed recorded Marshall, a joint venture, by Bargain and Sale Deed recorded 15 September 1978, Fee No. 78 39923; thence North 68° 30' 35" East along the South line of said Mariners Village Apartments and George Marshall tract 160.41 feet to a one inch iron pipe; thence on a 15.00 tract 291.32 feet to a one inch iron pipe; thence on a 15.00 tract 291.32 feet to a one inch iron pipe; thence on a 15.00 tract 291.32 feet to a one inch iron pipe; thence on a 15.00 foot radius curve left (long chord bears North 70° 46' 00" West 17.76 feet) an arc distance of 19.01 feet along the East line of said Mariners Village Apartments and George Marshall line of said Mariners Village Apartments and George Marshall track to a one inch iron pipe on the South right-of-way line tract to a one inch iron pipe on the South right-of-way line of French Prairie Road as platted by "Edgewater at Charbonneau", a subdivision recorded 30 December 1983, Book Charbonneau, a subdivision recorded 30 becember 1903, Book 86, Page 3, Plat No. 2641, Clackamas County Record of Plats; thence on a 826.38 foot radius curve left (long chord bears thence on a 826.38 foot radius curve left (long chord bears North 59° 55' 00° East 372.28 feet) along the South 1905.375 53 foot to 2006 look trop pine on the Most line of of 375.50 feet to a one inch iron pipe on the West line of Fairway Village Condominium, a condominium recorded 28 June "Fairway Village Condominium", a condominium recorded 28 June 1984, Book 86, Page 17; thence on a 15.00 foot radius curve left (long cord bears South 02° 55' 15" West 20.83 feet) along the West line of said "Fairway Village Condominium" an arc distance of 23.03 feet to a one inch iron pipe; thence south 41° 03' 27" East along the West line of said "Fairway Village Condominium" 19.75 feet to a one inch iron pipe; thence on a 55.00 foot radius curve left (long chord bears Village Condominium" 19.76 feet to a one inch iron pipe; thence on a 55.00 foot radius curve left (long chord bears South 64° 42' 06" East 44.12 feet) along the South line of Said "Fairway Village Condominium" an arc distance of 45.39 feet to a one inch iron pipe; thence South 88° 20' 44" East along the South line of said "Fairway Village Condominium" 157.35 feet to a one inch iron pipe; thence South 01° 39' 16" West along a West line of said "Fairway Village Condominium" 112.00 feet to a one inch iron pipe at the Southwest corner of said "Fairway Village Condominium", said point being on the North line of said Charbonneau Country Club tract; thence North 88° 20' 44" West along the North line of said Charbonneau Country Club tract; line of said Charbonneau Country Club tract 70.00 feet to the Northwest corner of said Charbonneau Country Club tract; thence South 01° 39' 16" West along the West line of said Country Club tract 17.27 feet; thence South 01° 39' 16" West LEGAL DESCRIPTION Charbonneau Village Center Prepared for Willamette Factors, Inc.

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15 August 1989 W. O. No. 7701 Page 3 of 3

along the West line of said Country Club tract 104.00 feet; thence North 88° 20' 44" West along the said Country Club tract 12.00 feet; thence South 01° 39' 16" West along the West line of said Country Club tract 120.00 feet; thence South 12° 09' 38" East 31.41 feet along the West line of the South 12° 09' 38" East 31.41 feet along the West line of the said Country Club tract to the Northeast corner of the said said Country Club tract to the Northeast corner of the said Charbonneau Commercial Building tract; thence North 88° 20' 44" West 107.00 feet along the North line of said Charbonneau Commercial Building tract to the Point of Beginning.

Said tract containing 6.4918 acres.

SAVE AND EXCEPT that tract of land conveyed by Willamette Factors, Inc. to Mariners Village Apartments, Inc. by Warranty Deed recorded 28 November 1979, Fee No. 79 52749, Clackamas County Deed Records, Baid tract containing 0.3056 acres.

PROFESSIONAL LAND SURVEYOR OREGON SEPT, 30, 1977 FERHARD A, RYDELL 1437.

REGISTERED

LEONARD A, RYDELL, P.E. Consulting Civil Engineer, 601 Pinchurst Drive Newberg, Oregon 97132

LEGAL DESCRIPTION - Charbonneau Tennis Courts Prepared for Willamette Factors, Inc. W.O. No. 7701 8 May 1978

A tract of land occupied by two tennis courts located in a portion of the George L. Curry Donation Land Claim No. 43 in Sections 24 and 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

Beginning at a point which is North 1832.56 feet and West 4552.98 feet from the Southeast Corner of the George L. Curry Donation Land Claim No. 43 located in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon; thence North 20 09' 28" East 163.02 feet; thence North 870 38' 56" West 127.85 feet; thence South thence North 870 38' 56" West 127.85 feet; thence South 20 07' 45" West 170.95 feet; thence North 880 48' 03" East 127.98 feet to the Point of Beginning.

Said tract containing 0.4899 acres.



LEONARD A. RYDELL, P.E., P.L.S. Consulting Civil Engineer - Land Surveyor 601 PINEHURST DRIVE, NEWBERG, OREGON 97132

(503) 538-5700

LEGAL DESCRIPTION
"Fairway Estates at Charbonneau"
Prepared for Willamette Factors, Inc.

W.O. No. 7701 15 August 1989 Page 1 of 2

A tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

Beginning at the Initial Point, a 5/8-inch iron rebar set flush with the surface of the ground inside a 2-inch iron pipe set 6-inches below the surface of the ground, said point being a point of reverse curve of the West right-of-way line of French Prairie Road as platted by "CHARBONNEAU SINGLE of French Prairie Road as platted by "CHARBONNEAU SINGLE FAMILY - FIRST ADDITION", a subdivision recorded 7 May 1974 FAMILY - FIRST ADDITION", a subdivision recorded 7 May 1974 in Book 64, Page 17, Plat No. 1990, Clackamas County Book of Town Plats, and West 1947.78 feet and North 53.96 feet from a stone marked with an "X" at the Southeast corner of the stone marked with an "X" at the Southeast corner of the George L. Curry Donation Land Claim No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, George L. Curry Donation Land Claim No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, Township 3 South, Oregon; thence on a 522.00 foot radius Clackamas County, Oregon; thence on a 522.00 foot radius curve right (long chord bears North 20° 51' 54" East 303.39 curve right (long chord bears North 20° 51' 54" East 303.39 feet) along the West line of said "CHARBONNEAU SINGLE FAMILY feet) along the West line of said "CHARBONNEAU SINGLE FAMILY feet) and the said for the feet of Southeast Corner of a tract of 5/8-inch iron rebar at the Southeast corner of a tract of 5/8-inch iron rebar at the Southeast corner of a tract of land conveyed by Willamette Factors, Inc. to Charbonneau Country Club by Warranty Deed recorded 5 April 1984, Fee No. 84 11368, Clackamas County Deed Records; thence North 45° 07° 27° West along the South line of said County Club Tract 149.58 feet to a 5/8-inch iron rebar; thence on a 318.00 foot radius curve left (long chord bears North 01° 47′ 38° foot radius curve left (long chord bears North 01° 47′ 18° Tract an arc distance of 40.17 feet to a 5/8-inch iron rebar; thence on a 145.53 foot radius curve right (long chord bears Tract an arc distance or 40.1/ feet to a 5/8-inch iron rebary thence on a 145.53 foot radius curve right (long chord bears North 07° 29' 39" East 65.01 feet) along the West line of said County Club Tract an arc distance of 65.56 feet to a said County Club Tract an arc distance of 65.56 feet to a 5/8-inch iron rebar; thence on a 15.00 foot radius curve right (long chord bears North 68° 03' 05" East 22.17 feet) along the West line of said County Club Tract an arc distance of 24.95 feet to a 5/8-inch iron rebar on the South right-of-way line of Arbor Lake Drive as platted by "CHARBONNEAU VI, THE VILLAGE AT WILSONVILLE", a subdivision recorded 19 January 1978 in Book 74, Page 13, Plat No. 2291,

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS . SOLAR-CONSERVATION HOMES

LEGAL DESCRIPTION "Fairway Estates at Charbonneau" Prepared for Willamette Factors, Inc. W.O. No. 7701 15 August 1989 Page 2 of 2

Clackamas County Record of Plats; thence on a 368.00 foot radius curve left (long chord bears North 82° 45' 10" West radius curve left (long chord bears North 82° 45' 10" West radius curve left (long chord bears North 82° 45' 10" West 232.99 feet) along the South line of said Arbor South 78° 47' 32" West along the South line of said Arbor South 78° 47' 32" West along the South line of said Arbor South 78° 47' 32" West along the South line of said Arbor South 78° 47' 32" West 285.01 feet to a 5/8 inch iron rebar; thence lo' 43" East 169.45 feet to a 5/8-inch iron rebar; thence North 85° 15' 58" West 285.01 feet to a 5/8 inch iron rebar; South 41° 25' 25" West 113.36 feet to a 5/8 inch iron rebar; thence North 85° 15' 58" West 585.19 feet to a 3/4 rebar; thence North 85° 15' 58" West 585.19 feet to a 3/4 inch iron rebar at an angle point of "CHARBONNEAU V, THE inch iron rebar at an angle point of "CHARBONNEAU V, THE inch iron rebar at an angle point of "CHARBONNEAU V, THE inch iron rebar at a buddivision recorded 8 March 1976 VILLAGE AT WILSONVILLE", a subdivision recorded 8 March 1976 of said "CHARBONNEAU V" 140.00 feet to a 5/8 inch iron rebar; of said "CHARBONNEAU V" 140.00 feet to a 5/8 inch iron rebar; thence "CHARBONNEAU V" 20.03 feet to a 3/4 inch iron rebar; thence "CHARBONNEAU V" 20.03 feet to a 3/4 inch iron rebar; thence South 08° 46' 42" East along the East line of said South 08° 46' 42" East along the East line of said South 08° 46' 42" East along the East line of said South of said south of said "CHARBONNEAU V" 134.00 feet South along the East line of said "CHARBONNEAU V" 134.00 feet South along the East line of said "CHARBONNEAU V" 134.00 feet to a 5/8 inch iron rebar; thence East along the North right-of-way line of Records; thence East along the North right-of-way line of Said J. Miley Road 834.42 feet to a 5/8 inch iron rebar; thence East along the North right-of-way line of said J. Miley Road 260.06 feet to a 5/8 inch iron rebar of said J. Miley Road 260.06 feet to a 5/8 inch iron rebar on the ADDITION"; thence on a 15.00 foot radius curve left (long chord bears North 46° 59' 08" East 20.47 feet) along the West boundary of said "CHARBONNEAU SINGLE FAMILY - FIRST ADDITION" an arc distance of 22.52 feet to the Initial Point.

Said tract containing 9,7750 acres.

REGISTERED PROFESSIONAL SURVEYOR LAND

OREGON (PT, 30, 39) (RD A) R)



LEONARD A. RYDELL, P.E., P.L.S. Consulting Civil Engineer - Land Surve 601 PINEHURSY DRIVE, NEWBERG, OREGON 971 (503) 538-57

LEGAL DESCRIPTION - "CHARBONNEAU XI" (Proposed) 9 June 1989
N.O. No. 7701
Prepared for Willamette Factors, Inc.

A tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in the Southeast Quarter of the Southeast Southwest Quarter of the Southeast Southwest Quarter of the Southeast Quarter of Section 24, Township 3 South, Range 1 West of the Quarter of Section 24, Township 3 South, Range 1 West of the Willamette 'Meridian, City of Wilsonville, Clackamas County, Willamette 'Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as 'follows:

Beginning at a one inch iron pipe at the Northwest corner of Lot N8 of "CHARBONNEAU IX, THE VILLAGE AT WILSONVILLE", a subdivision recorded 2 November 1979 in Book 80, Page 4, Plat subdivision recorded 2 November 1979 in Book 80, Page 4, Plat subdivision recorded 2 November 1979 in Book 80, Page 4, Plat 80, 2462, Clackamas County Record of Town Plats, Said point No. 2462, Clackamas County Record of Town Plats, Said point No. 2462, Clackamas County Record of Town Plats, Said Point 1981, Plats 1991, Plats 1991, Plats 1992, Plats 1

Said tract containing 7.4961 acres.

ALSO TOGETHER WITH Lots NG, NO and N10 of said "CHARBONNEAU XI, THE VILLAGE AT WILSONVILLE", said lots containing 0.5814 acres.



PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS • SOLAR-CONSERVATION HOMES

LEONARD A. RYDELL, P.E., P.L.S. Consulting Civil Engineer - Land Surve 601 PINEHURST DRIVE, NEWBERG, OREGON 971 (503) 538-57

LEGAL DESCRIPTION - Revised Undeveloped Tract West of Mariners Village Prepared for Willamette Factors, Inc.

21 August 1989 W.O. No. 7701

A tract of land located in a portion of the George L. Curry Donation Land Claim No. 43 in the Southwest Quarter of the Southwest Quarter of Southwest Quarter of Southwest Quarter of Section 24 and the Northwest Quarter of Section 25, Township 3 South, Range 1 the Northwest Quarter of Section 25, Township 3 South, Range 1 the Northwest Quarter of Section 25, Township 3 South, Range 2 the Northwest Quarter of Section 25, Township 3 South, Range 2 the Northwest Quarter of Section 25, Township 3 South, Range 2 to 10 Wilsonville, Clackamas West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and more fully described as follows:

Deginning at a one-inch galvanized iron pipe which is North 1829.00 feet and West 4723.03 feet from a stone marked with an "x" at the Southeast corner of the George L. Curry with an "x" at the Southeast corner of the George L. Curry Donation Land Claim No. 43 located in Section 25. Township 3 South, Range 1 West of the Willamette Meridian, Clackamas South, Corner of a county.

Said track containing 0.9776 acres.

SUBJECT TO a water, sanitary sawer and storm drainage easement granted to the City of Wilsonville by Pipeline Easement recorded 2 December 1987, Fee No. 87 54107, Clackamas County Dead Records.

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS
WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS
LAND SURVEYS • SOLAR-CONSERVATION HOMES



by TICOR

SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP DECLARATION

THIS DECLARATION, to be effective upon its recording in Clackamas County, Oregon, pursuant to the provisions of the Oregon Condominium Act, is made and executed this day of November, 1990, by Willametts Factors, Inc., an Oregon Corporation ("Declarant").

Declarant intends by this Declaration to submit the property described below to the form of condominium ownership and property described below to the form of condominium ownership and use as provided by the Oregon Condominium Act. Declarant proposes to create a condominium known as the Charbonneau Village Center Condominium consisting of residential, recreational and commercial units. The use of the recreational and commercial units with Cherbonneau, defined below.

NOW, THEREFORE, Declarant hereby declares and provides as follows:

ARTICLE I

DEFINITIONS AND INTERPRETATION

- 1.1 <u>Definitions</u>. For all purposes of this Declaration each term or expression set forth below in this Article I has the meaning stated immediately after it:
- 1.1.1 Act. Oregon Condominium Act, Chapter 100.005 et seq., of the Oregon Revised Statutes, as amended to the date of the recording of this Declaration.
- 1.1.2 Association. The Charbonneau Village Center Condominium Association, an unincorporated association which is the organization of the Unit Owners, owned by Unit Owners, and subject to the Covenants used by them to manage and regulate the Condominium, as provided in the Bylaws.
- 1.1.3 Board. The Board of Directors which is the managing Board of the Association as provided by the Bylaws.
- 1.1.4 <u>Buildings</u>. The four (4) buildings presently situated on the Land and which comprise the Units as shown on the Plat.
 - DECLARATION SUBMITTING THE CHARBOHNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEG 10/19/90 90 59018

1.1.5 <u>Bylaws</u>. The bylaws, and any emendments thereto, governing the organization and operation of the Association pursuant to the Act and Section 11.4 herein.

1.1.6 Charbonneau. The residential village adjacent to the Condominium and which is subject to and further described in the Covenants.

1.1.7 Club. The Charbonneau Country Club which is a nonprofit corporation organized under the laws of the State of Oregon as further described in the Covenants.

1.1.8 General Common Elements. The general common elements and facilities of the Condominium which are more specifically defined and described in Article IV hereof and which include the Land and the Improvements (except for the Units); and which shall not be deemed "Common Areas" as defined in the Covenants.

1.1.9 Common Expenses. The expenses of administration, maintenance, repair or replacement of General Common and/or Limited Common Elements and expenses declared to be a Common Expense by (i) the Act, (ii) the Bylaws or (iii) the Association acting pursuant to the Bylaws.

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1.1.10 Common Profits. The profits, if any, derived from the Common Expenses.

1.1.11 Condominium. The Land, the Buildings, the Improvements and all easements, rights and appurtenances belonging to any of the foregoing upon the recording of this belonging to any of the foregoing upon the recording of this Declaration. The Condominium shall be known as the Charbonneau Village Center Condominium.

1.1.12 Covenants. Charbonneau Covenants, Conditions and Restrictions for Charbonneau Country Club dated April 5, 1977, and recorded on April 6, 1977, Recorder's Fee #7712613, in the deed records of Clackamas County, Oregon, and any amendments thereto.

1.1.13 <u>Declarant</u>. Willamette Factors, Inc., an Oregon corporation, its successors and assigns.

1.1.14 Excepted Tract. The Parcel labeled "Excepted Tract" on the Plat and the structures and fixtures thereon, as more specifically described in Exhibit C hereof, which Excepted Tract may become part of the Condominium under the terms described in Article XIX.

2 - DECLARATION SUBMITTING THE CHARDONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DRC 10/19/90 1.1.15 Improvements. All improvements and structures (other than the Units) now or at any time upon the Land including, but not limited to, the sidewalks, walkways, paved driveways, roads and parking areas, electric light poles and the lights thereon, underground utility lines serving the Units, all lawns, trees, plants and shrubs now or hereafter situated in or on the Land.

1.1.16 Land. The parcels of Land (not including the Units, the Variable Property or the Improvements) described in Exhibit A, attached hereto.

1.1.17 Limited Common Elements. Those common elements which are more specifically described in Article IV hereof and which are reserved for the use of a certain Unit to the exclusion of the other units; and which shall not be deemed "Common Areas" as defined in the Covenants.

period of time (whether or not in writing), a tenancy at will or tenancy at sufference or any other arrangement (whether or not in writing for any period of time entered into with either the Unit writing for any period of time entered into with either the Unit Owner or other Person) pursuant to which a Person occupies a Unit for a Fermitted Use.

1.1.19 Owners. The Persons, including the Declarant, holding the Variable Property and the Land, together with the Improvements and the Buildings thereon, in fee simple estates as of the date hereof.

1.1.20 Pergent (%) of Unit Owners. With reference to any given percentage (%), the Unit Owners of that aggregate proportionate interest.

part thereof for residential, recreational or commercial use in accordance with the design of the Unit and as approved by the Board pursuant to the provisions herein and in the Bylaws and Covenants.

1.1.22 <u>Person</u>. An individual, a corporation, a company, a voluntary association, a partnership, a trust, an unincorporated organization or a government or any agency, instrumentality or political subdivision thereof.

and signed on <u>October 31</u>, 1990 by Leonard A. Rydell, P.E., P.L.S., registered land surveyor, 601 Pineburst Drive, Newberg, Oregon 97132, consisting of seven sheets, incorporated herein and recorded nerewith, which shows the Land, the Improvements, the

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Units, the Buildings, the Variable Property, the Excepted Tract and the location, floor plan and elevation of each Unit.

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1.1.24 <u>Proportionate Interset</u>. With respect to each Unit, the percentage of interest in the undivided ownership of the General Common Elements and Limited Common Elements as set forth in Exhibit B hereof.

1.1.25 <u>Oualified Occupant</u>. A Unit Owner, or other Person who occupies a Unit pursuant to an Occupancy Arrangement, who, in either case and at the relevant time of occupancy, uses the Unit for a Permitted Use and for no other purpose.

1.1.26 <u>Termination Date</u>. The date which is seven years from the recording of the conveyance of the first Unit in the Condominium to a Person other than the Declarant.

1.1.27 Unit. A Unit (as defined in the Act) in the Condominium, more specifically described in Article III and Exhibit B hereof.

1.1.28 Unit Designation. With respect to each Unit, the number used to identify-the Unit on Exhibit B hereof, and on any amendments to Exhibit B.

1.1.29 <u>Unit Owner</u>. The owner or owners of legal title to a Unit as shown by the records of the Clackamas County Real Property Records.

"B" and "C" on the Plat and the structures and fixtures thereon; all of which may not be withdrawn from the Condominium. The Plat shows the location and dimensions of said parcals and labels them as "Nonwithdrawable, Variable Property." A metes and bounds legal description is attached at Exhibit A-1.

1.2 Liberal Construction. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of this Condominium under the provisions of the Act. The terms used herein are intended to have the same meaning given in the Act unless the context clearly requires otherwise or to so define the terms would produce an illegal or improper result.

1.3 Exhibits. The various exhibits referred to and attached are incorporated into this Declaration by this reference as though fully set forth where such reference is made.

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1.4 Miscellaneous. All terms and words used in this Declaration, regardless of the number or gender in which they are used, shall be deemed to include any other number and any other gender as the context may require. "And/or" when applied to two or more matters or things shall be construed to apply to any one or all thersof as the circumstances warrant at the time in question. "Herein," "hereof" and "hereunder," and words of similar import, shall be construed to refer to this Declaration as a whole, and not to any particular section, unless expressly so stated.

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ARTICLE II

SUBMISSION OF LAND AND PROPERTY TO THE ACT

The Owners, being the respective Owners of the Land and the Variable Property described in Exhibits A and A-1, respectively, and the Buildings and Improvements on the Land, by executing and recording this Decleration and filing herewith the Plat, submit their respective fee simple interests in the Land Plat, submit their respective fee simple interests in the Land and the Variable Property, together with the Buildings and and the Variable Property, together with the Buildings and Improvements, to the provisions of the Act; and further declare improvements, to the provisions of the Act; and further declare that said property shall be subject to the Covenants, except, that said property and Limited Common Elements of the Condominium shall not be deemed "Common Areas" as defined in the Covenants.

ARTICLE III

DESCRIPTION OF UNITS

- 3.1 <u>General Description</u>. The Unit Designations and the approximate area of each are set forth in Exhibit B attached hereto and made a part hereof. The Units comprise the Buildings as shown on the Plat, which Buildings are primarily of wood frame construction with concrete foundations.
- 3.2 Location and Unit Designation. The Condominium consists of a total of 8 Units, designated as Units #1 through #8. The Units are further described in Exhibit B and the dimensions, designations, and location of each Unit are shown on the Plat.
- 3.3 Boundaries of Units. The boundaries of each Unit are as follows:
- 3.3.1 Units #4 and #8 are bounded by the exterior finished surfaces of each Unit's perimeter doors, door frames, walls, windows, window frames, decks, roofs, roof overhangs, roof
- 5 DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM.DEC 10/19/90

support posts and foundation, as presently existing, and by all other materials constituting any part of the perimeter finished surface of each Unit.

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3.3.2 Units #1, #2, #3, #5, #6 and #7 are bounded by the same boundaries as the Units described in paragraph 3.3.1 above, except that (a) the boundaries of Units #1, #2 and #3 on the side of their respective common walls are the planes of the centers of their respective common walls extending from the centers of their respective common walls extending from the surface of each Unit's foundation; (b) the boundaries of Units #5 and #7 on the side of their respective common walls with Unit #6 and #7 on the side of their respective common walls with Unit #6 are the planes of the exterior surfaces of the common wall stude are the planes of the extending from the exterior finished surface of facing Unit #6 extending from the exterior finished surface of each Unit's roof to the plane of the bottom surface of Unit #6 are the planes suspended floor; and (c) the boundaries of Unit #6 are the planes of the interior surfaces facing Unit #6 of the respective common of the interior surfaces facing Unit #6 of the bottom surface of walls with Units #5 and #7 and the plane of the bottom surface of Unit #6's suspended floor.

3.3.3 In addition, subject to Section 3.3.4 below, each Unit shall include: (a) any permanent planter boxes adjacent to the Unit, (b) the outlet of any utility service adjacent to the Unit, (b) the outlet of any utility service lines, including but not limited to water, sewage, gas, lines, including but not limited to water, sewage, gas, lines, including but not limited to water, sewage, gas, lines, including but not limited to water sewage, gas, lines, including ducts within the Unit, and (c) the utility lines or ducts within five (5) feet of the Unit.

3.3.4 If any utility service line or duct or any outlet or portion thereof serves more than one Unit or any portion of the General or Limited Common Elements, then said line, duct and/or outlet is a part of the General Common Elements.

ARTICLE IV

GENERAL COMMON AND LIMITED COMMON ELEMENTS

4.1 <u>Description of General Common Elements</u>. The General Common Elements consist of the Improvements and the Land (other than the Units, Limited Common Elements, and Variable (other than the Units, without limitation, the following: Property) and include, without limitation, the

4.1.1 Pathways, driveways, fences, grounds and parking areas; and

4.1.2 All other elements of the Land and the Improvements existing for common use or necessary or convenient to the existence, maintenance or safety of the Condominium, except as may be expressly designated in this Declaration as a part of a Unit, Limited Common Element, or Variable Property.

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- 4.2 Description of Limited Common Elements. The Limited Common Elements consist of the portions of the Land immediately adjacent to and under the respective Units and the Improvements thereon, including but not limited to the sidewalks, restrooms, walkways and landscaping, as more particularly restrooms, walkways and landscaping, as more particularly described in the Plat. The use of each of said Limited Common described in the Plat. The Unit which is adjacent to the Limited Common Element as shown on the Plat, to the exclusion of the other Units.
- 4.3 Use of General Common and Limited Common Elements. No Person shall use the General Common and/or Limited Common Elements or any part thereof in any manner contrary to or not in accordance with this Declaration, the Bylaws or such rules and regulations pertaining thereto which from time to time may be promulgated by the Board.
- 4.4 Maintenance, Repair and Replacement by the Board. The necessary work to maintain, repair or replace the General Common Elements and all sidewalks and landscaping on the Limited Common Elements (except for non-permanent planter boxes) shall be the responsibility of the Board and shall be carried out as provided by the Bylaws. Nothing herein, however, shall be construed so as to preclude the Board from delegating any of its duties to the Club or to any other Persons.
- 4.5 Maintenance. Repair and Replacement by Unit Owners. Except as provided in Paragraph 4.4 above, all Improvements and Land which are part of the Limited Common Elements shall be maintained, repaired, replaced and kept in good order by the respective owners of the Units which have exclusive use of the respective Limited Common Elements as shown on the Plat.
- 4.6 Failure Maintain Limited Common Elements. If a Unit Owner fails to mai.cain, repair and keep in good order the Limited Common Elements appurtenant to that owner's Unit pursuant to Section 4.5 above, the Board, after reasonable notice, may do so as provided in the Bylawe.
- 4.7 Allocation of Undivided Interest in the General Common and Limited Common Elements. Each Unit will be entitled to an undivided ownership interest in the General Common and the Limited Common Elements as provided in the attached Exhibit B. The Proportionate Interests have been determined by the Owners based on the Owners' estimate of each Unit's use of the General Common and Limited Common Elements and other equitable considerations as of this date and are set forth in Exhibit B.
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ARTICLE V

USE AND MAINTENANCE OF UNITS

- 9.1 Use of Units. A Unit may be owned by one or more Persons in any form of ownership. No Unit shall be used or occupied for any purpose other than the Permitted use by one or more Qualified Occupants and agents, independent contractors and more Qualified Occupants. No commercial Unit may be omnowed of such Qualified Occupants. more Qualified Occupants and agents, independent contractors and employees of such Qualified Occupants. No commercial Unit may be used for any use which in the reasonable opinion of the Board is incompatible with Charbonneau and/or inconsistent with incompatible with Charbonneau and/or inconsistent with maintaining the general character of a first class retail and general commercial condominium in the quality of its maintenance. maintaining the general character of a first class retail and general commercial condominium in the quality of its maintenance, use and occupancy; provided that general office/retail use shall be deemed a Permitted Use. No recreational Unit may be used for any use which in the reasonable opinion of the Board is any use which in the general purpose of providing recreation for incorpagation with the general purpose of providing recreation for any use which in the reasonable opinion of the Board is incompatible with the general purpose of providing recreation for the residents of the Condominium and/or Charbonneau. In addition to the foregoing, the use of each Unit shall be limited in accordance with the Bylaws and the Covenants.
- Notwithstanding the provisions in Section 5.1 above, no Unit may be used for food and/or beverage service (alcoholic and/or non-alcoholic) which directly and materially competes with any other Unit's food and/or beverage service, unless such competing use is Unit's food and/or baverage service, unless such competing use is expressly approved in writing by the Board and by the owner(s) of expressly approved in writing by the Board and by the owner(s) of the affected Unit(s); except that the use of Units #1, #5 and #8 the affected Unit(s); except that the use of Units Section:
 - 5.2.1 Unit #1: sale of products usually sold in a convenience food market;
 - 5.2.2 Unit #5: private club food and bar service for Club members and guests only;
 - 5.2.3 Unit #8: "Class A" full service restaurant and bar for the public.

The restriction described in this Section 5.2 shall automatically terminate on January 31, 2003.

- 5.3 Maintenance of Units. Each Unit Owner shall be obligated to maintain and keep in good order and repair his/her own Unit, including, but not limited to the structural integrity of his/her unit. of his/her Unit, in accordance with the Bylaws and the Covenants.
 - DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM.DEC 10/19/90



ARTICLE VI

B. . .

DECLARANT'S RESERVED RIGHTS TO CONSTRUCT AND DEVELOP THE VARIABLE PROPERTY

- 6.1 Reservation of Rights to Variable Property. The Declarant hereby expressly reserves the right, power and exclusive easement under the Act (ORS 100.150(1)) to develop and construct on the Variable Property on or before the Termination construct on the Variable Property on Or Variable Property "A", "B" Date, a maximum of five (5) Units on Variable Property "A", "B" and/or "C" (creating a maximum of thirteen (13) Units for the Condominium), as follows:
- 6.1.1 Prior to the development of Variable Property "B," the Declarant shall obtain the written consent of the owner of Unit #5;
- 6.1.2 Development of the Variable Property must comply with the City of Wilsonville's zoning regulations as amended, including but not limited to parking space requirements; and
- 6.1.3 Declarant, its successors or assigns, may create no more than three (3) Units on Variable Property "A"; no more than one (1) Unit on Variable Property "B" and no more than one (1) Unit on Variable Property "C".
- 6.1.4 The Units on the Variable Property shall be for residential, recreational, or commercial use and shall be subject to the restrictions herein. Notwithstanding anything to the contrary in this Declaration, Declarant's original the contrary in the Variable Property shall not be subject to any construction on the Variable Property shall not be subject to any approvals by the Board and/or Association and Declarant, in its approvals by the Board and/or Association and Bylaws, sole discretion, may, in the supplemental Declaration and Bylaws, allocate voting rights for the new Units to be less than an aggregate of one vote per Unit. 6.1.4 The Units on the Variable Property shall be
- 6.2 Reservation of Rights to General Common and Limited Common Elements. In addition to all other rights of Declarant hersunder, Declarant reserves unto itself, its agents, Declarant hersunder, Declarant reserves unto itself, its agents, servants, employees, independent contractors, workmen, work crews, successors, and assigns the right and easement to use, occupy, and alter the General Common Elements and the Limited Common Elements for all purposes necessary in order to construct the Condominium Units on the Variable Property and the General Common and Limited Common Elements and facilities therefor including but not limited to the creation of additional permanent parking areas in the General Common Elements and the right to grant easements across said General Common and Limited Common grant easements to others to use any roadways and paths for vehicular easements to others to use any roadways and paths for vehicular easements to others to use any roadways and paths for vehicular and pedestrian traffic.
- DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90

Without limiting the generality of the foregoing and in furtherance thereof, the Declarant reserves unto itself, its agents, servants, employees, independent contractors, workmen, agents, servants, employees, independent contractors, workmen, in full force and effect until the last of the Units, including in full force and effect until the last of the Units, including in full force and effect until the last of the Units, including in full force and effect until the last of the Units, including in full force and effect until the last of the Units, including in full force and effect until the last of the Units in the right of any Units constructed in the successors or assigns: the right of access, ingress, and egress, including that deemed by the access, ingress, and egress, including that deemed by the access, ingress, and egress, including that deemed by the access, ingress, and egress, including that deemed by the access, ingress, and eccessors or assigns: the right of construction, improvement, and other work in progress or contemplated by Declarant, over and other work in progress or contemplated by Declarant, over and other work and install all utilities, utility lines, poles, construct, and install all utilities, utility lines, poles, construct, and install all utilities, utility lines, poles, construct, and install all utilities, utility lines, poles, constructs, and similar facilities to serve any or all of the General Common and Limited Common Elements and the General Common and Limited Common or all of the Units and the General Common and Limited Common Elements; to store construction materials, equipment, and supplies on the General Common and Limited Common Elements; to store construction materials, equipment, and time during any day) the use by Unit Owners of General Common and time during any day) the use by Unit Owners of General Common and Elements, but only during working periods, provided the same do Elements, but only during working periods, provided the same do Elements, but only during worki

6.3 Assignment of Declarant's Rights. The Declarant, by deed or separate assignment, shall be entitled to sell, convey, transfer and/or assign any and all of its rights and

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reserved rights hereunder and in the Bylaws at any time, and from time to time, to any Person, trust, firm, or entity as may be determined by Declarant.

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- Elements After Development. The minimum Proportionate Interest upon completion of the development of all Units on the Variable Property is provided in Exhibit B. Upon the creation of additional Units, the Proportionate Interests shall be determined additional Units, the Proportionate Interests shall be determined by the Declarant based on the Declarant's estimate of the use of the General Common and Limited Common Elements by each Unit, the General Common and Limited Common Elements by each Unit, including the newly created Units, as of the date each supplemental declaration is recorded to reclassify all or a portion of the Variable Property.
- 6.5 Reglassification. Declarant may reclassify all or a portion of the Variable Property as one or more Units and/or Limited Common Elements and/or General Common Elements or a combination of the aforesaid. The Limited Common and/or General Common Elements which Declarant may create shall be consistent with the type of Limited Common and General Common Elements presently existing.
- 6.6 Prior to Reclassification. Until the Variable property is reclassified as provided above:
- 6.6.1 The Variable Property shall be a distinct classification of property and shall not be a General Common Element, Limited Common Element or Unit of the Condominium;
- 6.6.2 The Variable Property shall be considered a parcel of real property subject to separate assessment and taxation by Clackamas County, Oregon in like manner as other parcels of real property;
- 6.6.3 Declarant, its successors, or assigns, shall be responsible for payment of all assessments, taxes and other expenses of the Variable Property;
- 6.6.4 Ownership or occupancy of Variable Property shall not confer any right to use the General Common and Limited Common Elements of the Condominium except as provided herein;
- 6.6.5 Ownership or occupancy of a Unit shall not confer any right to use the Variable Property;
- 6.6.6 The Variable Property shall not be subject to assessments for Common Expenses of the Condominium;
- 5.6.7 The Declarant expressly reserves the right to grant and/or establish any type of easement, including but not
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limited to utility easements, over the Variable Property that the Declarant deems necessary.

- 6.7 <u>Undeveloped Variable Property</u>. If by the Termination Date there is any remaining Variable Property:
- 6.7.1 The Variable Property shall become part of the General Common Elements and any interest in the Variable Property held for security purposes shall be automatically extinguished by such reclassification; and
- 6.7.2 It is expressly prohibited by this Declaration, notwithstanding the Termination Date, for the Association to exercise any rights previously held by the Declarant with respect to any Variable Property automatically Declarant with respect to any Variable Property automatically reclassified.

ARTICLE VII

COMMON PROFITS AND EXPENSES: VOTING

- 7.1 Allocation of Common Profits and Expenses. The Common Profits derived from and the Common Expenses of the General Common and Limited Common Elements shall be distributed and charged each Unit Owner according to the Proportionate and charged each Unit as set out in Exhibit B, except as provided interest of such Unit as set out in Exhibit B, except as provided in Section 6.9 of the Eylaws.
- 7.2 Allocation of Voting Rights. Each Unit Owner shall be entitled to an aggregate of one vote per Unit for each Unit owned for the purposes of this Declaration and the Bylaws. The method of voting shall be as specified by the Bylaws.

ARTICLE VIII

SERVICE OF PROCESS

The name of the person to receive service of process in cases provided in the Act (ORS 100.550(1)) is Robert Foote, President, Willamette Factors, Inc., located at Unit #3, Charbonneau Village Center Condominium, 31840 Charbonneau Drive, Wilsonville, Oregon 97070. Said person is named in the Wilsonville, Oregon 97070. Said person is named in the Condominium Information Report which has been filed with the Sacretary of State in accordance with ORS 100.250(1)(a).

ARTICLE IX

EASEMENTS AND ENCROACHMENTS

- through each other Unit and the General Common and Limited Common Elements for the purpose of building, constructing and
- 12 DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90

maintaining underground or concealed electric and telephone lines, gas, water, sewer, storm drainage lines, radio and television antennae and cables, and other utilities and services now or thereafter commonly supplied by public utilities or new or thereafter commonly supplied by public utilities or municipal corporations as required to effectuate and continue municipal corporation of the Units and/or the Condominium. The proper operation or reservation of any easement in this specific mention or reservation of any easement in this Declaration does not limit or negate the general easements for General Common and Limited Common Elements reserved by the Act. In addition, each Unit is subject to mutual and reciprocal easements over and across all sidewalks and other walkways in the basements over and across all sidewalks and other walkways in the Limited Common Areas for the purpose of traveling by foot, by bike, cart or other conveyance as appropriate.

- 9.2 Encroachments. Each Unit and all General Common and Limited Common Elements shall have an easement over all adjoining Units and General Common and Limited Common Elements for the purpose of accommodating any present or future encroachment as a result of engineering errors, construction, encroachment as a result of engineering errors, or movement of any reconstruction, repairs, settlement, shifting, or movement of any portion of the Land, Improvements and/or Units, or any other similar cause, and any encroachment due to building overhang or similar cause, and any encroachment due to building overhang or projection. There shall be valid easements for the maintenance projection. There shall be valid easements for the maintenance of the encroachment units and General Common and Limited Common of the encroachment shall exist, and the rights and obligations of Unit Owners shall not be altered in any way by and obligations of Unit Owners shall not be altered in this Section shall not be construed to be encumbrances affecting the marketability of title to any Unit.
- Association, upon prior approval of 75 percent of the voting power of the Unit Owners and pursuant to the Act (ORS 100.405(5)), may execute, acknowledge, deliver and record on behalf of the Unit Owners, leases, easements, rights of way behalf of the Unit Owners, leases, easements, rights of way behalf of the Unit owners, leases, easements and licenses, and similar interests affecting the General Common licenses, and, if approved by the Unit Owner(s) with exclusive Elements and, if approved by the Unit Owner(s) with exclusive use, the Limited Common Elements, and consent to vacation of roadways within and adjacent to the Condominium. Any such instrument shall be executed by the chairman and secretary of the
- 9.4 Right of Entry. A Unit Owner shall grant the right of entry to the Board, managing agent, manager or any other Person anthorized by the Board in the case of any emergency originating in or threatening his/her Unit or other Condominium property, whether or not the Owner is present at the time. A Unit Owner shall also permit such Persons to enter his/ner Unit Unit Owner shall also permit such Persons to enter his/ner Unit for the purpose of performing installations, alterations or repairs to any General Common and/or Limited Common Element and
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for the purpose of inspection to verify that the Unit Owner is complying with the restrictions and requirements described in this Declaration and the Bylaws, provided that requests for entry are made in advance and that such entry is at a time convenient to the Unit Owner.

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- 9.5 Essements for Declarant. Declarant and Declarant's agents, successors and assigns shall have an easement over and upon the General Common and Limited Common Elements for the purpose of completing or making repairs to existing structures and carrying out sales and rental activities necessary or convenient for the sale or rental of Units.
- 9.6 Easement for the Club. Notwithstanding Section 9.7.1 below, the Owners hereby grant an easement to the Club over and across the Condominium for the purpose of ingress and egress which the Club deems necessary to perform its duties as set forth in the Covenants.
- 9.7 Termination of Prior Easements. In consideration of the agreements herein, the Owners hereby terminate as of this date the following easements affecting the Land:
- 9.7.1 The reservation in the deed recorded November 28, 1979, Fee No. 7952749; said reservation being described as follows:

Reserving unto Charbonnaau Country Club, its officers, employees, subcontractors or agents the right of ingress and egress in, under or upon any portion of the said Lot, or any improvements thereon, which the Club deems Lot, or any improvements thereon, which the Club deems necessary to perform the acts and duties set forth in the Declaration recorded the 6th Day of April, 1977, under Fee Declaration, and all future amendments thereto, if any.

- 9.7.2 All provisions in certain respective unrecorded Easement and Common Area Agreements by and between Declarant as Grantor and:
 - a. Charbonneau Village Center, Inc., an Oregon corporation, as Grantee, dated June 28, 1989, affecting Units #1, #2 and #3; and
 - b. Charbonneau Country Club Association, an Oregon non-profit corporation, as Grantee, dated July 5, 1989, affecting Units #4 and #5.

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ARTICLE X

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MORTGAGEE PROTECTION

- 10.1 Consent Required. In addition to any other approvals required by the Act, this Declaration, the Covenants or the Bylaws, the prior approval of mortgages holding first mortgages on Units which have at least sixty-seven percent (67%) of the votes of said mortgaged Units, must be obtained for the following: following:
- 10.1.1 Abandonment or termination of the Condominium regime;
- 10.1.2 Except as provided in Article XIII, any change in the Proportionate Interest or obligations of any individual Unit for (a) purpose of levying assessments or charges or allocating distributions of hazard insurance proceeds or or allocating awards, or (b) determining the Proportionate condemnation awards, or (b) determining the Proportionate Interest of ownership of each Unit in the General Common and Limited Common Elements;
- 10.1.3 Abandonment, partition, subdivision, encumbrance, sale or transfer of the General Common and/or Limited Common Elements. The granting of easements for public utilities or for public purposes consistent with the intended use of the General Common Elements by the Condominium shall not be deemed a transfer within the meaning of this Section;
- 10.1.4 Use of hazard insurance proceeds for losses to the Condominium, whether to Units or to General Common or Limited Common Elements, for other than the repair, replacement or reconstruction of the Condominium, except as replacement or reconstruction of substantial loss to the Units provided by the Act in cases of substantial loss to the Units and/or General Common and/or Limited Common Elements of the Condominium. Condominium.
- 10.1.5 Imposition of any right of first refusal or similar restriction on the right of a Unit Owner to sell, transfer, or otherwise convey such Owner's Unit;
- identifying the name and address of the mortgages and the Unit number, any mortgages shall be entitled to receive written notice of all meetings of the Association and shall be permitted to designate a representative to attend all such meetings.
- 10.3 Deemed Approval by Mortgagees. Any mortgagee who receives a written request to approve an amendment to the Declaration or Bylaws or any other action to be taken by the
- 15 DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90

Board, Association, or Unit Owners, shall be deamed to have given such approval unless such mortgagee's written objection to such such as a delivered to the Association within the delivered to the Association within the same terms. action is delivered to the Association within thirty (30) days after the date of the written request.

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ARTICLE XI

ASSOCIATION OF UNIT OWNERS

- 11.1 Organization. Upon the recording of this Declaration, an Association of Unit Owners shall be organized to serve as a means through which the Unit Owners may take action with regard to the administration, management, and operation of the Condominium. The name of this Association shall be the Condominium. The name of this Association shall be the Village Center Condominium Association. The Association shall be unincorporated association. However, upon approval of an unincorporated association. However, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Association seventy-five percent (75%) of the Unit Owners, the Owners, the Owners, the Owners of - owners of each Unit shall be entitled to an aggregate of one membership per Unit in the Association. The affairs of the Association shall be governed by the Board as provided by the
- Association shall have such powers and duties as may be granted to it by the Act, together with such additional powers and duties at afforded it by this Declaration and/or the Bylaws. Notwith-afforded it by this Declaration and/or the Bylaws. Notwithstanding anything to the contrary herein, the Board can hire standing anything to the contrary herein, the Board and for managers and/or other agents ("Manager") who shall be responsible for the implementation of the decisions of the Board and for conducting the ordinary and usual business affairs of the conducting the ordinary and usual business affairs of the Association. The Manager shall at all times be subject to the Association of the Board and shall keep the Board informed as to all matters of concern to the Board. all matters of concern to the Board.
- 11.4 Adoption of Bylaws, Appointments of Interim
 Board, and Designation of Manager. Recorded simultaneously
 herewith are Bylaws adopted by the Owners. As of this date,
 herewith are Bylaws adopted by the Owners as an interim Board of
 Declarant will appoint three Directors as an interim Board of
 Directors of the Association, which Directors shall serve until
 their successors have been elected as provided in the Bylaws Directors of the Association, which Directors shall serve until their successors have been elected as provided in the Bylaws. Such interim Board of Directors may appoint a manager or managing agent for the Condominium on behalf of the Association, and such manager or managing agent shall have complete authority to assume full control and responsibility for the management, operation and full control and responsibility for the management, operation maintenance of the Condominium at the expense of the Association from the date of its formation until a successor is appointed by the Board of Directors.
 - 16 DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90

ARTICLE XII

RELOCATION OF BOUNDARIES

- 12.1 Amendment of Declaration. The boundaries between adjoining Units, including any intervening General Common or Limited Common Elements, may be relocated or eliminated by an amendment to this Declaration. The owners of the affected units aball submit to the Roard B proposed amendment which shall amendment to this Declaration. The owners of the affected units shall submit to the Board a proposed amendment which shall identify the Units involved, state any reallocations of General Common and/or Limited Common Element interest, voting rights, Common Expense liability and right to Common Profits and contain words of conveyance. The Board shall approve the amendment unless it determines within 45 days that reallocations are unreasonable or the relocation or elimination will impair the structural integrity or mechanical systems of the Condominium.
- amendment shall be executed by the owners and mortgagess of the affected Units, certified by the chairman and secretary of the Association, approved as required by the Act and recorded in the appropriats records of Clackamas County, Oregon. In addition, appropriats records of clackamas County, Oregon. In addition, plat and floor plans necessary to show the altered boundaries plat and floor plans necessary to show the altered boundaries between the adjoining Units and/or General Common and/or Limited Common Elements shall be recorded as required by the Act.
- owners of the affasted Units to submit an opinion of a registered architect or registered professional engineer that the proposed boundary relocation or elimination will not impair the structural boundary relocation systems of any Unit or of any portion of integrity or mechanical systems of any Unit or of any portion of the Condominium. The Board or any agent appointed by the Board may supervise the work necessary to effect the boundary relocation or elimination. Any expenses incurred under this section shall be charged to the owners of the Units requesting the boundary relocation or elimination. the boundary relocation or elimination.

ARTICLE XIII

AMENDMENT

- provided herein or by the Act, this Declaration may be amended if such amendment is approved by Unit Owners holding seventy-five percent (75%) of the voting rights of the Condominium. Declarant's prior written consent shall also be required so long as Declarant owns twenty percent (20%) or more of the Units in the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium, but no such consent shall be required after five the Condominium.
- 17 DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90

change the Permitted Use of any Unit; or (4) change the voting rights of any Unit unless such amendment has been approved by the owners and mortgagees of the affected Unit. Article X may not be amended without the written consent of all holders of first amended without in the Condominium.

13.2 Recordation. The amendment shall be effective upon recordation of the Declaration as amended or of the amendment thereto, in the head Records of Clackamas County. Oregon, certified to by the chairman and secretary of the Oregon, certified to by the chairman and secretary of the Association and, if required by law, approved by the Clackamas County Assessor and Oregon's Real Estate Commissioner.

13.3 Paclarant Amendment. The Declarant may amend this Declaration or the Bylaws in order to comply with requirements of the Federal Housing Administration, the Veteran's Administration, the Farmer's Home Administration of the United Administration, the Farmer's Home Administration of the Government States, the Federal National Mortgage Association, the Federal Home Mortgage Loan National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon or any corporation of the United States or the State of Oregon which insures, guarantees or provides financing State of Oregon which insures, guarantees or provides financing or condominium units. Such power of amendment may be exercised only prior to the Termination Date.

ARTICLE XIV

SEVERABILITY: INVALIDITY

Bach provision of this Declaration and the Bylaws shall Each provision of this Declaration and the Bylaws shall be deemed independent and severable, and the validity or partial invalidity of any provision shall not affect the validity or enforceability of the remaining part of that or any other provision of this Declaration or the Bylaws.

ARTICLE XV

WAIVER

No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches that may occur.

ARTICLE XVI

CAPTIONS

The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit, or

SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90 18 - DECLARATION



describe the scope of this Declaration nor the intent of any provision hereof.

ARTICLE XVII

CONFLICTS

This Declaration is set forth to comply with the requirements of the Act in effect upon the date of execution of this Declaration and any future amendments thereto that are specifically made retroactive in application. In case any specifically made retroactive in application are in conflict with provisions stated within this Declaration are in conflict with the provisions of the Act, the provisions of the Act shall control. control.

ARTICLE XVIII

ARBITRATION

Any dispute or claim that arises out of or that relates to the Declaration, Bylaws and/or Plat, or to the breach thereof, shall be resolved by arbitration in accordance with the rules of the Arbitration Service of Portland, Inc., that are in effect at the Arbitration is initiated, and judgment upon the award that time arbitration is initiated, and judgment upon the award rendered pursuant to such arbitration may be entered in any court rendered pursuant to such arbitration where shall be bound by having jurisdiction thereof. All Unit Owners shall be bound by the decision of the arbitrators.

ARTICLE XIX

ADDITION OF EXCEPTED TRACT

- 19.1 Notwithstanding anything to the contrary herein, the Owners agree that they are hereby pre-approving the inclusion of the Excepted Tract in the Condominium under the following
- 19.2.1 The Excepted Tract must substantially meet ferms: the specifications described in Exhibit C at the time the Excepted Tract is submitted to Condominium ownership.
- 19.2.2 Upon its submission to Condominium ownership, the Excepted Tract's Proportionate Interest shall be determined by the Board based on the Board's estimate of the then current use of the General Common and Limited Common Elements by the Excepted Tract,
- 19.2.3 The Owner(s) of the Excepted Tract must have paid any and all amounts due the Association from the date hereof to the date the Excepted Tract is submitted to Condominium ownership; provided, however, that all amounts due the Association for such period for Common Expenses benefiting the
- 19 DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90

Excepted Tract shall not exceed the equivalent of an eight percent (8%) proportionate share of the Common Expenses; and any amounts for Common Expenses which the Owner(s) of the Excepted Tract pays to the Association from the date hereof for Common Expenses shall be applied against said amount due for Common Expenses shall be applied against said amount due

19.2.4 The Owner of the Excepted Tract must, at that Owner's sole cost and expense, prepare the supplemental Condominium documents as required by the Act, pay all fees, and submit said documents for approval to the Board as to compliance with the terms in this Declaration and the Act.

19.2.5 This pre-approval shall automatically terminate on the Termination Date; from and after said Termination Date, the Excepted Tract shall only be admitted to the Condemination by a supplemental declaration approved by 100% the Condominium by a supplemental declaration approved by 100% of the Unit Owners.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed this day of November 1990.

"DECLARANT"

WILLAMETTE FACTORS, INC., an Oregon

corporation

By: Rolled A Fresident

"OWNERS"

CHARBONNEAU COUNTRY CLUB, an Oregon non-profit corporation

CHARBONNEAU VILLAGE CENTER, INC., an Oregon corporation

bulter & tuneder Walter E. Attridge president

Robert L. President

yelau Secretary

WILLAMETTE FACTORS, INC., an Oregon and profit corporation

Robert L. Foote President

20 - DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM. DEC 10/19/90

STATE OF OREGON On this day of November, 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did that he is the President of Willamette Factors, Inc., an say that he is the President of Willamette Factors, Inc., an Oragon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed. County of Claham

Notary Public for State Decans My Commission expires: 425-9

My Commission Expires
STATE OF OREGON

DEBBIE E. ALEXANDER NOTARY PUBLIC OREGON

On this / day of Norembo, 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the President of Charbonneau Village Center, Inc., an Oregon corporation, and that the foregoing instrument was an Oregon corporation, and that the foregoing and acknowledged signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

88.

DEBBIE E. ALEXANDER NOTARY PUBLIC OREGON My Commission Expires ___

STATE OF OREGON

Notary Public for STATE DEFORM My Commission expires:

On this day of Monument, 1990, personally appeared the above-named Walter E. Attridge, who, being first duly sworn, did say that he is the President of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

DEBUIE E. ALEXANDER NOTARY PUBLIC OREGON Commission Fraises

Notary Public for Smit Octobal My Commission expires:_

THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90 21 - DECLARATION SUBMITTING

STATE OF OREGON

County of Calcon

On this / A day of Noundle). 1990, personally appeared the above-named Nancy Clare Ralston, who, being first duly sworn, did say that she is the Secretary of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

88.

DEBBIE E. ALEXANDER NOTARY PUBLIC GREGON My Conunission Expires.

Notary Public for Smrs Assaulty Commission expires: 4-25-94

DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM.DEC 10/19/90

The foregoing Declaration is approved pursuant to the Act (ORS 100.110) this 20 day of Margaber, 1990.

ASSESSOR FOR CLACKAMAS COUNTY

By: Carol Maies

The foregoing Declaration is approved pursuant to the Act (ORS 100.110) this 6th day of November 1990.

MORELLA LARSEN KEAL ESTATE COMMISSIONER

By: Stay F. Mayfield

23 - DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP WILLAM, DEC 10/19/90

EXHIBIT A

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

A tract of land located in a portion of the George L. Curry D.L.C. No. 43 in the south one-half of the southwest one-quarter of Section 24 and the north one-half of the northwest one-quarter of Section 25. Township 3 South, Range 1 West of the W.M., Clackamas County, Oregon and more fully described as follows:

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EXCEPT a tract of land described in Bargain and Sale Deed by Willamette Factors, Inc. to Mariners Village Apartments, Inc. and George Marshall, a joint venture recorded September 15, 1978, Fee No. 78 39924, Clackamas County Deed Records, and more fully described as follows:

Beginning at a point North 2124.61 feet and West 3977.11 feet from the southeast corner of the George L. Curry D.L.C. No. 43 in Section 25, Township 3 South, Range 1 West of the W.H., Clackamas County, Oregon; thence North 1° 39' 16" East 77.73 feet; thence South 88° 26' 44" East 107.00 feet; thence South 1° 39' 16" West feet; thence South 88° 26' 44" West 107.00 feet to the point of beginning.

Page 2 of 4

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Variable Property A, as labeled on the Plat, and further described as Follows: Also excepting therefrom:

A tract of land located in the George L. Curry b. L. C. No. 43, in Section 24 and Section 25, Township 3 South, Range 1 West of the W. H., Clackamas County, Oregon, described as follows:

Meginning at an angle point of a tract of land (Charbonneau Golf Course) described in Hortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971, Fee No. 19507, said point being also North 1811.00 feet and West 3902.03 feet from a stone marked with an "X" at the southeast corner of the Range L Curry D. L. C. No. 43, in Section 25, Township 3 South, George L. Curry D. L. C. No. 43, in Section 25, Township 3 South, George L West, of the W. M., Clackamas County, Oregon; thence along Range 1 West, of the W. M., Clackamas County, Oregon; thence along the southerly boundary of said Charbonneau Golf Course, North 86° North 25° 18° West 135.48 feet to the true point of beginning of the parcel herein being described; thence North 02° 07' 26° East 164.92 parcel herein being described; thence North 02° 07' 26° East 164.92 parcel herein being described; thence North 89° 57' 40° West 15.22 Feet; feet; thence North 88° 20' 44° West 54.98 feet; thence North 87° 51' 55° 37' 40° West 36.65 feet; thence North 89° 57' 40° West 15.22 Feet; thence South 02° 15' 46° West 91.80 feet; thence North 87° 51' 55° 15' 56° 56et to a point in the easterly line of Farcel II West 156.65 feet to a point in the easterly line of Farcel II described in Bargain and Sale Deed to Mariner-Marshall, a joint Venture, recorded April 29, 1987, Fee No. 87 18831, Clackamas venture, recorded April 29, 1987, Fee No. 87 18831, Clackamas County Records; thence along said Mariner-Marshall easterly line County Records; thence along said Mariner-Marshall easterly line County Records; thence along said Chartonneau Solth 02° 10' 50° West 86.16 feet to an angle corner in said Solth 02° 10' 50° West 86.16 feet to an angle corner in said Chartonneau Golf Course boundary; thence along said Chartonneau Golf Course boundary; South 02 10 30 West 60.10 reet to an angle corner in said Charbonneau Charbonneau Golf Course boundary; thence along said Charbonneau Golf Course boundary South 86° 02° 59° East 256.45 feet to the true

Variable Property B, as labeled on the Plat, and further described point of beginning.

A tract of land in the George L. Curry D. L. C. No. 43, in the southwest one-quarter of Section 24 and the northwest one-quarter of Section 25, Township 3 South, Range 1 West, of the W. M., . Clackamas County, Oregon, described as follows: as follows:

Beginning at the southeast foundation corner of the Charbonneau Community Buiding, said corner being North 2001.41 feet and West 2001.81 get from the southeast corner of the George L. Curry D. L. 3808.99 feet from the southeast corner of the George L. Curry D. L. 3808.99 feet from the southeast corner of the West, of the W. C. No. 43. in Section 25, Township 3 South, Range I West, of the W. M., Clackamas County, Oregon; thence North 1° 39' 16" East along M., Clackamas County, Oregon; thence North 108.30 feet to the cast foundation line of said building; thence South 80° 20' 44" East northeast corner of said building; thence South 80° 20' 44" thence North 70.00 feet; thence South 81° 39' 16" West 108.33 feet; thence North 70.00 feet; thence South 81° 20' 44" West 70.00 feet to the point of beginning.

Page 3 of 4

Variable Property C. as labeled on the Plat, and further described as follows:

A tract of land in the Southwest Quarter of Section 24, in the George L. Curry, D. L. C. No. 43, Township 3 South, Range 1 West of the W.M.:

In the George L. Chiffy, D. L. C. No. 43, Township 3 South, Range I West of the W.M.:

Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron pipe set G-inches below the surface of the galvanized iron pipe set G-inches below the surface of the Galvanized iron pipe set G-inches below the surface of the Condominium, created by Declaration recorded 28 June 1984, Book Condominium, created by Declaration recorded 28 June 1984, Book Good 17, Fee No. 64 22077, Clackamas County Plat Records, acid iron pipe bears North 2469.00 feet and West 3684.03 feet said iron pipe bears North 2469.00 feet and West 3684.03 feet from the southeast corner of said Curry D. L. C., said point also being the true point of beginning of the trace described in Mortgage to Benj. Franklin Federal Savings and Loan Association Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971, Fee No. 71 19507, of Portland, recorded August 12, 1971, Fee No. 71 19507, of Portland, recorded August 12, 1971, Fee No. 71 19507, of Clackamas Country Records, said iron pipe also being the point of Deginning of the parcel Association and Sale Deed to Deginning of the parcel described in Bargain and Sale Deed to Charbonneau Country Club parcel South 89 50 44 West of Said Charbonneau Country Club parcel South 89 50 44 West 10.15 feet; thence along the westerly line of said dorner thereof; thence along the westerly line of said charbonneau Country Club parcel south 01 39 16 West 16.02 feet Charbonneau Country Club parcel westerly line South 01 1 16 West 105.25 feet; thence Continuing along said westerly line South 01 1 16 West 105.25 feet; thence Continuing along said westerly line South 01 1 16 West 105.25 feet; thence Continuing along said westerly line South 01 1 16 West 105.05 feet; thence South 88 20 44 East 10.15 feet; thence North 83 20 44 West 67.65 feet; thence North 88 20 44 East 10.15 feet; thence North 01 39 16 East 88.75 feet thence South 88 20 44 East 10.15 feet; thence North 01 39 1 beginning.

page 4 of 4

EXHIBIT A-1 LEGAL DESCRIPTION OF VARIABLE PROPERTY

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l:

Variable Property A, as labeled on the Plat, and Eurther described

A tract of land located in the George L. Curry D. L. C. No. 43, in Section 24 and Section 25, Township 3 South, Range 1 West of the W. M., Clackamas County, Oregon, described as follows:

Beginning at an angle point of a tract of land (Charbonneau Golf Course) described in Mortgage to Benj. Franklin Federal Savings and Loan Association of Portland, recorded August 12, 1971, fee No. Loan Association of Portland, recorded August 12, 1971, fee No. 19507, said point being also North 1811.00 feet and West 3902.03 to the feet from a stone marked with an "X" at the southeast corner of the George L. Curry D. L. C. No. 43, in Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon; thence along Range 1 West, of the W. M., Clackamas County, Oregon; thence along the southerly boundary of said Charbonneau Golf Course, North 86" 20" 59" West 135.48 feet to the true point of beginning of the parcel herein being described; thence North 02° 07' 26" East 164.92 parcel herein being described; thence North 89° 57' 40" West 15.22 feet; feet; thence North 88° 20' 44" West 54.98 feet; thence North 50° 15' 37' 40" West 36.65 feet; thence North 89° 57' 40" West 15.22 feet; thence South 02° 15' 46" West 91.80 feet; thence North 87° 51' 55" 37' 40" West 36.65 feet; thence North 89° 57' 40" West 15.05 feet; thence South 02° 15' 46" West 91.80 feet; thence North 87° 51' 55" 37' 40" West 36.65 feet to a point in the easterly line of Parcel II west 156.65 feet to a point in the easterly line of Parcel II venture, recorded April 29, 1987, Fee No. 87 18831, Clackamas venture, recorded April 29, 1987, Fee No. 87 18831, Clackamas County Records; thence along said Mariner-Marshall easterly line County Records; thence along said Mariner-Marshall easterly line Charbonneau Colf Course boundary; thence along said Charbonneau Charbonneau Golf Course boundary; thence along said Charbonneau Charbonneau Golf Course boundary; 59" East 256.45 feet to the true point of beginning.

variable Property B, as labeled on the Plat, and further described point of beginning.

A tract of land in the George L. Curry D. L. C. No. 43, in the southwest one-quarter of Section 24 and the northwest one-quarter of Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon, described as follows: as Follows:

Beginning at the southeast foundation corner of the Charbonneau Beginning at the southeast foundation corner of the Charbonneau Community Buiding, said corner being North 2001.41 feet and West Community Buiding, said corner being North 2001.41 feet and West Office of the Southeast corner of the George L. Curry O. L. 3808.99 feet from the southeast corner of the George L. Curry O. L. C. No. 43, in Section 25, Township 3 South, Range 1 West, of the W. M., Clackamas County, Oregon: thence North 1° 39' 16" East along the east foundation line of said building 108.30 feet to the northeast corner of said building; thence South 88° 20' 44" East 70.00 feet; thence South 01° 39' 16" West 108.33 feet; thence North 76.00 feet; thence South 01° 39' 16" West 108.33 feet; thence North 88° 20' 44" West 70.00 feet to the point of beginning.

page 1 of 2

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Variable Property C, as labeled on the Plat, and further described as follows:

A tract of land in the Southwest Quarter of Section 24, in the George L. Curry, D. L. C. No. 43, Township 3 South, Range 1 West of the W.M.:

Nest of the W.M.:

Beginning at a one inch iron pipe set inside a 2-inch by 36-inch galvanized iron nipe set 6-inches below the surface of the ground, said point being the Initial Point of "Fairway Village ground, said point being the Initial Point of "Fairway Village Condominium," created by Declaration recorded 28 June 1984, Book Condominium," created by Declaration recorded 28 June 1984, Book Condominium, created by Declaration recorded 28 June 1984, Book Condominium, created by Declaration recorded 28 June 1984, Book Condominium, created by Said Iron pipe bears North 2469.00 feet and West 3684.03 feet said iron pipe bears North 2469.00 feet and West 3684.03 feet from the southeast corner of said Curry D. L. C., said point also from the southeast corner of said Charbonneau Country Records, said iron pipe also being the point of Clackamas Country Records, said iron pipe also being the point of Charbonneau Country Club recorded March 28, 1980, Fee No. 80.

Charbonneau Country Club recorded March 28, 1980, Fee No. 80.

Charbonneau Country Club parcel South 89 50: 44 West of said Charbonneau Country Club parcel South 89 50: 44 West 101.56 feet to a one inch iron pipe; thence continuing along said corner thereof; thence along the westerly line of said Charbonneau Country Club parcel South 01 39: 16 West 16.02 feet Charbonneau Country Club parcel South 01 39: 16 West 16.02 feet Charbonneau Country Club parcel south 01 39: 16 West 105.25 feet; thence continuing along said westerly line South 01 39: 16 West 105.25 feet; thence continuing along said westerly line South 01 39: 16 West 105.25 feet; thence Continuing along said westerly line South 01 39: 16 West 105.05 feet; thence continuing along said westerly line South 01 39: 16 West 105.05 feet; thence Continuing along said westerly line South 01 39: 16 West 105.05 feet; thence South 88 20: 44 East 10.15 feet; thence North 01 39: 16 East 88.75 feet thence South 88 20: 44 East 69.50 feet to the true point of beginning. beginning.

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26.0%

3.0% 2.0\$

4.0%

14,560 Bq. ft.

*Covered Tennis Facility

Unit #3

Unit #4

5.03

3680 sq. ft.

*Retail/Office *Retail/Office

*Retail/Office

DESCRIPTION

UNIT DESIGNATION

Unit #1 Unit #2

2928 sq. ft. 3216 sq. ft.

2.58 2.53

23.0% 23.0%

2.13%

40.4 26.0% 26.0%

898 sq. ft.

26.0%

9619 sq. ft.

PROPCRITCHAND INTERESTS AFTER DEVELOPMENT OF VARIABLE PROPERTY

PROPORTIONATE INTERESTS PRIOR TO DEVELOPHENT OF VARIABLE PROPERTY

TOTAL UNIT FLOOR AREA

MINIMIN

DESCRIPTION OF UNITS/PROPORTIONATE INTEREST OF UNITS

EXHIBIT B

Si Sandy

بانستهرس رشر ا

Proposed Units: 16.0%

100.0\$

11699 sq. ft.

2914 sq. ft.

**Retail/Office

Unit #7 Unit #8

Unit #6

***Restaurant

Retail/Office

**Charbonneau Country Club

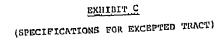
Unit #5

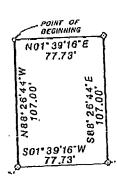
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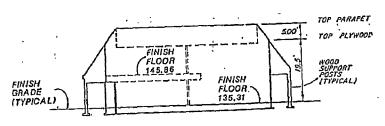
page 1 of 1

*One story wooden structure without basement **One story wooden structure with basement ***Two story wooden structure without basement

1

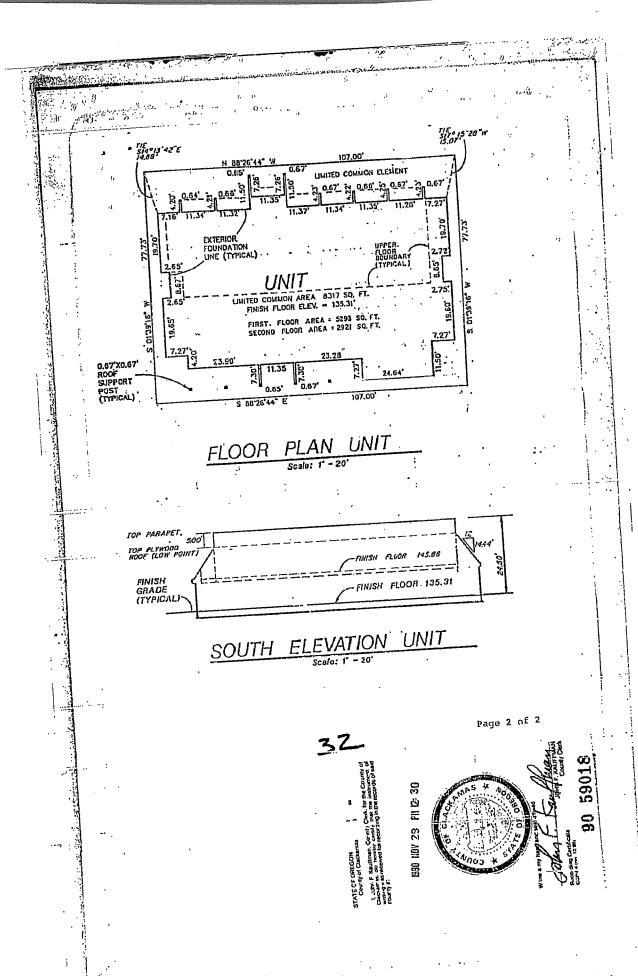






WEST ELEVATION UNIT

Page 1 of 2



SUPPLEMENTAL DECLARATION

CHAREONNEAU VILLAGE CENTER CONDOMINIUM STAGE II

This Supplemental Declaration, to be effective upon its recording in Clackamas County, Oregon, pursuant to the provisions of the Oregon Condominium Act, is made and executed this ______ day of May, 1994, by Bitar Bros., Robert A. Bitar Corporation, an Oregon Corporation ("Bitar") and by the Charbonneau Village Center Condominium Association, acting through its board of directors.

Certain property owned by Bitar is entirely surrounded by property submitted to condominium ownership pursuant to the Charbonneau Village Center Condominium Declaration dated November 1, 1990, and recorded in the records of Clackamas County on November 29, 1990, as Fee No. 90-59018 ("the Declaration"). The plat of the 1990, as Fee No. 90-59018 ("the Declaration") was Charbonneau Village Center Condominium ("the Condominium") was charbonneau Village Center Condominium were recorded on Owners of the Charbonneau Village Center Condominium were recorded on November 29, 1990, as Fee No. 90-59019 ("the hylaws").

The property owned by Bitar is described on the attached Exhibit A. It is defined in Declaration paragraph I.1.14 as the "Excepted Tract," and is described in a drawing attached as Exhibit C to the Declaration.

Article XIX of the Declaration provides that the owners of the property being submitted to condominium ownership have preapproved the inclusion of the Excepted Tract in the Condominium under certain conditions.

Bitar and the Association hereby submit this Supplemental Declaration for the purpose of including the Excepted Tract in the Condominium, and to memorialize their agreement that the conditions stated in Article XIX of the Declaration have now been satisfied.

Accordingly, the parties declare as follows:

- Inclusion of Excepted Tract. The owner of the Excepted Tract hereby submits the Excepted Tract, and the building and improvements on the Excepted Tract, to the Declaration and further declare that the Excepted Tract shall be subject to the covenants and the bylaws. The Excepted Tract is hereby included in the Condominium, to be designated as Unit No. 9.
- 2. <u>Houndary of New Unit</u>. Unit No. 9 shall be bounded by the exterior finished surfaces of the perimeter doors, door frames, walls, windows, vindow frames, decks, roofs, roof overhangs, roof support posts and foundation of the building presently existing on the Excepted Tract, and by all other materials constituting any part of the perimeter finished surface of the

1 - SUPPLEMENTAL DECLARATION AFTER RELOADING CALIBRATION LETURN TO: BITAR BROS. ROBERT A. BITAR CORP.

2929 EAST BURNSIDE
PORTHAND, OLEGON 97214 94-095428

building. A drawing of the unit boundary appears as Exhibit C to the Declaration. The remainder of the Excepted Tract shall be a limited common element, as shown on Exhibit C to the Declaration.

Proportionate Interest. The proportionate interests of the various units shall be as stated on Exhibit B attached hereto. Such proportionate interests of Unit g are included therein as determined by the board pursuant to paragraph 19.2.2 of the Declaration. The requirements of paragraph 19.2.3 have been met.

CHAREONNEAU VILLAGE CENTER CONDOMINIUM UNIT OWNERS ASSOCIATION

BITAR BROS., ROBERT A. BITAR CORPORATION, an Oregon corporation

Directors

STATE OF OREGON

County of Multnomah)

The foregoing instrument was acknowledged before me this day of May, 1994, by TGCK D NAVIGNOM, Chairman of the Board of Directors of Charbonneau Village Center Condoninium Unit . Chairman of the Owners Association, on behalf of the corporation.



Notary Public for Oregon My commission expires:

STATE OF OREGON

SS.

County of Multnomah)

The foregoing instrument was acknowledged before me this day of May, 1994, by Robert A. Bitar, Praided of Bitar Bros., Robert A. Bitar Corporation, an Oregon Corporation, on behalf of the corporation.

OFFICIAL SEAL PHILIP N. JORES NOTARY PUBLIC OREGON COMMISSION NO. 019072
MY COMMISSION EXPIRES JAN. 17, 1937

2 - SUPPLEMENTAL DECLARATION

by commission expires visting

EXHIBIT A

A tract of land described in the Bargain and Sale Deed by Willamette Factors, Inc., to Kariners Village Apartments, Inc. and George Marshall, a joint venture, recorded September 15, 1978, Fee No. 78-39924, Clackamas County Deed Records, and more fully described as follows:

Beginning at a point North 2124.61 feet and West 1977.11 feet from the southeast corner of the George L. Curry D.L.C. No. 43 in Section 25, Township 3 South, Curry D.L.C. No. 43 in Section 25, Township 3 South, Range 1 West of the W.M., Clackamas County, Oregon; Range 1 West of the W.M., Clackamas County thence South 1. 39: 16" East 77.73 feet; thence South 1. 39: 16" 88: 26: 44" East 107.00 feet; thence South 1. 39: 16" West 77.73 feet; thence North 88: 26: 44" West 107.00 feet to the point of beginning.

cabilted charbonnieshibit.a

1:

EXHIBIT A

EXHIBIT B

1 .

	Winimum Proportionate	Interests After Development of Variable Property	3.52*	3.914	3.13%	20.33\$	3.13\$	20,33\$	20.33\$		6.804	100.004
UNITS/PROPORTIONATE INTEREST OF UNITS		Proportionate Interests After Inclusion of Unit #9	4.14%	4.144	3.68	, ,,	17.57	3.684	#25°C		8.00%	100.001
Direction of the second	DESCRIPTION OF UNITS/PROPORTIONAL		2,928	4.5	O	\$0.4 \$0.	26.0\$	4.0\$	26.0\$	26.03	N/A	100.0\$
	SCRIPTION O	Total Unit Floor Area	2,928	3,216	3,680	14,560	9,619	868	2,314	11,699	8,214	
	30		Description 	*Retail/Office	*Retail/Office	*Covered Tennis Facility	**Charbonneau Country Club	*Retail/Office	*Retail/Office	***Restaurant	***Retail/ Office	Proposed Units:
		Unit	Designation	unit #2	Unit #3	unit #4	Unit #5	Unit #6	Unit #7	Unit #8	Tunit #9	

* One story wooden structure without basement. ** One story wooden structure with basement. *** Two story wooden structure without basement.

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The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this 13 day of October, 1994.

ASSESSOR AND TAX COLLECTOR FOR CLACKAMAS COUNTY

By Darol Mail

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this 31st day of August, 1994.

MORELLA LARSEN
Real Estate Commissioner
By Huy T. Mayor

STATE OF OREGON 94-095428
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamss County
RECEIPTS AND FEE: 11348 \$25.00
DATE AND TIME: 12/14/94 04:38 PM
JOHN KAUFFMAN, COUNTY CLERK

5

30%

After Recording Return to: Charbonneau Village Canter Condominium Assoc. 32000 B.W. Charbonneau Drive Wilsonville, OR 97070

AMENDMENT TO DECLARATION SUBMITTING
THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM
TO CONDOMINIUM ONNERSKIP

WHEREAS, by Declaration dated November 1, 1990, the recorded as Fee No. 90-59018 recorded November 29, 1990, the Charbonneau Village Center Condominium Association was oreated designating Unit Nos. 1 through 8; and the Bylaws of the Association recorded as Fee No. 90-59019; and

WHEREAS, the parcel described in said Declaration as the excepted tract has since said date been submitted to the Charbonneau Village Center Condominium Association as Unit No. 9;

WHEREAS, the property described in said Declaration as variable property A has now been sold and is being developed, to be developed into Unit No. 10 of the Association (with the property not developed becoming limited common portion of the property not developed becoming limited common elements upon completion of construction); and

WHEREAS, the property described in Said Declaration as variable property B has become part of Unit No. 3 of the Charbonneau Village Center Condominium Association; and

WHEREAS, the property described in said Declaration as variable property C has not been developed and has now been deeded to the Charbonneau Village Center Condominium Association; and

WHEREAS, Charbonneau Village Center Condominium Association has entered into certain actions, now, therefore, the Declaration submitting the Charbonneau Village Center Condominium to condominium ownership is hereby modified as follows:

- 1. With the unanimous consent of all unit owners, the following changes were made to the Declaration submitting the Charbonneau Village Center Condominium condominium ownership:
- a. Article 6.7.1 is amended to add the following words, "Except that the termination date for the development of variable Property A shall be December 31, 1998."
- b. The Exhibit B to said Declaration is hereby amended to provide for the proportionate interests of each of the units as described in the attached Exhibit B, and the attached Exhibit B hereby replaces the former Exhibit B to said Declaration.

PAGE 1 - AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

97-090153

- Declaration, is appended to and has become part of Unit No. 5.
- d. Variable Fromerty C is hereby declared to be a general common element of the Charbonneau Village Center Condominium Association.
- 4. This amendment will also document the prior amendment to paragraph 7.1 of the Bylaws of the Association, which is hereby amended as follows:

Section 7.1 of the Bylaws of the Association of Unit Owners of the Charbonneau Village Center Condominium, is hereby clarified to resolve the Condominium, is hereby clarified to resolve the ambiguity between Paragraph 7.1(a) and the last sentence of said paragraph 7.1; each Unit Owner shall sentence of said paragraph 7.1; at his/her own expense, be responsible for obtaining, at his/her coverages as fire and extended coverage and such other coverages as the owner deems advisable, covering his/her unit, and the owner deems advisable, covering his/her unit, and the owner deems advisable, covering his/her unit, and inability arising out of acts or admissions of the unit liability incident to the ownership and/or owner and liability incident to the ownership and/or use by the Unit Owner. The Association may, if it chooses, purchase a fire with extended coverage policy or the general common and limited common elements and a liability policy as described in Paragraph 7.1(b).

This Amendment is made effective October 1, 1997. JUNITY#2 AND UNIT #31

president Vice

UNIT #4 AND #B
CHARBONNEAU COUNTRY CLUB

By: W.O. Traphagen, Vice

President

PAGE 2 - AMENDMENT TO DECLARATION BUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

UNIT #6 AND #7 CLUB, INC. CHARBONNEAU GOLF CLUB, INC. By: Gerald Roovi, Freeldent
By Girbert Thomas, Programe
BY Hike K.J. Rumpakis Vice President
UNIT 110 WILLAMETTE VALLEY HOMES, INC. By (Manh, Bas)
County of Multnomah) This instrument was acknowledged before me on 1997, by David R. Nepom. Oct 9 Picial SHAL Nepom. NOTARY PUBLIC OREGON COMMISSION NO.039107 NY COMMISSION EXPRES NOV. 01, 1998
County of Multnomah) Brate OF OREGON County of Multnomah) This instrument was acknowledged before me on Oct 9 This instrument was acknowledged before me on Oct 9 This instrument was acknowledged before me on Notary Public for Oregon Manyine NEDON NOTARY Public for Oregon My Commission Expires: // / / / / / / / / / / / / / / / / /
MY COMMISSION EXPIRES NOV. 01, 1998

PAGE 3 - AMENDMENT TO DECLARATION SUBMITTING THE CHAREONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

STATE OF OREGON This instrument was acknowledged before me on County of Multnomah 1987 by Lesh Nepom. OFFICIAL BIAL MARY PUBLIC - OREON COMMISSION NC 35107 BY COMMISSION LYPES NOV. 01, 1998 Nobary Public for Oregon, My Commission Expires! STATE OF OREGON This instrument was acknowledged before me on President for 1997, by David R. Nepom as Vice President for county of Multnoman) Nepdo. Ind OFFICIAL SEAL
MARYIN S. NEPOM
NOTATI PUBLIC - OREGON
COMMISSION NO 603107
NY ODMMISSION SIPRES NOV. 01, 1998 Notary Public for Oregon My Commission Expires: STATE OF OREGON This instrument was acknowledged before me on This instrument was acknowledged before was acknowledged by the This instrument was acknowledged by the This instr county of Cluckamas Notary Public for Oregon
My Commission Expires: 2-17-200/ OFFICIAL BEAL.

SUBAN L STWURMS

NOTARY PUBLIC ORBON

ODMINISION NO. 081847

IVY COMMISSION EXPINIS FEB 17, 2601 STATE OF OREGON This instrument was acknowledged before me on October 34, 1997, by Gerald Scovilas President for Charbonneau Golf Club, Inc. 88. county of Clarkames Notary Public for Oregon My Commission Honizagon My Commission Expires: 2:17-2001 OFFICIAL SEAL SUPPLY OF THE STATE OF THE STA

PAGE 4 - AMENDMENT TO DECLARATION SUBMITTING THE OHARBONNEAU OWNERSHIP VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

STATE OF OREGON

This instrument was acknowledged before me on Tipton 33 , 1997, by Gilbert Thomas as President for Tipton county of Clackenus October Corp.

OFFICIAL SEAL
BUSAN L STEVENS
NOTARY PUBLIC-OREGON
COMMISSION NO.00187
COMMISSION EXPRES FEB 17, 2001

Novary Public for Oregon
My Commission Expires: 2-/7-201/

STATE OF OREGON

68.

This instrument was acknowledged before me on 1997, by Mike K.J. Rumpakis as Vice President For Bitar Bros., Robert A. Bitar, Corp.



Notary Public for Oregon My Commission Expires: 2-1-99

STATE OF OREGON 66,

This instrument was acknowledged before me on as 1997, by Creen B. Wand Homes, Inc. county of Clackemas Nevember Parsident



Notary Public for Oragon
My Commission Expires: 2-17-200/

charbonn/declarat.amd

PAGE B - AMENDMENT TO DEGLARATION BUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDONINIUM TO CONDONINIUM OWNERSHIP

MENTIDIT D

DRECRIPTION OF UNITE/PROPORTIONATE INTEREST OF UNITE

		Proportionate Interests Prior to Inclusions of Unit #10	Proportionate Interests After Inclusion of Unit #10
Unit #1 * Retail/Offices Unit #2 * Retail/Offices Unit #3 * Retail/Offices Unit #4 * Covered Tennia Facility Unit #8 * Charbonneau Country Club	4.14% 4.14% 4.60% 3.68% 23.92%	3.73\ 3.72\ 4.14\ 3.31\ 21.53\ 3.31\	
Unit #6 Unit #7 Unit #8 Unit #9 Unit #10	* Retail/Office * Retail/Office ***Restaurant ***Retail/Office Duplexes to be built	23.92\$ 23.92\$ 8.00\$	21.83% 21.83% 7.20% 10.00%

ehorborn/unit.oxb

STATE OF OREGON 97-080153 CLACKAMAS COUNTY Received and placed in the public records of Clackamas County records of Clackamas County RECEIPTS AND FEE: 93884 840.88 DATE AND TIME: 11/17/97 01:04 PM DATE AND TIME: 11/17/97 CLERK JOHN KAUFFMAN, COUNTY CLERK



After Recording Return to: Charbonneau Village Center Condominium Association 32000 SW Charbonneau Drive Wilsonville, OR 97070

SUPPLEMENTAL DECLARATION

CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3

This Supplemental Declaration to be effective upon its recording in Clackamas County, Oregon, pursuant to the provisions of the Oregon Condominium Act made and executed this 10th day of December, 1998, by Wand Nelson Contractors Inc., dba Williamette Valley Homes, an Oregon Corporation ("Willamette Valley") and by the Charbonneau Village Center Condominium Association (The Association), acting through its board of directors.

The property previously known as Nonwithdrawable Variable Property A, owned by the Association and or Willamette Valley was submitted to condominium ownership pursuant to the Charbonneau Village Center Condominium Declaration dated November 1, 1990 and recorded in the records of Clackamas County on November 29, 1990 as fee number 90-59018 (Declaration). The Plat of the Village Center Condominium (The Condominium) was recorded as Plat number 2908, and the Bylaws of the Association of Unit owners of Charbonneau Village Center Condominium were recorded on November 29, 1990 as fee number 90-59019 (Bylaws).

The property previously known as Nonwithdrawable Variable Property A is described on the attached Exhibit A. It is defined in the Declaration, paragraph 6.1 as Nonwithdrawable Variable Property A which is described in Exhibit A1, to the Declaration. Pursuant to the unanimous vote of the members of the Charbonneau Village Center Condominium Association, former Variable Property A has been approved for reclassification into six units.

This Association and Willamette Valley hereby submit this Supplemental Declaration for the purpose of reclassifying former Nonwithdrawable Variable Property A into six units and to describe the boundaries of the new units and the allocation of undivided interest of each unit in the General and Limited Common Elements of the Condominium pursuant to the conditions set forth in the amendment to the Declaration dated December 10, 1998 and to memorialize the agreement that the former Nonwithdrawable Variable Property A is being reclassified in the Condominium subject to the amendments set forth in the amendment to Declaration dated December 10, 1998, accordingly the Association and Williamette Valley declare as follows:

Reclassification of Former Nonwithdrawable Variable Property A. The Association and Willamette Valley submit for reclassification the property formerly

99-024252

SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER PAGE -1-CONDOMINIUM STAGE 3

known as Nonwithdrawable Variable Property A and the buildings and improvements on former Variable Property A to the Declaration as amended December 10, 1998 and further declare that the former Nonwithdrawable Variable Property A as reclassified shall be subject to the Covenants, Declarations and Bylaws of the Charbonneau Village Center Condominium Association. Former Nonwithdrawable Variable Property A is hereby reclassified into units 10A, 10B, 10C, 10D, 10E and 10F and their associated General Common Elements and Limited common Elements.

- 2. Boundary of new Units. Units 10A, 10B, 10C, 10D, 10B and 10F shall be bounded by the exterior finished surfaces of the perimeter doors, door frames, walls, windows, window frames, roofs, fireplace overhangs, roof overhangs and building overhangs, roof support posts, the foundation of the buildings and the bottom side of the units to 3 feet below the subfloor of the main floor including the airspace under the subfloor and inside the foundation and bounded by the center of the common walls between the units and by all other materials constituting the perimeter finished surface of the buildings.
- 3. Allocation of Undivided Interest. The allocation of undivided interest in the General Common Element of the various units shall be as stated on Exhibit B attached hereto.
- 4. Unit and Building Descriptions, Unit Designation, Location and Approximate Area Units 10A, 10B, 10C, 10D, 10E and 10F are located in three two story wood frame structures which are completely described on the Plat to Charbonneau Village Center Condominium Stage 3. The location and designation of the units are shown on the Plat to Charbonneau Village Center Condominium Stage 3. Unit 10A has a total area of 2,466 square feet including a 428 square foot garage. Unit 10B has a total area of 2,468 square feet including a 428 square foot garage. Unit 10C has a total area of 2,455 square feet including a 387 square foot garage. Unit 10D has a total area of 2,427 square feet including a 427 square foot garage. Unit 10E has a total area of 2,465 square feet including a 427 square foot garage. Unit 10F has a total area of 2,467 square feet including a 427 square foot garage.
 - 5. Description of Limited Common Elements The Limited Common Elements for Units 10A, 10B, 10C, 10D, 10E and 10F are the front, back and side yards, wood decks and concrete patios, which are shown on the Plat to Charbonneau Village Center Condominium Stage 3 as Limited Common Elements. The use of each of said Limited Common Element is limited to the unit adjacent to the Limited Common Element as shown on the Plat to the exclusion of the other units, except Units 10D, 10E and 10F will share a 1/3 each the Limited Common Element shown as a 2,915 square foot roadway and paved area to access their respective
- PAGE -2- SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3

garages and units. Units 10B and 10C will share equally a Limited Common Element, shown on the Plat to Charbonneau Village Center Condominium Stage 3 as a 1,247 square foot roadway and paved area, to access their respective garages and units.

Charbonneau Village Center Condominium Association

By Arman of the Board of Directors of the Association Robert J. Boundary

By Secretary of the Association W.O. Traphagen

Wand-Nelson Contractors Inc., dba Willamette Valley Homes

By Jornal B. Wand, President

STATE OF OREGON

County of Clackamas

This instrument was acknowledged before me on Dec. 30 1998, for Charbonneau Village Center Condominium Association.

OFFICIA SEAL STATE OF Oregon
SUSAN L STREES
NOTARY PUBLIC OREGON
NOTARY PU

PAGE -3- SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3

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STATE OF ORISON) 88.	
, at 1, 200) ex	
County of Clackamas) This instrument was acknowledged before me	1998, Center
ladged helole in	on Den 3 1990, 1990, for Charbonneau Village Center
by Acharat Boundary as Chairman	
A 1 IT BOUNDER	(Hours
Condominium Association.	Clair Oragon
	Notary Public for Oregon Notary Public for Oregon
OFFICIAL SEAL	Notary Public for Oregon My Commission Expires: 2-17-200/
SUBAN L STEVENS NOTARY PUBLIC OREGON NOTARY PUBLIC OREGON NOTARY PUBLIC OREGON	• .
COMMISSION EXPIRES FEB 17, 2001	
(AND CON)	
STATE OF OREGON 88.	
-i 1 .c j	
County of Clackamas) This instrument was acknowledged before	1998,
acknowledged before	me on <u>Dec. 3</u> for Wand-Nelson Contractors,
This instrument was acknown Preside	2nt C
by Terome B. Wand as Trestus	
Inc. dba Willamette Valley Homes.	CLOC - NO THE
	Notary Public for Oregon My Commission Expires: 2-17-2001
OFFICIAL SEAL	My Commission Expires.
SUBAN L STEVENS SUBAN L STEVENS NOTABY PUBLIC OREGON NOTABY PUBLIC OREGON	
NOTARY POBLING NO.081847	
NOUMISSION EXPIRES FEB 17, 200	
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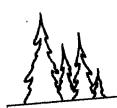
PAGE -4- SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this 16th day of February, 1999, and in accordance with ORS 110.110 (7), this approval shall automatically expire if this Supplemental Declaration is not recorded within two (2) years from this date.

SCOTT W. TAYLOR

Real Estate Commissioner

PAGE -5- SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CENTER CONDOMINIUM STAGE 3



LEONARD A. RYDELL, P.E., P.L.S., W.R.E. Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

W.O. No. 9814

"CHARBONNEAU VILLAGE CENTER CONDOMINIUM - STAGE 3" LEGAL DESCRIPTION Prepared for Willamette Valley Homes

1 December 1998

A portion of Variable Property "A", a tract of land located in "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE", a condominium recorded 29 November 1990 in Book 94, Pages 30 through 36, Plat No. 2908, Fee No. 90-59018, Clackamas County Plat Records, and located in a portion of the George L. Curry Donation Land Claim No.43 in the Southwest Quarter of Section 24 and the Northwest Quarter of Section 25, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and more fully described based on the plat of the "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE" as follows:

Beginning at the Initial Point, a 1-inch iron pipe with a yellow plastic cap marked "RYDELL PLS 1437" at the Southwest corner of said "CHARBONNEAU Marked "RYDELL PLS 1437" at the Southwest corner of said "CHARBONNEAU THE VILLAGE AT VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT THE VI WILSONVILLE", said iron pipe being North 1838.00 feet and West 4293.03 feet from a stone marked with an "X" at the Southeast corner of the George L. Curry Donation Land Claim No. 43 and the Southeast corner of Parcel II described in Bargain and Sale Deed to Mariner-Marshall, a joint venture, recorded 29 April 1987, Fee No. 87-18831, Clackemas County Deed Records; thence North 02° 10' 58" East along the East line of said Mariner-Marshall tract 86.16 feet to a 5/8-inch iron rebar; thence South 87° 51' 55" East 156.65 feet to a brass screw; thence North 02° 15' 46" East 91.80 feet to a 5/8-inch iron rebar; thence South 89° 57' 40" East 15.22 feet to a 5/8-inch iron rebar; thence South 50° 37' 40" East 36.65 feet to a brass screw; thence South 88° 20' 44" East 54.98 feet to a 5/8-inch iron rebar; thence South 02° 07' 26" West 72.87 feet to a 5/8-inch iron rebar at the Northwest Corner of the Limited Common Element of Unit 8 of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE"; thence North 87° 52' 34" West 5.00 feet to a 5/8-inch iron rebar; thence South 02° 07' 26" West 91,89 feet to a 5/8-inch iron rebar on the South line "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU, THE VILLAGE AT WILSONVILLE"; thence North 86° 02' 59 West along the South line of said "CHARBONNEAU VILLAGE CENTER CONDOMINIUM, CHARBONNEAU THE VILLAGE AT WILSONVILLE" 261.46 feet to the Initial Point.

Said tract containing 30,314 square feet.

PLANNED DEVELOPMENTS . RESIDENTIAL SUBDIVISIONS WATER, SANITARY SEWER AND STORM DRAINAGE SYSTEMS LAND SURVEYS . WATER RIGHTS

EXHIBIT B

DESCRIPTION OF UNITS/PROPORTIONATE INTEREST OF UNITS

Unit	SOCIAL FLOOR	Proportionate Interests Prior To Inclusion Of Unit #10	Proportionate Interests After Inclusion Of Unit #10	Number Of Votes
Designation	Description		3.73%	1
Unit #1	* Retail/Office	4,14%	3.72%	· 1
Unit #2	* Retail/Office	4,14%		1
	* Retail/Office	4.60%	4.14%	
Unit #3	* Covered Tennis	3,68%	3.31%	1
Unit #4	Facility * Charbonneau	23,92%	21.53%	1
Unit #5	 Country Club 	3,68%	3.31%	1
Unit #6	* Retail/Office * Retail/Office	23,92%	21.53%	1
Unit #7	* Restaurant	23.92%	21,53%	1
Unit#8	* Retail/Office	8.00%	7,20%	1
Unit #9			1.667%	1/6 1/6
Unit #10	Unit 10A Unit 10B		1.667% 1.667%	1/6
	Unit 10C		1.667%	1/6 1/6
99 - 199 Nga	Unit 10D Unit 10E	•	1.666% 1.666%	1/6
	Unit 10F			10
Total Vo	tes	* .		

^{*} Unit 10 consist of units 10A, 10B, 10C. 10D, 10E, and 10F, which collectively shall exercise 1 vote.

STATE OF OREGON 99-024252
CLACKAMAS COUNTY
Received and placed in the public records of Olackemas County
RECEIPT AND FEE: 88822 \$48.00
DATE AND TIME: 03/10/99 01:02 PM JOHN KAUFFMAN, COUNTY CLERK

7

. 1

After Recording Return to: Charbonneau Village Center Condominium Association 32000 SW Charbonneau Drive Wilsonville, OR 97070

AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

WHEREAS, by Declaration dated November 1, 1990, recorded as fee No. 90-59018 WHEREAN, by Declaration dated Provember 1, 1990, recorded as 100 140, 90-39010 recorded November 29, 1990, the Charbonneau Village Center Condominium Association was recorded November 29, 1990, the Unaroonneau vinage Center Condominum Association was dreated designating Units 1 through 8, and the Bylaws of the Association recorded as fee No. 90-

WHEREAS, the property described in said Declarations as Nonwithdrawable Variable Property A is now being developed, to be developed into Unit No. 10A, 10B, 10C, 10D, 10E and 59019 were recorded; and

WHEREAS, former Nonwithdrawable Variable Property A has been automatically 10F, as described herein; and reclassified as General Common Elements of Charbonness Village Center Condominium.

WHEREAS, Charbonneau Village Center Condominium Association has entered into certain actions, and all the members thereof have unanimously voted for this action, now certain actions, and an the memoers mercut have unanimously voted for this section, now therefore, the Declaration submitting the Charbonneau Village Center Condominium to Condominium Ownership are hereby modified as follows:

- Section 6.7.2 is amended by unanimous vote of the members to allow the Association to exercise all of the previous declarants rights.
- Section 6.1.3 is amended to allow former Nonwithdrawable Variable Property A to be developed with up to 6 units: Each of said units may consist of up to one single family unit (separate townhouse). In addition Section 6.1 is amended to allow a max of 8 units on the three previous 2. variable parcels, and a maximum of 18 units in the entire condominium.
 - Section 6.4 is amended to provide that the proportionate interest of the action of a sunchact to provide that the proportionate action of the Unit 10 Townhouses on former Nonwithdrawable Variable Property A shall be as shown on attached Exhibit A. 99-024253

AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU AMENDMENT TO DECLARATION SUBWITTING THE CHARBUNNERS VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERS HIP PAGE -1-

- Section 7.1 is amended to provide that the proportionate allocation of common profits and expenses derived from the General Common and Limited Common Elements shall be distributed and charged as set forth in Exhibit B, except as provided in Section 6.9 of the Bylaws.
- Section 7.2 is amended to provide that the voting rights for the Unit 10
 Townhouses, upon development of Variable Property A, shall be one
 aggregate vote in the Charbonneau Village Center Condominium
 Association to be exercised by the Villas Association.
- 6 Section 7.2 is further amended to add that The Villas Association's right to vote and obligation to pay dues and assessments for Unit 10 shall commence upon recording of the Condominium Plat for unit 10, any amendments and the Supplemental Declaration.
- 7 Section 11.2 is amended to provide that Units 10A, 10B, 10C, 10D, 10E and 10F shall be deemed one unit for purposes of membership within the Charbonneau Village Center Condominium Association.
- 8. This Amendment is made effective December 10, 1998.

Charbonneau Village Center Condominium Association

Chairman of the Board of Directors
of the Association Robert J. Brunmeier

Secretary of the Association W.O. Traphagen

PAGE -2- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

STATE OF OREGON)	
County of Clackamas)	1998,
This instrument was acknowledged before	me on Dec. for Charbonneau
	etany
by (1) O Frankagen Village Center Condominium Association.	The started
Village Center Constant	Notary Public for Oregon
OFFICIAL SEAL	Notary Public for Oregon My Commission Expires: 2/7-200/
SUSAN L STEVENS NOTARY PUBLIC-OREGON	Mth Countries
COMMISSION NO COLOR	
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61353	
STATE OF OREGON)	and the second of the second o
County of Clackamas)	
County or	rome on Dec. 3/, 1998,
This instrument was acknowledged before	re me onfor Charbonneau
	airman COL.
by Robert S. British Association. Village Center Condominium Association.	deron de de
V III A III	Notary Public for Oregon
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SUSAN L STEVENS	
NOTARY PUBLIC-OREGON COMMISSION NO.051847	· · · · · · · · · · · · · · · · · · ·
MY COMMISSION EXPIRES FEB 17, 2001	•

PAGE -3- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

The foregoing Amendment to Decided 16th day of February approval shall automatically expire if this atwo(2) years from this date.	aration is approved pursuant to ORS 100.110 this , 1999, and in accordance with ORS 100.110(7), this Amendment to Declaration is not recorded within
	SCOTT W: TAYLOR
	Real Brists Commissioner
	By: Margo Robinson
	ORS 100.110 this '
. Amandment to De	colaration is approved pursuant to ORS 100.110 this
The foregoing Amendment	. 199 9
day of	
	RAY ERLAND Clackamas County Assessor/Tax Collector
	By Carel Maier
• ,	

PAGE -4- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

EXHIBIT A

DESCRIPTION OF UNITS/PROPORTIONATE INTEREST OF UNITS

Unit Designation	Description	Proportionate Interests Prior To Inclusion Of Unit #10	Proportionate Interests After Inclusion Of Unit #10	Number Of Votes
Unit #1	* Retail/Office	4.14%	3.73%	1
Unit #2	* Retail/Office	4.14%	3,72%	1
Unit #3	* Retail/Office	4,60%	4.14%	1
Linit #4	* Covered Tennis	3.68%	3,31%	1
Unit #5	Pacility * Charbonneau	23.92%	21:53%	1 1 · · · · · ·
Unit #6	Country Club * Retail/Office	3.68%	3.31%	1 (1)
Unit#7	* Retail/Office	23.92%	21.53%	1
Unit#8	• Restaurant	23.92%	21,53%	1
Unit #9	* Retail/Office	8.00%	7.20%	. 1
Unit #10	Unit 10A Unit 10B Unit 10C		1.667% 1.667% 1.667%	1/6 1/6 1/6
	Unit 10D Unit 10E Unit 10F		1,667% 1.666% 1.666%	1/6 1/6 <u>1/6</u>
Total Vote	•			10

^{*} Unit 10 consist of units 10A, 10B, 10C. 10D, 10E, and 10F, which collectively shall exercise 1 vote.

EXHIBIT B

DESCRIPTION OF UNITS/PROPORTIONATE ALLOCATION OF COMMON PROFITS AND EXPENSES DERIVED FROM THE GENERAL & LIMITED COMMON ELEMENTS

		Proportionate Allocation Prior To Inclusion Of	Proportionate Allocation After Inclusion Of Unit #10
Unit Designation	Description	Unit #10	3,73%
Unit #1	* Retail/Office	4.14%	
	* Retail/Office	4,14%	3.72%
· Unit #2		4.60%	4.14%
Unit #3	* Retail/Office	3.68%	3.31%
Unit #4	* Covered Tennis - Facility	•	21.53%
Unit #5	 Charbonneau 	23,92%	•
	Country Club * Retail/Office	3.68%	3.31%
_Unit #6		23.92%	21.53%
Unit #7	* Retail/Office	•	21.53%
Unit#8	* Restaurant	23.92%	
Unit #9	Retail/Office	8,00%	7.20% 1.667%
Unit #10	Unit 10A		1.667%
Olut "	Unit 10B		1.667%
	Unit 10C	•	1.667%
	Unit 10D		1,666%
	Unit 10E		1.666%
	Unit 10F	••	•

STATE OF OREGON 99-024253
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPTS AND FEE: 88022 442.20
DATE AND TIME: 03/10/99 01:02 PM
JOHN KAUFFMAN, COUNTY CLERK

19 19 NS

Re-recorded to correct the AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMIUM OWNERSHIP previously recorded as Fee No. 99-024253 ON March 10, 1999.

99-048300

ر م

> After Recording Return to: Charbonneau Village Center Condominium Association 32000 SW Charbonneau Drive Wilsonville, OR 97070

AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

WHEREAS, by Declaration dated November 1, 1990, recorded as fee No. 90-59013 recorded November 29, 1990, the Charbonneau Village Center Condominium Association was created designating Units 1 through 8, and the Bylaws of the Association recorded as fee No. 90-59019 were recorded; and

WHEREAS, the property described in said Declarations as Nonwithdrawable Variable Property A is now being developed, to be developed into Unit No. 10A, 10B, 10C, 10D, 10E and 10F, as described herein; and

WHEREAS, former Nonwithdrawable Variable Property A has been automatically reclassified as General Common Elements of Charbonneau Village Center Condominium.

WHEREAS, Charbonneau Village Center Condominium Association has entered into certain actions, and all the members thereof have unanimously voted for this action, now therefore, the Declaration submitting the Charbonneau Village Center Condominium to Condominium Ownership are hereby modified as follows:

- Section 6.7.2 is amended by unanimous vote of the members to allow the Association to exercise all of the previous declarants rights.
- 2. Section 6.1.3 is amended to allow former Nonwithdrawable Variable Property A to be developed with up to 6 units: Each of said units may consist of up to one single family unit (separate townhouse). In addition Section 6.1 is amended to allow a max of 8 units on the three previous variable parcels, and a maximum of 18 units in the entire condominium.
- Section 6.4 is amended to provide that the proportionate interest of the units in the General Common Elements following construction of the Unit 10 Townhouses on former Norwithdrawable Variable Property A shall be as shown on attached Exhibit A.

99-024253

PAGE -1- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

- 4. Section 7.1 is amended to provide that the proportionate allocation of common profits and expenses derived from the General Common and Limited Common Elements shall be distributed and charged as set forth in Exhibit B, except as provided in Section 6.9 of the Bylaws.
- Section 7.2 is amended to provide that the voting rights for the Unit 10
 Townhouses, upon development of Variable Property A, shall be one aggregate vote in the Charbonneau Village Center Condominhum Association to be exercised by the Villas Association.
- Section 7.2 is further amended to add that The Villas Association's right to vote and obligation to pay dues and assessments for Unit 10 shall commence upon recording of the Condominium Plat for unit 10, any amendments and the Supplemental Declaration.
- Section 11.2 is amended to provide that Units 10A, 10B, 10C, 10D, 10E and 10F shall be deemed one unit for purposes of membership within the Charbonnesu Village Center Condominium Association.
- 8. This Amendment is made effective December 10, 1998.

Charbonneau Village Center Condominam Association

By Charman of the Boold of Directors
of the Association Robert J. Bennetter

By W. Freshagen
Secretary of the Association W.O. Traphagen

PAGE -2- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

STATE OF OREGON County of Clackana This instrument was acknowledged before m by W.D. Traphagea as Spared Village Center Condomitium Association. OFFICIAL SEAL. SUSAN L. STEVENS NOT ANY PUBLIC OREGON NOT ANY PUBLIC OREGN NOT ANY PUBLIC OREGON NOT ANY PUBLIC OREGON NOT ANY PUBLIC OREGN NOT ANY P	for Charbonneau Notary Public for Oregon My Commission Expires: 2/7-2001
STATE OF OREGON County of Clackapia) This instrument was acknowledged before by Robert T. Aranneler as Charles Village Center Condominium Association. OFFICIAL SEAL STEVENS NOTARY PUBLIC-OREGON COMMISSION NO.001047 BY COMMISSION EXPIRES CES 17, 2011	Notary Public for Oregon My Commission Expires: 2.17-2001

PAGE -3- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

The foregoing Amendment to Declaration is approved pursuant to ORS 100.110 this
1999, and in accordance with ORS 100.110(7), this
approval shall automatically expire if this Amendment to Declaration is not recorded within
two(2) years from this date.

SCOTT W. TAYLOR
Real History Commissioner

By:
Marge Rolanson

The foregoing Amendment to Declaration is approved pursuant to ORS 100.110 this
1999

RAY ERLAND
Clackamas County Assessor/Tex Collector

By:

Out-LO Declaration

PAGE 4 AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM TO CONDOMINIUM OWNERSHIP

EXHIBIT B

DESCRIPTION OF UNITS/PROPORTIONATE ALLOCATION OF COMMON PROFITS AND EXPENSES DERIVED FROM THE GENERAL & LIMITED COMMON ELEMENTS AND EXPENSES DERIVED FROM THE GENERAL & Proportionate

Unit		Proportionate Allocation Prior To Inclusion Of Unit #10	Proportionate Allocation After Inclusion Of Unit #10
Designation	Description	4.14%	3.73%
Unit #1	* Retail/Office		3.72%
Unit #2	* Retail/Office	4.14%	4.14%
Unit #3	* Retail/Offic	4.60%	
	* Covered Tennis	3,68%	3.31%
Facility	23.92%	21,53%	
Unit #5	Country Club	3,68%	3.31%
Unit #6	* Retail/Office	23.92%	21.53%
Unit #7	* Retail/Office		21.53%
Unit#8	* Restaurant	23.92%	7,20%
Unit #9	* Retail/Office	8.00%	
	Unit 10A		1.667% 1.667%
Unit #10	Unit 10B Unit 10C		1.667% 1.667%
	Unit 10D		1.666%
	Unit 10E Unit 10F		1.666%

STATE OF OREGON 99-048300 CLACKAMAS COUNTY Received and pieced in the public records of Clackamas County RECEIPT# AND TEE: 92477 985.89 DATE AND TIME: 05/12/99 02:31 PM JOHN KAUFFMAN, COUNTY CLERK

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STATE OF OREGON 99-024253
CLACKAMAS COUNTY
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RECEIPTS AND FEE: 88822
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JOHN KAUFFMAN, COUNTY CLERK

EXHIBIT A DESCRIPTION OF UNITS/PROPORTIONATE INTEREST OF UNITS

DΕ	SCRIPTION OF UNITS	PROLOM		
Unit		Proportionate Interests Prior To Inclusion Of Unit #10	Proportionate Interests After Inclusion Of Unit #10	Number Of Votes
Designation	Description	4.14%	3.73%	1
Unit #1	* Retail/Office	4.14%	3.72%	1
Unit #2	* Retail/Office	4.60%	4.14%	1
Unit #3	* Retail/Office		3.31%	1
Unit #4	* Covered Tennis	3.68%	21.53%	1
Unit #5	Facility * Charbonneau Charbonneau	23.92%	3.31%	1
Unit #6	Country Chib Retail/Office	3.68%	21.53%	1
	* Retail/Office	23.92%	21.53%	1
Unit #7	* Restaurant	23.92%		1
Unit#8	* Retail/Office	8.00%	7.20%	1/6
Unit #9			1.667% 1.667%	1/6 1/6
Unit #10	Oution		1.667% 1.667%	1/6
	Unit 10C Unit 10D		1.666%	1/6 <u>1/6</u>
	Unit 10E Unit 10F		1.666%	10
Total V				

Total Votes

^{*} Unit 10 consist of units 10A, 10B, 10C. 10D, 10E, and 10F, which collectively shall exercise 1 vote.

After Recording Return to: Charbonneau Village Center Condominium Association 32000 SW Charbonneau Drive Wilsonville, OR 97070 Clackamas County Official Records Sherry Hall, County Clerk

\$41.00

2003-033091

03/19/2003 09:53:03 AM

PD-RES Cnt=1 Stn=6 MIKE \$20.00 \$11.00 \$10.00

AMENDMENT TO THE DECLARATION OF CHARBONNEAU VILLAGE CENTER CONDOMINIUM ASSOCIATION

RECITALS

The Declaration Submitting Charbonneau Village Center Condominium ("Declaration") to the Oregon Condominium Act was recorded as Fee No. 90-59018 of the deed records of Clackamas County, Oregon on November 29, 1990.

Members of The Association of Unit Owners of the Charbonneau Village Center Condominium ("Association") have unanimously voted to amend Exhibit B, otherwise known as the Description of Units/Proportionate Interest of Units, at a duly-called meeting held March 7, 2002. Attached, and as part of this Amendment, is the amended Exhibit B.

AMENDMENT

The Unit Owners of the Charbonneau Village Center Condominium have entered into certain actions, and as stipulated in Article XIII (13.1) and Article X (10.1.2) of the Declaration and in accordance with the Oregon Condominium Act, all Unit Owners have approved and have unanimously voted for this action, and all Unit Owners and all Mortgagees of Units have documented in writing and with their signatures, the approval of such actions, and now therefore, the Declaration is hereby amended as follows:

In accordance with Section 7.1 <u>Allocation of Common Profits and Expenses</u> of the Declaration of the Association, and as consented to by the signature of each of the Unit Owners and the Mortgagees of Units, the Unit Owners unanimously vote to amend Exhibit B, otherwise known as the Description of Units/Proportionate Interest of Units, at a duly-called meeting of Unit Owners held March 7, 2002. Attached, and as part of this Amendment, is the amended Exhibit B.

PAGE 1 -- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER TO CONDOMINIUM OWNERSHIP

EXHIBIT B

DESCRIPTION OF UNITS/PROPORTIONATE INTEREST OF UNITS

** **		Proportionate Allocation After Inclusion of	Proportionate Allocation After	Number of Votes
Unit Designation	Description	Unit #10	2003 Amendment	1
Unit #1	Retail/Office	3.73%	4 %	1
Unit #2	Retail/Office	3.72%	4 %	1
Unit #3	Retail/Office	4.14%	5 %	1
	Covered	3.31%	9 %	1
Unit #4	Tennis Facility Charbonneau	21.53%	20%	1
Unit #5	Country Club Retail/Office	3.31%	6 %	1
Unit #6	Retail/Office	21.53%	20%	1
Unit #7		21.53%	14%	1
Unit #8	Restaurant Retail/Office	7.20%	8 %	1
Unit #9 Unit #10	Units 10A 10B 10C 10D 10E 10F	1.667% 1.667% 1.667% 1.666% 1.666%	1.667% 1.667% 1.667% 1.667% 1.666%	1/6 1/6 1/6 1/6 1/6 1/6

PAGE 2 -- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER TO CONDOMINIUM OWNERSHIP

1

It is hereby certified that the foregoing amendment has been approved and adopted by all Unit Owners and Mortgagees and all Association members of the Charbonneau Village Center Condominium by the unanimous vote necessary to amend the Declaration.

DATED: 2-25-03	ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM
By: Robert Hmenmier	Date: 2-25-03
Chairman	Date: <u>2-25-03</u>
By: Secretary	
STATE OF OREGON)s	SS
County of Clacka mas	

This instrument was acknowledged before me on February 25, 2003, by

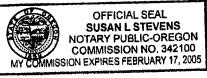
Robert Brunmeier as Chairman for the Charbonneau Village Center

Condominium.

Q

Notary Public for Oregon

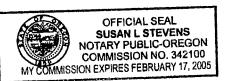
My Commission expires: 2-1



This instrument was acknowledged before me on Witham Wary, 2003, by

William Wyly as Secretary for the Charbonneau Village Center

Condominium.



Notary Public for Oregon My Commission expires: 2

AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER TO CONDOMINIUM OWNERSHIP PAGE 3 ---

The foregoing Amendment to Dec 100.135(5) on this <u>12th</u> day of _ ORS 100.110 (7), this approval sh is not recorded within two (2) year	March , 2003, and in accordance with all automatically expire if this Amendment to Declaration ars from this date.
	SCOTT W. TAYLOR Real Estate Commissioner By:
The foregoing Declaration is ap, 2003.	proved pursuant to ORS 100.100 this day of
RA Cla	AY ERLAND ackamas County Assessor/Tax Collector
	y:

18 - Yes

Clackamas County Official Records Sherry Hall, County Clerk 2003-065842

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89266200300658420050055 05/23/2003 02:50:00 PM

PD-RES Cnt=1 Stn=6 MIKE \$20.00 \$11.00 \$10.00



CLACKAMAS COUNTY RECORDING DEPARTMENT CERTIFICATE PAGE

This page must be included if document is re-recorded.

Do Not remove from original document.

After Recording Return to: Charbonneau Village Center Condominium Association 32000 SW Charbonneau Drive Wilsonville, OR 97070 Clackamas County Official Records Sherry Hall, County Clerk

2003-033091

\$41.00

03/19/2003 09:53:03 AM

PD-RES Cnt=1 Stn=6 MIKE \$20.00 \$11.00 \$10.00

AMENDMENT TO THE DECLARATION OF CHARBONNEAU VILLAGE CENTER CONDOMINIUM ASSOCIATION

RECITALS

The Declaration Submitting Charbonneau Village Center Condominium ("Declaration") to the Oregon Condominium Act was recorded as Fee No. 90-59018 of the deed records of Clackamas County, Oregon on November 29, 1990.

Members of The Association of Unit Owners of the Charbonneau Village Center Condominium ("Association") have unanimously voted to amend Exhibit B, otherwise known as the Description of Units/Proportionate Interest of Units, at a duly-called meeting held March 7, 2002. Attached, and as part of this Amendment, is the amended Exhibit B.

AMENDMENT

The Unit Owners of the Charbonneau Village Center Condominium have entered into certain actions, and as stipulated in Article XIII (13.1) and Article X (10.1.2) of the Declaration and in accordance with the Oregon Condominium Act, all Unit Owners have approved and have unanimously voted for this action, and all Unit Owners and all Mortgagees of Units have unanimously voted for this action, and all Unit Owners and all Mortgagees of Units have documented in writing and with their signatures, the approval of such actions, and now therefore, the Declaration is hereby amended as follows:

In accordance with Section 7.1 <u>Allocation of Common Profits and Expenses</u> of the Declaration of the Association, and as consented to by the signature of each of the Unit Owners and the Mortgagees of Units, the Unit Owners unanimously vote to amend Exhibit B, otherwise known as the Description of Units/Proportionate Interest of Units, at a duly-called meeting of Unit owners held March 7, 2002. Attached, and as part of this Amendment, is the amended Exhibit B.

PAGE 1 -- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER TO CONDOMINIUM OWNERSHIP

Re-recorded after approval by Clackamas County Assessor/Tax Collector. This Amendment to the Declaration of Charbonneau Village Center Condominium Association was previously recorded as Fee#2003-033091 on March 19,2003.

EXHIBIT B

DESCRIPTION OF UNITS/PROPORTIONATE INTEREST OF UNITS

		Proportionate Allocation After Inclusion of	Proportionate Allocation After	Number of Votes	
Unit Designation	Description	Unit #10	2003 Amendment		
Dobigians 5 11/Office	Retail/Office	3.73%	4 %	1	
Unit #1	Retail/Office		4 %	1	
Unit #2	Retail/Office	3.72%	4 /0	1	
	Retail/Office	4.14%	5 %	1	
Unit #3	Retail/Office		9 %	1	
Unit #4	Covered	3.31%	<i>)</i> //0	1	
Tenr	Tennis Facility Charbonneau	21.53%	20%	1	
Unit #5	Country Club		6 %	1	
Unit #6	Retail/Office	3,31%	0 70	1	
	Retail/Office	21.53%	20%	1	
Unit #7	RetailOffice		14%	1	
Unit #8	Restaurant	21.53%	1470		
Unit #9	Retail/Office	7.20%	8 %	1	
			1.667%	1/6	
Unit #10	Units 10A 10B	1.667%	1.667%	1/6	
		1.667% 1.667%	1.667%	1/6 1/6	
10C 10D		1.667%	1.667%	1/6:====================================	
:	-10E -	1.666%	1:666% 1:666%	1/6	
<u></u>	10F	1.666%			

PAGE 2 -- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER TO CONDOMINIUM OWNERSHIP

It is hereby certified that the foregoing amendment has been approved and adopted by all Unit Owners and Mortgagees and all Association members of the Charbonneau Village Center Condominium by the unanimous vote necessary to amend the Declaration.

•						TED C (NT 2
DATE	D: <u>2-25</u>	-03	-	THE CL	IATION OF UN IARBONNEAU IR CONDOMIN	VILLAGE	JГ
Den	Robert	- Hmenmiel	<u>/</u>	Date:	2-25-03		
Ву:	Chairman			Date:	2-25-03	3_	
By:	Secretary			Date: _			
يعيد ي	STATE OF C	ĴŖĒGŌN))ss		-		
	County of _	Clackamas	ئــــ				
						_	

This instrument was acknowledged before me on Fehruary 25, 2003, by

Robert Brunmeier as Chairman for the Charbonneau Village Center

Condominium.

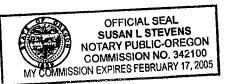
OFFICIAL SEAL
SUSAN L STEVENS
NOTARY PUBLIC-OREGON
COMMISSION NO. 342100
MY COMMISSION EXPIRES FEBRUARY 17, 2005

Notary Public for Oregon
My Commission expires: 2-17-05

This instrument was acknowledged before me on white the way acknowledged before me on

William Wyly as Secretary for the Charbonneau Village Center

Condominium.



Notary Public for Oregon
My Commission expires: 2-/7-05

PAGE 3 -- AMENDMENT TO DECLARATION SUBMITTING THE CHARBONNEAU VILLAGE CENTER TO CONDOMINIUM OWNERSHIP



The foregoing Amendment to Declaration is approved pursuant to ORS 100.110 and ORS 100.135(5) on this 12th day of March, 2003, and in accordance with ORS 100.110 (7), this approval shall automatically expire if this Amendment to Declaration is not recorded within two (2) years from this date. SCOTT W. TAYLOR Real Estate Commissioner The foregoing Declaration is approved pursuant to ORS 100.100 this 29 day of april___, 2003. RAY ERLAND Clackamas County Assessor/Tax Collector Ray Erland By: Crang Form Print Name: CRAIG FERRIS

· Jane

The state of the s

BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM

ARTICLE I

PLAN OF UNIT OWNERSHIP

- 1.1 Name and Location. These are the bylaws of the ASSOCIATION OF UNIT OWNERS OF CHARBONNEAU VILLAGE CENTER CONDOMINIUM (hereinafter the "Association"). THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM (hereinafter the "Condominium") is VILLAGE CENTER CONDOMINIUM (hereinafter the "Condominium") is located in Clackamas County, Oregon, and has been submitted to located in Clackamas County, Oregon, and has been submitted to the Act by a declaration filed simultaneously herewith the Act by a declaration filed simultaneously herewith (hereinafter called "the Declaration"). The location of the Condominium is more specifically described in the Declaration.
- 1.2 Principal Office. The principal office of the Association shall be located at Unit #3, Charbonneau Village Center Condominium, 31840 Charbonneau Drive, Wilsonville, Oregon 97070, or such other address as may be designated by the Board from time to time.
- 1.3 Purposes. This Association is formed under provisions of the Act to serve as the means through which the Unit Owners may take action with regard to the administration, management and operation of the Condominium, subject to the Covenants.
- 1.4 Applicability of Bylaws. The Association, all Unit Owners, and all persons using the Condominium shall be subject to these Bylaws and the Covenants and to all rules and regulations which may be promulgated hereunder and thereunder.
- composed of all the Unit Owners of the Condominium, including WILLAMETTE FACTORS, INC., an Oregon corporation and its WILLAMETTE FACTORS, INC., an Oregon corporation and its successors and assigns (hereinafter, "the Declarant"), and the Association, itself, to the extent any of the above-mentioned own any Unit or Units of the Condominium.
- 1.6 Incorporation. The Association shall be an unincorporated association. However, upon approval of seventy-five percent (75%) of the Unit Owners, the Association may be incorporated under the Oregon Nonprofit Corporation Law. In such incorporated under the Oregon Nonprofit Corporation Law. In such incorporated under the Oregon Nonprofit Corporation Law. In such incorporated under the Eylaws shall be consistent with the event, the articles Sylaws, and these Bylaws shall constitute Perlanation and these Bylaws, and these Bylaws of the incorporated association.
- 1.7 <u>Pefinitions</u>. The definitions contained in or adopted by the Declaration shall be applicable to these Bylaws.
- BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU 90 59019 VILLAGE CENTER CONDOMINIUM L: WP51/PYC/WILLAM, BYL 10-11-90 (10.100

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ARTICLE II

MEMBERSHIP, VOTING, MAJORITY OF OWNERS, QUORUM, PROXIES

- 2.1 Membership in the Association. Upon becoming legal owner or contract purchaser of a Unit, the Unit Owner shall automatically be a member of the Association and shall remain a member of the Association and shall remain a member of the Association until such time as his/her ownership member of the Association until such time as his/her ownership member of the Bylaws and the administration of the Condominium, purposes of the Bylaws and the administration of the Condominium, from the record of Unit ownership maintained by the Association. From the Board may, at its discretion, require that a Unit Owner or The Board may, at its discretion, require that a Unit Owner or Unit, to which the Association satisfactory proof of ownership, including a copy of the deed to or land sale contract for his/her including a copy of the deed to or land sale contract for his/her including a copy of Clackamas, Oregon, showing the date and office of the County of Clackamas, Oregon, showing the date and office of recording of such deed or contract. Notwithstanding the place of recording of such deed or contract. Notwithstanding the foregoing, the Owners, as defined in the Declaration, shall be foregoing, although no deed or land sale contract with respect to such Units has been filed with the Association.
 - 2.2 Voting. Subject to the Declarant's rights in Section 6.1.4 of the Declaration, the owners of each Unit shall have one vote in the aggregate. The Board shall be entitled to vote as to any Units owned by the Association. Whenever any Unit is owned by two or more persons jointly, according to the records of the by two or more persons jointly, according to the records of the Association, the vote of such Unit may be exercised by any one of Association, the vote of such Unit may be exercised by a co-owner. The owners then present, in the absence of protest by a co-owner. In the event of such Unit exercise of the vote without the approval of all co-owners. In the event of the vote without the approval of all co-owners. In the event of disagreement among the co-owners, the vote of such Unit shall be disagreement among the disagreement among the proportion of votes given with respect to such matter.
 - 2.3 Binding Vote: Percent of the Vote. The term "binding vote" shall mean more than fifty percent (50%) of the votes cast by the Unit Owners present in person or by proxy, at a meeting at which a quorum is constituted. Such binding vote shall bind all unit Owners for all purposes except where a higher percentage vote is required by law, by the Declaration or by these Bylaws. The term "percent of all votes" shall mean a percent of all the voting rights allocated to the Units by the Declaration.
 - 2.4 Majority Vote. The term "majority vote" or "majority of Unit Owners" means more than fifty percent (50%) of the voting rights allocated to the Units by the Declaration.
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2.5 Quorum. Except as otherwise provided in these Bylaws, the presence in person or by proxy of a majority of Unit Owners shall constitute a quorum. A subsequent joinder of a Unit Owner in the action taken at a meeting by signing and reviewing in the minutes thereof shall constitute the presents of such person for the purpose of determining a quorum. When a quorum is once the purpose of determining a quorum. When a proxim is once present to organize a meeting, it cannot be broken by the subsequent withdrawal of the Unit Owner or Owners. If any meeting of members cannot be organized because of a lack of subsequent withdrawal of the Unit Owner or Owners. If any meeting of members cannot be organized because of a lack of quorum, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.

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- 2.6 Proxime. A vote may be cast in person or by proxy. A proxy given by a Unit Owner to any person who represents such owner at meetings of the Association shall be in writing and owner at meetings of the Association shall be in writing and owner at meetings of the Association shall be in writing and owner at meetings of which it was proxy shall be valid after the meeting for which it was proxy shall be valid after the meeting for which it was solicited, unless otherwise expressly stated in the proxy, and solicited, unless otherwise expressly stated in the proxy, and every proxy shall automatically cease upon sale of the Unit by avery proxy shall automatically cease upon sale of the Unit give owner may pledge or assign his/her voting rights its owner, an owner may pledge or assign to designated to a mortgages. In such a case, the mortgagee or its designated to exercise the Unit the Unit Owner is entitled hereunder and to exercise the Unit the Unit Owner is entitled hereunder and to exercise the Unit when or the shall give written notice of such pledge or assignment to the shall give written notice of such pledge or assignment to the shall give written notice of such pledge or assignment to the attend all or any meetings of the Association.
 - 2.7 Fiduciaries. An executor, administrator, guardian or trustee may vote, in person or by proxy, at any meeting of the trustee may vote, in person or by proxy, at any meeting of the Association with respect to any Unit owned or held by such person in such capacity, whether or not the same shall have been transferred to his/her name; provided, that he/she shall satisfy transferred to his/her name; the executor, administrator, the secretary that he/she is the executor, administrator, guardian or trustee, holding such Unit in such capacity.

ARTICLE III

MEETINGS OF ASSOCIATION

- 3.1 Place of Meetings. The Association shall hold meetings at such suitable place convenient to the Unit Owners as may be designated by the Board from time to time.
- 3.2 First Organizational Monting. Within one (1) year after the Declarant and Owners, as defined in the Declaration, have recorded and adopted these Bylaws, the Declarant shall call the first meeting of the Unit Owners to organize the Association the first meeting. The Declarant shall give notice of the and to elect Directors. The Declarant shall give notice of the single organizational meeting to each Unit Owner at least ten (10) first organizational meeting to each Unit Owner at least ten (10)
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but not more than fifty (50) days prior to the meeting. The notice shall state the purpose of the meeting and the time and place it is to be held. If the first organizational meeting lacks a quorum, it may be adjourned to the time of the first annual meeting. If the Declarant does not call the first organizational meeting within the time specified above, the meeting may be called and said notice given by a Unit Owner or any first mortgagee of a Unit.

- 3.3 Annual Meetings. The annual meetings of the Association shall be held in December, beginning December 1991, at such hour and on such date as the chairman may designate, or if the chairman should fail to designate such date by the first day of December, then on the last Tuesday in December. The annual meetings shall be for the purpose of electing Directors and for the transaction of such other business as may properly come before the meeting.
- 3.4 Special Meetings. Special meetings of the Association may be called by the chairman or secretary or by a majority of the Board, and must be called by such officers upon receipt of a written request from at least thirty percent (30%) of the Unit written request from at least thirty percent (30%) of the Unit written request from at least thirty percent (30%) of the Unit written request from at least thirty percent (30%) of the Unit written requires the purpose of the meeting. Business transacted at a special meeting shall be confined to the purposes stated in
- 3.5 Notice of Meetings. Notics of all meetings of the Association stating the time and place and the reasons for which the meeting is being called shall be given by the chairman or the meeting is being called shall be in writing and mailed to each secretary. Such notice shall be in writing and mailed to each Unit Owner at his/her address as it appears on the books of the Unit Owner at his/her address as it appears on the books of the Unit Owner at his/her address as it appears on the books of the Unit Owner at his/her address as it appears on the books of the Unit Owner than fifty (50) days prior not less than ten (10) days nor more than fifty (50) days prior to the date of the meeting. Proof of such mailing shall be given to the affidavit of the person giving the notice. Notice of by the affidavit of the person giving the notice. Notice of when a meeting is adjourned for less than 30 days, no notice of the adjourned meeting need be given other than by announcement at the meeting at which such adjournment takes place.
- 3.6 Open Meetings. All meetings of the Board shall be open to Unit Owners. However, Unit Owners may not participate in the Board meetings without the permission of the Board. For other than emergency meetings, notice of the time and place of Directors' meetings shall be posted at a place or places on the Condominium at least three (3) days prior to the meeting, or notice shall be provided by a method otherwise reasonably calculated to inform Unit Owners of such meetings.
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- 3.7 Order of Business. The order of business at annual meetings of the Association shall be:
 - a. Calling of the roll and certifying of proxies;
 - b. Proof of notice of meeting or waiver of notice;
 - Reading of minutes of preceding meeting;
 - d. Reports of officers;
 - Reports of committees, if any;
 - f. Election of Directors;
 - q. Unfinished business;
 - h. New business; and
 - i. Adjournment.

ARTICLE IV

BOARD OF DIRECTORS

- 4.1 Number and Qualification. Except as provided in Section 4.2 below, the affairs of the Association shall be governed by a Board composed of three (3) or five (5) persons. All Directors shall be owners or co-owners of Units of the Condominium. For purposes of this section, the officers of any corporate owner and the partners of any partnership shall be considered co-owners of any Units owned by such corporation or partnership. Co-owners of the same Unit may not serve as Directors simultaneously.
- 4.2 <u>Interim Directors</u>. Upon the filing of the Declaration submitting the Condominium to the Act, the Declarant heraby appoints the following interim Board of three (3) Directors, who shall serve until replaced by Declarant or their successors have been elected by the Unit Owners as provided below:

Robert L. Foote Michael Campbell President of the Club

- 4.3 Election and Term of Office. At the first organizational masting called by Declarant pursuant to section 3.2 of these Bylaws, the interim Directors shall resign and three (3) successor Directors shall be elected. One (1) of the successor Directors shall serve until the next annual meeting and two (2) of the successor Directors shall serve until the second annual meeting after their election. Directors shall hold office
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until their respective successors have been elected by the Unit Owners. Election shall be by plurality. Upon a majority vote of the membership, the number of Directors may be increased to five (5) Directors. Upon such increase, two additional Directors shall be elected, one to serve until the next annual meeting and the other to serve until the second annual meeting after their the other to serve until the second annual meeting after their theorem. Thereafter, each successor Director shall be elected to serve for a two-year term.

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- other than the rer il of a Director by a vote of the Association shall be filled by tote of the majority of the remaining prectors, even though they may constitute less than a quorum, or by a sole remaining Director. Each person so elected shall be a by a sole remaining Director. Each person so elected shall be a Director until a successor is elected to fill the unexpired term at the next annual meeting of the Association or the next special meeting of the Association called for that purpose. Vacancies in interim Directors shall be filled by Declarant.
- 4.5 Removal of Directors. At any regular or special meeting of the Association duly called, any one or more of the Directors, other than interim Directors, may be removed with or without cause by a majority vote of the Unit Owners present in person or by proxy, and a successor shall be elected at that person of the fill the vacancy thus created. The notice of any such meeting to fill the vacancy thus created. The notice of any such meeting shall state that such removal is to be considered, and any Director whose removal has been proposed shall be given an opportunity to be heard at the meeting.
- 4.6 Powers and Duties. The Board shall have all of the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law or by the Declaration, these Splaws or by the Covenants may not be delegated to the Board by the Unit Owners. The powers and duties to be exercised by the Board shall include, but shall not be limited to the following:
 - a. Operation, care, upkeep, maintenance and repair of the General Common Elements and the sidewalks and landscaping on the Limited Common Elements (except the non-permanent planter boxes).
 - Determination of the amounts required for operation, maintenance and other affairs of the Association, and the making of such expenditures.
 - Collection of the General Common Expenses from the Unit Cunera.
 - Employment and dismissal of such personnel as necessary for the efficient maintenance, upkeep
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and repair of the General Common and Limited Common Elements.

- e. Employment of legal, accounting or other personnel for reasonable compensation to perform such services as may be required for the proper administration of the Association.
- Opening of bank accounts on behalf of the Association and designating the signatories required therefor.
- g. Purchasing Units of the Condominium at foreclosure or other judicial sales in the name of the Association or its designee on behalf of all the Unit Owners as provided in these Bylaws.
- h. Selling, leasing, mortgaging, voting the votes appurtenant to (other than for the election of Directors), or otherwise dealing with Units of the Condominium acquired by the Association or its designee on behalf of all the Unit Owners.
- Obtaining insurance or bonds pursuant to the provisions of these Bylaws.
- j. Making additions and improvements to, or alterations of, the General Common and Limited Common Elements; provided, however, that no such project may be undertaken by the Board if the total cost will exceed the amount of \$2,500 unless the Unit Owners have enacted a resolution authorizing the project by a vote of seventy-five percent (75%) of the voting rights present in person or by proxy at a meeting at which a quorum is constituted. This limitation shall not be applicable to repairs or maintenance undertaken pursuant to paragraph (a) above.
- k. Designating one or more committees which, to the extent provided in the resolution designating the committee, shall have the powers of the Board in the management of the affairs of the Association. At least one member of each committee shall be a member of the Board.
- Hiring managers and/or other agents ("Manager")
 who shall be responsible for the implementation of
 the decisions of the Board and for conducting the
 ordinary and usual business affairs of the
 Association. The Manager shall at all times be
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subject to the direction of the Board and shall keep the Board informed as to all matters of concern to the Board.

- m. Enforcement by legal means of the provisions of the Act, the Declaration, these Bylaws and any rules and regulations adopted hereunder.
- n. Deliver the Annual Report, as described in ORS 100.260(2), every year to the Office of the Secretary of State for filing on behalf of the Association, in accordance with ORS 100.260(5), not later than the report date which shall be the anniversary date of filing the Condominium Information Report, described in ORS 100.260(1).
- 4.7 Managing Agent or Manager. As provided in Section 4.6 l above, the Board may employ or contract for a Manager at a compensation to be established by the Board. In the absence of such appointment, the Board shall act as manager.
- 4.8 Organizational Meeting. Within fourteen (14) days following the annual meeting of the Association or following any meeting at which an election of Directors has been held, the Board shall hold an organization meeting at such place and time as shall have been fixed by the Directors at the meeting at which the election was held.
- 4.9 Regular and Special Meetings. Regular meetings of the Board may be held at such time and place as shall be determined, from time to time, by a majority of the Directors. Special meetings of the Board may be called by the chairman and must be called by the secretary at the written request of at least one Director. Notice of any special meeting shall be given to each Director, personally or by mail, telephone or telegraph, at least seven (7) days prior to the day named for such meeting, and shall state the time, place and purpose of such meeting. All meetings of the Board shall be open to Unit Owners as set forth in Section 3.6 herein. Such meetings may be conducted by telephonic communication.
- 4.10 Waiver of Notice. Any Director may, at any time, waive notice of any meeting of the Board in writing, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall constitute a waiver by him/her of notice of the time and place thereof, except where a Director attands the meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. If all
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of the Directors are present at any meeting of the Board, no notice to Directors shall be required and any business may be transacted at such meeting.

- 4.11 Quorum of Board of Directors. At all meetings of the Board, a majority of the Directors shall constitute a quorum for the transaction of business, and the votes of a majority of the Directors present at a meeting at which a quorum is present shall constitute the decision of the Board. If at any meeting of the Board less than a quorum should be present, a majority of those present may adjourn the meeting from time to time. At any such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called may be transacted without further notice to Directors.
- 4.12 <u>Compensation</u>. No Director shall receive any compensation from the Association for acting as such,
- 4.13 Liability and Indemnification of Directors, Officers. Manager or Managing Agent. The Directors and officers shall not be liable to the Association of the Unit Owners for any mistake of judgment, negligence, or otherwise except for their own willful misconduct or bad faith. The Association shall indemnify and hold harmless each Director and officer and the manager or managing agent, if any, against all contractual liability to others arising out of contracts made by the Board, officers, manager or managing agent on behalf of the Association unless any such contract shall have been made in bad faith or contrary to the provisions of the Declaration or of these Bylaws. Each Director and officer and the manager or managing agent, if any, shall be indemnified by the Association against all expenses and liabilities, including attorneys' fees, reasonably incurred or imposed upon them in connection with any proceeding to which they may be a party, or in which they may become involved, by reason of being or having been a Director, officer, manager or managing agent, and shall be indemnified upon any reasonable settlement thersef; provided, however, there shall be no indemnity if the Director, officer, manager or managing agent is adjudged guilty of willful nonfeasance, misfeasance or malfeasance in the performance of his/her duties.
- 4.14 Fidelity Bonds. The Board may require that any person or entity, including, but not limited to, employees of any professional manager who handles or is responsible for Association funds, shall furnish such fidelity bond as the Board deems adequate. The premiums on such bonds shall be paid by the Association.
- 4.15 Insurance. The Board shall obtain the insurance required in Article VII of these Sylaws. In addition, the Board; in its discretion, may obtain such other insurance as it deems
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necessary to protect the interests of the Association or Unit Owners. The Board shall conduct an annual insurance review which, if appropriate, shall include an appraisal of all improvements contained in the Condominium.

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ARTICLE V

OFFICERS

- 5.1 Designation. The principal officers of the Association shall be the chairman, the secretary and the tressurer, all of whom shall be elected by the Board. The Directors may appoint a vice chairman, an assistant treasurer, an assistant secretary and such other officers as in their judgment may be necessary. The chairman shall be a member of the Board of Directors, but the other officers need not be Directors or Unit Owners.
- 5.2 Election of Officers. The officers of the Association shall be elected annually by the Board at the organization meeting of each new Board and shall hold office at the pleasure of the Board. If any office shall become vacant, the Board shall elect a successor to fill the unexpired term at any regular meeting of the Board or at any special meeting of the Board called for such purpose.
- 5.3 Removal of Officers. Upon the affirmative vote of a majority of the Directors, any officer may be removed either with or without cause, and his/her successor may be elected at any regular meeting of the Board or at any special meeting of the Board called for such purpose.
- 5.4 Chairman. The chairman shall be the chief executive officer of the Association. He/she shall preside at all meetings of the Association and of the Board. He/she shall have all of the general powers and duties which are usually vested in the chief executive officer of an association, including but not limited to the power to appoint committees from among the Unit Owners from time to time as he/she may in his/her discretion decide is appropriate to assist in the conduct of the affairs of the Association.
- 5.5 Secretary. The secretary shall keep the minutes of all proceedings of the Board and the minutes of all meetings of the Association. He/she shall attend to the giving and serving of all notices to the Unit Owners and Directors and other notices required by law. He/she shall keep the records of the Association, except for those of the treasurer, and shall perform all other duties incident to the office of secretary of an association and as may be required by the Directors or the chairman. In addition, the secretary shall act as vice chairman,
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taking the place of the chairman and performing his/her duties whenever the chairman is absent or unable to act, unless the Directors have appointed another vice chairman.

- 5.6 Treasurer. The treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of required financial statements. He/she shall be responsible for the deposit of all moneys and other valuable effects in such depositories as may from time to time be designated by the Board, and he/she shall disburse funds of the Association upon properly authorized vouchers. He/she shall perform all other duties incident to the office of treasurer of an association and such other duties as may be assigned to him by the Board.
- 5.7 Execution of Instruments. All agreements, contracts, deeds, leases and other instruments of the Association, except checks, shall be executed by such person or persons as may be designated by general or special resolution of the Board and, in the absence of any general or special resolution applicable to the absence of any general or special resolution applicable to the absence of any such instrument shall be signed by the chairman. All checks shall be signed by the treasurer, or in his/her absence or disability, by the chairman or any duly elected assistant treasurer.
- 5.8 Compensation of Officers. No officer who is a member of the Board, other than the secretary and treasurer, shall receive any compensation from the Association for acting as an officer, unless such compensation is authorized by a resolution duly adopted by the Unit Owners. The Board may fix any compensation to be paid to the secretary, treasurer and any officers who are not also Directors.

ARTICLE VI

BUDGET, EXPENSES AND ASSESSMENTS

- 6.1 Budget. The Board shall from time to time, and at least annually, prepare a budget for the Association, estimate the Common Expenses expected to be incurred, less any previous overassessment, and assess the Common Expenses to each Unit Owner in the proportion set forth in the Declaration. The budget may provide for an adequate reserve fund for maintenance, repairs and replacement of those Ceneral Common Elements which must be replaced on a periodic basis.
- 6.2 <u>Determination of Common Expenses</u>. Common Expenses shall include:
 - a. Expenses of administration;
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- Expenses of maintenance, repair or replacement of General Common and/or Limited Common Elements;
- Cost of insurance or bonds obtained in accordance with these Bylaws;
- A general operating reserve;

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- e. Reserve for replacements and deferred maintenance;
- f. Any deficit in Common Expenses for any prior period;
- g. Real and personal property taxes for the General Common and Limited Common Elements until said taxes are assessed to and collected from each Unit Owner by the Clackamas County Tax Collector; and
- h. Any other items properly chargeable as an expense of the Association.
- 6.3 Common Expenses for New Unit. In the event new Units are added to the Condominum during the course of the fiscal year, Common Expenses will be prorated based on the Proportionate Interest as defined in the Declaration amendment creating said new Units.
- 6.4 Assessment of Common Expenses. All Unit Owners shall be obliged to pay Common Expenses assessed to them by the Board on behalf of the Association pursuant to these Bylaws and the Declaration. Assessments may not be waived due to limited or non-use of General Common and/or Limited Common Elements. The Declarant and the Owners shall be assessed as the respective Unit Owners of their unsold Units, but once any of said Units are sold such assessment shall be prorated to the date of sale of any of said Units. The Board, on bshalf of the Association, shall assess the Common Expenses against the Unit Owners from time to time, and at least annually, and shall take prompt action to collect from a Unit Owner any Common Expense due which remains unpaid by him/her for more than thirty (30) days from the due date for its payment.

6.5 Special Assessments.

- a. <u>Capital Improvements</u>. In the case of any duly authorized capital improvements to the General Common and/or Limited Common Elements, the Board may by resolution establish a separate assessment
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for the same, which may be treated as capital contributions by the Unit Owners, and the proceeds of which shall be used only for the specific capital improvements described in the resolution.

- b. Reserve Trust Funds. In establishing reserves for the maintenance, repair or replacement of the General Common and/or Limited Common Elements, the Board may elect by resolution to establish one or more trust funds for the maintenance, repair or replacement of specific items, in which case the Board shall either designate part of the regular assessment or establish separate assessments for such purposes. The proceeds therefrom shall be held in such trust funds and used only for the designated maintenance, repairs or replacements.
- 6.6 Association's Lien Against Unit. The Association, upon complying with the Act (ORS 100.450) or as the same may be amended, shall have a lien upon the individual Unit and undivided interest in the General Common and Limited Common Elements interest in the General Common and Limited Common Elements appertaining to such Unit for the reasonable value of Common appertaining to such Unit for the reasonable value of Common expenses attributable to the Unit and for any unpaid assessments and interest. The lien shall be prior to all other liens or encumbrances upon the Unit except:
 - a. tax and assessment liens; and
 - a first mortgage or trust deed of record.
- 6.7 Transferse's Liability for Unpaid Share of Common Expenses.
 - a. Where the purchaser or mortgages of a Unit obtains title to the Unit as a result of foreclosure of a first mortgage, a trust deed, or by deed in lieu of foreclosure, such purchaser or mortgages, his/her successors and assigns, shall not be liable for any of the Common Expenses chargeable to such Unit which became due prior to the acquisition of title to such Unit by such purchaser or mortgages. Such unpaid share of Common Expenses shall be a Common Expense of all the Unit Owners and reallocated on a pro rata basis to all Units including said mortgaged Unit.
 - b. In a voluntary conveyance of a Unit, the grantee shall be jointly and severally liable with the grantor for all unpaid charges against the latter for his/her proportionate share of Common Expense S
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for the same, which may be treated as capital contributions by the Unit Owners, and the proceeds of which shall be used only for the specific capital improvements described in the resolution.

- b. Reserve Trust Funds. In establishing reserves for the maintenance, repair or replacement of the General Common and/or Limited Common Elements, the Board may elect by resolution to establish one or more trust funds for the maintenance, repair or replacement of specific items, in which case the Board shall either designate part of the regular assessment or establish separate assessments for such purposes. The proceeds therefrom shall be held in such trust funds and used only for the designated maintenance, repairs or replacements.
- 6.6 Association's Lien Against Unit. The Association, upon complying with the Act (ORS 100.450) or as the same may be amended, shall have a lien upon the individual Unit and undivided interest in the General Common and Limited Common Elements interest in the General Common and Limited Common Elements appertaining to such Unit for the reasonable value of Common appertaining to such Unit for the reasonable value of Common Expenses attributable to the Unit and for any unpaid assessments and interest. The lien shall be prior to all other liens or encumbrances upon the Unit except:
 - a. tax and assessment liens; and
 - a first mortgage or trust deed of record.
- 6.7 Transferse's Liability for Unpaid Share of Common Expenses.
 - a. Where the purchaser or mortgagee of a Unit obtains title to the Unit as a result of foreclosure of a first mortgage, a trust deed, or by deed in lieu of foreclosure, such purchaser or mortgagee, his/her successors and assigns, shall not be liable for any of the Common Expenses chargeable to such Unit which became due prior to the acquisition of title to such Unit by such purchaser or mortgagee. Such unpaid share of Common Expenses shall be a Common Expense of all the Unit Owners and reallocated on a pro rata basis to all Units including said mortgaged Unit.
 - b. In a voluntary conveyance of a Unit, the grantee shall be jointly and severally liable with the grantor for all unpaid charges against the latter for his/her proportionate share of Common Expenses
- 13 BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM L:\WP51\PYC\WILLAM.BYL 10-11-90

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up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, upon request of a prospective purchaser the Board shall make and deliver a statement of the unpaid charges against the prospective grantor, and the grantee in that case shall not be liable for, nor shall the Unit when conveyed be subject to, a lien filed thereafter for any charges against the grantor in excess of the amount therein set forth.

- 6.8 <u>Statement of Common Expenses</u>. Upon a request in writing, the Board shall:
 - advise each Unit Owner in writing of the amount of Common Expenses payable by him/her; and/or
 - furnish copies of each budget on which such Common Expenses are based to all Unit Owners and, if requested, to their mortgagees; and/or
 - furnish any Unit Owner with a written statement of his/her unpaid Common Expenses and assessments.
- 6.9 Insurance Agreements. Notwithstanding anything to the contrary in the Declaration and/or Bylaws, the Board shall assess each Unit for the actual insurance premium costs incurred by the Association pursuant to Article VII hereof, for the coverage of the respective Unit and its Limited Common Elements.

ARTICLE VII

INSURANCE

- 7.1 Insurance. For the benefit of the Association and the Unit Owners, the Board shall obtain and maintain at all times, and shall pay for out of the Common Expense funds, the following insurance:
 - a. A policy or policies of insurance covering loss or damage from fire with extended coverage endorsement and such other coverages such as flooding, which the Association may deem desirable, for not less than the full insurable replacement value of the Units and General Common and Limited Common Elements. Such policy or policies shall name Declarant, the Association and the Unit Cwners as insureds, as their interests may appear, and shall provide for a separate loss
- 14 BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM L:\WP51\PYC\WILLAM.BYL 10-11-90

payable endorsement in favor of the mortgages or mortgages of each Unit, if any.

- A policy or policies insuring the Declarant, the Association, the Board, the Unit Owners and the managing agent, against liability to the public or to the owners of Units and of General Common and Limited Common Elements, and their invitees or tenants, incident to the ownership or use of the Condominium. There may be excluded from such policy or policies coverage of a Unit Owner (other than as a member of the Association or Board) for liability arising cut of acts or omissions of such Unit Owner and liability incident to the ownership and/or use of the part of the Condominium as to which such Unit Owner has the exclusive use or occupancy. Limits of liability under such insurance shall not be less than One Million Dollars (\$1,000,000) on a combined single limit basis. Such policy or policies shall be issued on a comprehensive liability basis and shall provide a cross liability endorsement providing that the rights of a named insured under the policy or policies shall not prejudice any action against another named insured; and
- c. Workers' compensation insurance for the employees of the Association to the extent necessary to comply with any applicable laws.

Each Unit Owner shall be responsible for obtaining, at his/her own expense, insurance covering his/her Unit and other property not insured under paragraph (a) above and against his/her liability not covered under paragraph (b) above, unless the Association agrees otherwise.

- 7.2 Policies. Insurance obtained by the Association shall be governed by the following provisions:
 - a. All policies shall be written with the State of Oragon or a company licensed to do business in the State of Oregon and holding a Commissioner's rating of "A" and a size rating of "AAA," or better, by the Best's Insurance Reports current at the time the insurance is written or, prior to the initial meeting of the Association, one acceptable to Declarant.
 - hll losses under policies hereafter in force regarding the Condominium shall be settled
- 15 BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM LIMESIAPPONIUM BY 10-11-90

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exclusively with the Board or its authorized representative. Proceeds of the policies shall be paid to the Association as trustee for the Unit Owners or, upon demand of any mortgagee, to an insurance trustee acceptable to the Association and mortgagees of Units.

- c. Each Unit Owner shall be required to notify the Board of all improvements made by the owner to his/her Unit, the value of which is in excess of Five Hundred Dollars (\$500). Nothing in this paragraph shall permit an owner to make improvements without first obtaining the approval of the Board pursuant to Section 9.2.
- d. Any Unit Owner who obtains individual insurance policies covering any portion of the Condominium other than his/her personal property and fixtures shall file a copy of such individual policy or policies with the Association with thirty (30) days after the purchaso of such insurance.
- 7.3 Provisions. The Board shall make every effort to secure insurance policies that will provide for the following:
 - a. A waiver of subrogation by the insurer as to any claims against the Board, the manager, the Unit Owners and their respective servants, agents and quests.
 - b. A provisions that the master policy on the Condominium cannot be cancelled, invalidated or suspended on account of the conduct of any one or more individual owners.
 - c. A provision that the master policy on the Condominium cannot be cancelled, invalidated or suspended on account of the conduct of any officer or employee of the Board or the manager without prior demand in writing that the Board or manager cure the defect.
 - d. A provision that any "no other insurance" clause in the master policy exclude individual owners' policies from consideration and a waiver of the usual proration clause with respect to such policies.
 - A provision that the insurer issue subpolicies specifying the portion of the master policy
- 16 BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF THE CHARBONNEAU VILLAGE CENTER CONDOMINIUM
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earmarked for each owner's interest and that until the insurer furnishes written notice and a grace period to the mortgagee insured under the loss payable clause thereof, the mortgagee's coverage is naither joopardized by the conduct of the Unit Mortgagor-Owner, the Association or other Unit Owners nor candalled for nonaverent of premiums Owners nor cancelled for nonpayment of premiums.

- A rider on the master policy patterned after "Use A rider on the master policy patterned after "Use and Occupancy" insurance which will provide relief from monthly assessments while a Unit is uninhabitable by the payment of the Condominium expenses thereon and any other fixed costs, including, but without being limited to, taxes, rent, insurance and mortgage payments. The proceeds from any casualty policy, whether held by the Association or a Unit Owner, payable with respect to any loss or damage to the General Common Elements, shall be held in trust for the benefit of all insureds as their interests may appear. £. appear.
- A waiver of the insurer's right to determine A waiver of the insurer's right to determine whether the damage should be repaired. If reasonably available, the policy or policies should contain a stipulated amount clause or determinable cash adjustment clause, or similar clause or permit a cash settlement covering specified value in the event of destruction and a decision not to rebuild decision not to rebuild.

ARTICLE VIII

RECORDS AND AUDITS

- 8.1 General Records. The Board and the managing agent or manager, if any, shall keep detailed records of the actions of the Board and the managing agent or manager, minutes of the meetings of the Board and minutes of the meetings of the Sociation. The Board shall maintain a Book of Resolutions Association. The Board shall maintain a Book of Resolutions Containing the rules, regulations and policies adopted by the Association, Board and the manager. The Board shall maintain a list of owners entitled to vote at meetings of the Association and a list of all mortgagees of Units.
- 8.2 Records of Receipts and Expenditures. The Board or its designee shall keep detailed, accurate records in chronological order of the receipts and expenditures affecting the General Common and Limited Common Elements, itemizing the maintenance and repair expenses of the General Common and Limited Common Elements
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and any other expenses incurred. Such records and the vouchers authorizing the payments shall be available for examination by the Unit Owners and mortgagess during normal business hours.

- 8.3 Assessment Roll. The assessment roll shall be muintained in a set of accounting books in which there shall be an account for each Unit. Such account shall designate the name and address of the Unit Owner or Owners, the amount of each assessment against the Unit Owners, the dates and amounts in which the assessment comes due, the amounts paid upon the account and the balance due on the assessments.
- 8.4 Payment of Youchers. The treasurer shall pay all vouchers up to \$1,000 signed by the chairman, managing agent, manager or other person authorized by the Board. Any voucher in excess of \$1,000 shall require the signature of the chairman.
- 8.5 Reports and Audits. An annual report of the receipts and expenditures of the Association shall be rendered by the Board to all Unit Owners and to all mortgages of Units who have requested the same within ninety (90) days after the end of each fiscal year. From time to time the Board, at the expense of the fiscal year. From time to time the books and records Association, may obtain an audit of the books and records pertaining to the Association and furnish copies thereof to the owners and such mortgagees. At any time any owner or mortgagee may, at his/her own expense, cause an audit or inspection to be made of the books and records of the Association.
- 8.6 Notice of Sale. Mortgage. Rental or Leage. Immediately upon the sale, mortgage, rental or lease of any Unit, the Unit Owner shall promptly inform the secretary or manager of the name and address of said vendee, mortgagee, lessee or tenant.

ARTICLE IX

MAINTENANCE AND USE OF CONDOMINIUM PROPERTY

- 9.1 Maintenance and Repair. Except as otherwise provided herein for damage or destruction caused by casualty:
 - a. Units. All maintenance of and repairs to any Unit shall be made by the owner of such Unit, who shall keep the same in good order, condition and repair and shall do all redecorating, painting and staining which at any time may be necessary to maintain the good appearance and condition of his/her Unit. In addition, each Unit Owner shall be responsible for the maintenance, repair or replacement of windows and doors and any plumbing, heating or air conditioning fixtures, telephones,
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water heaters, fans, lighting fixtures and lamps, fireplaces, refrigerators, dishwashers, ranges or other appliances and accessories that may be in or connected with his/her Unit.

b. General Common Elements. All maintenance, repairs and replacements to the General Common Elements and to all landscaping on the Limited Common Elements (except for non-permanent planter boxes) shall be made by the Association and shall be charged to all the Unit Owners as a Common Expense. Except as provided above, each Unit Owner having exclusive use of a Limited Common Element shall keep his/her respective Limited Common Element well maintained, repaired, replaced and in good order.

9.2 Additions, Alterations or Improvements.

- a. A Unit Owner may make any improvements or alterations to his/her Unit that do not impair the structural integrity or mechanical systems of any Unit and/or any portion of the Condominium.
- After acquiring an adjoining Unit or an adjoining part of an adjoining Unit, a Unit Owner may submit a written request to the Board for permission to remove or alter any intervening partition or to create apertures therein, even if the partition in whole or in part is a General Common and/or Limited Common Element. The Board shall approve the change unless it determines within forty-five (45) days that the proposed change will impair the structural integrity or mechanical systems of any Unit and/or any portion of the Condominium. The Board may require the Unit Owner, at his/her own expense, to submit an opinion of a registered architect or registered professional engineer that the proposed change will not impair the structural integrity or mechanical systems of any Unit and/or any portion of the Condominium. Removal of partitions or creation of apertures under this paragraph is not a relocation of Unit boundaries as defined in Article XII of the Declaration.
- c. A Unit Owner shall make no repair or alteration or perform any other work on his/her Unit which would reduce the value and/or jeopardize the soundness or safety or the Unit and/or any portion of the Condominium, and/or impair any easement or

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hereditament and/or increase the Common Expenses of the Association unless the consent of all the other Unit Owners affected is first obtained.

- d. A Unit Owner may not change the appearance of the General Common and/or Limited Common Elements or the exterior appearance of a Unit without permission of the Board.
- 9.3 <u>Damage or Destruction by Casualty of Condominium</u>. In the case of substantial damage or destruction, timely written notice shall be given to the Unit Owners and their mortgagees and the following provisions shall apply:
 - a. In the event of damage or destruction by casualty of any portion or all of the Condominium, the damage or destruction shall be repaired, reconstructed or rebuilt unless, within fourteen (14) days of such damage or destruction, the Board or more than ten percent (10%) of the Unit Owners shall have requested a special meeting of the Association. Such special meeting must be held within sixty (60) days of the date of damage or destruction. At the time of such meeting, unless Unit Owners holding ninety percent (90%) of the voting power, whether in person, by writing or by proxy, vote not to repair, reconstruct or rebuild the damaged portion of the Condominium, the damage or destruction shall be repaired, reconstructed or rebuilt. If the damage or destruction is not repaired, reconstructed or rebuilt, then the damaged portion of the Condominium shall be removed from Condominium ownership by the manner provided in the Act.
 - b. The Association shall be responsible for repairing, reconstructing or rebuilding all such damage or destruction to the General Common Elements and to the landscaping on the Limited Common Elements (except the non-permanent planter boxes) and, to the extent of the Association's insurance coverage, all such damage or destruction to the Units. Each Unit Owner shall be responsible for such repairing, reconstructing or rebuilding of his/her Unit as is not covered by the Association's insurance.
 - of an employee, customer or guest or other authorized occupant or visitor of auch Unit Owner,
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damage shall be caused to the General Common and/or Limited Common Elements or to a Unit owned by others, or maintenance, repairs or replacements shall be required which would otherwise be a Common Expense, then such Unit Owner shall pay for such damage and such maintenance, repairs and replacements as may be determined by the Association, to the extent not covered by the Association's insurance.

- A. In the event any portion of the insurance proceeds paid to the Association are not used to repair, reconstruct or rebuild the damaged or destroyed portion of the Condominium the Association shall distribute the proceeds among the Unit Owners and their mortgagees (as their interests may appear in the insurance policies described above). If the damaged portion of the Condominium is removed from Unit ownership, the insurance proceeds, together with the proceeds from the sale of the damaged portion of the Condominium shall be distributed to the Unit Owners and their mortgagees (as their interests may appear) in the manner described in the Act.
- 9.4 Condemnation. If any portion of the Condominium is made the subject matter of any condemnation or eminent domain proceeding or is otherwise sought to be acquired by a condemning authority, notice of the proceeding or proposed acquisition shall promptly be given to each Unit Owner and to each mortgagee. All compensation, damages or other proceeds of the taking, other than any award for moving expenses of specific Unit Owners, shall be payable to the Association and located and distributed as provided in this Section 9.4.
 - a. Complete Taking. If the entire Condominium is taken, or if Unit Owners holding ninety percent (90%) of the voting power agree that such substantial portion of the Condominium has been taken as to make the project obsolete, then the Buildings, Land and Improvements shall be deemed removed from Unit ownership. In such event, any proceeds of the condemnation paid to the Association, together with any other proceeds upon sale of the remaining Buildings, Land and Improvements, shall be distributed among the Unit Owners and their mortgagees, as their interests may appear, in accordance with the provisions of the Act.
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Condominium is taken and the Condominium is not determined to be obsolete as provided in paragraph (a) above, then as soon as practicable the Board shall, reasonably and in good faith, allocate the award among the Units in accordance with the reduction in the fair market value of each Unit and each Unit's interest in the General Common and Limited Common Elements, compared to the total reduction in fair market value of all Units and their interest in the General Common and Limited Common Elements. In the event any Unit Owner or mortgages objects to the allocation determined by the Board, the matter shall be submitted to arbitration in accordance with Article XVIII of the Declaration. The cost of such determination shall be paid out of the proceeds of the condemnation. Any portion of the award allocated to a Unit Owner under this paragraph shall be paid first to all mortgages and holders of liens on the Unit Owner's interest in accordance with the exiting priorities and the balance to the Unit Owner. If any reconstruction and repair is undertaken as a result of the condemnation, the Board may retain and apply such portion of each Unit Owner's share of the award as is necessary to discharge the owner's liability for any special assessment arising from such reconstruction or repair.

9.5 <u>Limitations on Use</u>. In addition to the restrictions in the Declaration and/or Covenants on use or occupancy of the Condominium, the following rules of conduct apply to all Unit Owners and all other persons using the Condominium in any manner.

- a. Without prior written approval of the Board, which approval shall not be unreasonably withheld, no advertisements, posters, or signs of any kind shall be displayed to public view on or from any Unit or the General Common and/or Limited Common Elements except signs used by Declarant to advertising Units for sale or lease.
- b. All persons shall exercise extreme care about creating disturbances, making noises, or using musical instruments, radios, television, and amplifiers that may disturb other Unit Owners and/or their customers, agents, employees or other authorized occupant or visitor.

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- c. No pets of any kind shall be raised, kept or permitted within the Condominium or any part thereof, except the Board may approve domestic household pets in the residential Units.
- d. No garments, rugs, and similar items shall be hung from the windows or from any of the facades, decks, porches, or stairways of the Condominium. It is prohibited to hang or shake dust rags, mops, and similar items from the windows or decks, porches, or stairways, or to clean such items by beating them on an exterior part of the buildings.
- e. No garbage, trash or other waste shall be deposited or maintained on any part of the General Common and/or Limited Common Elements except in areas or containers designated for such items.
- f. No person shall install wiring for electric or telephone installation, television antenna, machines or air conditioning Units, or similar devices on the exterior of the Condominium or cause them to protrude through the walls or the roof of the Condominium except as authorized by the Board. No exterior windows guards, awnings, or shades, or exterior lights or noise making devices shall be installed without the prior consent of the Board.
- g. In order to preserve the attractive appearance of the Condominium, the Board may regulate the nature of items which may be placed in or on windows, decks, patios, balconies, porches and/or the outside walls so as to be visible from other Unite, the General Common and Limited Common Elements or outside the Condominium. All such items shall be maintained in a neat, clean and sanitary manner by the Unit Owner.
- h. The parking spaces designated as General Common Elements in the Declaration are intended for use of automobiles of Unit Owners and the tenants, omployees, customers, guests and/or other authorized occupants or visitors. The Board may make such rules necessary to govern the use of any General Common Element parking areas by which all Unit Owners shall be bound.
- Vehicular traffic on the streets and drives within the Condominium shall be limited to five (5) miles

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per hour as a safety precaution. This speed limit shall apply to bicycles, motor scooters, golf carts, motorcycles, automobiles, and trucks.

- j. No trucks, boats, house trailers, motorhomes, pickup campers, mobile homes, or like recreational vehicles shall be used for residential purposes, nor shall they be stored or parked on the General Common and/or Limited Common Elements except in areas, if any, specifically so designated by the Board.
- k. Nothing shall be done or kept in any Unit or in the General Common and/or Limited Common Elements which will increase the cost of insurance on the General Common and/or Limited Common Elements. No Unit Owner shall permit anything to be done or kept in his/her Unit or in the General Common and/or Limited Common Elements which will result in cancellation of insurance on any Unit or any part of the General Common and/or Limited Common Elements.
- 9.6 Abatement and Enjoining of Violations. The violation of any rule or regulation adopted pursuant to these Bylaws or the breach of any bylaw contained herein or of any provision of the Declaration shall give the Board, acting on behalf of the Association, the right, in addition to any other rights set forth in these Bylaws:
 - a. To enter the Unit in which or concerning which such violation exists and to summarily abate and remove, at the expense of the defaulting Unit Owner, any structure, thing, or condition that may exist therein contrary to the intent and meaning of the provisions hereof, and the Board shall not thereby be deemed guilty of any manner of trespass; or
 - To enjoin, abate or remedy such thing or condition by appropriate legal proceedings; or
 - c. To levy reasonable fines, after giving notice and an opportunity to be heard.

Any fines levied and/or any expense incurred by the Association in remedying the default and/or damage incurred by the Association or Unit Cuncrs shall be assessed against the offending Unit as a Common Expense and enforced as provided in Article VI. In addition, any aggrieved Unit Owner may bring an action to recover damages or to enjoin, abate or remedy such thing or condition by appropriate legal proceedings.

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ARTICLE X

AMENDMENTS

- 10.1 <u>How Proposed</u>. Amendments to the Bylaws shall be proposed by either a majority of the Board or by Unit Owners holding thirty percent (30%) of the voting rights. The proposed amendment must be reduced to writing and shall be included in the notice of any meeting at which action is to be taken therson.
- 10.2 Adoption. A resolution adopting a proposed amendment may be proposed by either the Board or by the Unit Owners and may be approved by the Unit Owners at a meeting called for this purpose. Unit Owners not present at the meeting considering such amendment may vote in writing or by proxy. Any resolution must be approved by Unit Owners holding seventy-five percent (75%) of the voting rights. Neither Sections 6.6, 6.7, 6.8, 9.4 nor any other provision of these Bylaws which is for the benefit of mortgagees may be amended without the written consent of all mortgagees.
- 10.3 Execution and Recording. An amendment shall not be effective until certified by the chairman and secretary of the Association, and, if required by the Act, approved by the Real Estate Commissioner and then recorded as required by the Act.
- Declarant Amendment. The Declarant may amend the Declaration or the Bylaws in order to comply with requirements of the Federal Housing Administration, the Veteran's Administration, the Farmer's Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Government National Mortgage Association, the Federal Nome Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon which insures, guarantees or provides financing for condominium units. Such power of amendment may be exercised only prior to the Termination Date.

ARTICLE XI

MISCELLANEOUS

- 11.1 Notices. All notices to the Association or to the Board shall be sent in care of the managing agent, or if there is no managing agent, to the principal office of the Association or to such other address as the Board may hereafter designate from time to time. All notices to any Unit Owner shall be sent to such address as may have been designated by him from time to time, in writing, to the Board, or if no address has been designated, then to the owner's Unit.
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11.2 Waiver. No restriction, condition, obligation or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failurs to enforce the same, irrespective of the number of violations or breaches thereof which may occur.

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11.3 Action Without a Meeting. Any action which the Act, the Declaration and/or the Bylaws require or permit the owners or Directors to take at a meeting may be taken without a meeting if a consent in writing setting forth the action so taken is signed by all of the owners or Directors entitled to vote on the matter. The consent, which shall have the same effect as a unanimous vote of the owners or Directors, shall be filed in the records of minutes of the Association.

11.4 Invalidity: Number: Captions. The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability or effect of the balance of these Bylaws. As used herein, the singular shall include the plural and the plural, the singular. The masculine and neuter shall each include the masculine, fominine and neuter, as the context requires. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of these Bylaws.

11.5 Conflicts. These Bylaws are intended to comply with the Act and the Declaration. In case of any irreconcilable conflict, the Act and/or Declaration shall control over these Bylaws or any rules and regulations adopted hereunder.

DATED at Albanache . Oregon, this 1 th day of Nowallan ., 1990.

"DECLARANT"

WILLAMETTE FACTORS, INC., an Oregon

corporation By: Robert

Robert L. Foots, Fresident

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"OWNERS"

CHARBONNEAU COUNTRY CLUB, an Oregon non-profit corporation

By: Walter E. Attridge

President

CHARBONNEAU VILLAGE CENTER, INC., an Oregon corporation

President

Nancy Clare Ralaton Secretary

WILLAMETTE FACTORS, INC., an Oregon non-profit corporation

By: Callet Robert L. Toote President

STATE OF OREGON

County of Clokom

On this day of Neural 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the President of Willamette Factors, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

DEBBIE E. ALEXANDER MOTARY PUBLIC OREGON

My Commission Expires.

Notary Public for Smire Chikana My Commission expires: 4:15-

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STATE OF OREGON)
County of Clatoner)

On this / day of Novamber, 1990, personally appeared the above-named Robert L. Foote, who, being first duly sworn, did say that he is the President of Charbonneau Village Center, Inc., an Oregon corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

DEBBIE E, ALEXANDER
NOTARY PUBLIC OREGON
My Commission Explices

Notary Public for STATE DECADA!
My Commission expires: 4-25-94

STATE OF OREGON

County of Clokemon

On this 1 day of November 1990, personally appeared the above-named Walter E. Attridge, who, being first duly sworn, did say that he is the President of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

DEBBIE E. ALEXANDER
NOTARY PUBLIC OREGON
My Commission Expires
STATE OF OREGON
)

Notary Public for Grave Onthon
My Commission expires: 4-25-94

OTATE OF OREGIN

County of Clarence

On this day of Monander, 1990, personally appeared the above-named Nancy Clare Ralaton, who, being first duly sworn, did say that she is the Secretary of Charbonneau Country Club, an Oregon non-profit corporation, and that the foregoing instrument was signed by authority of its Board of Directors and acknowledged said instrument to be its voluntary act and deed.

DEBBIE E. ALEXANDER
MOTARY PUBLIC OREGON
Continues on Expires

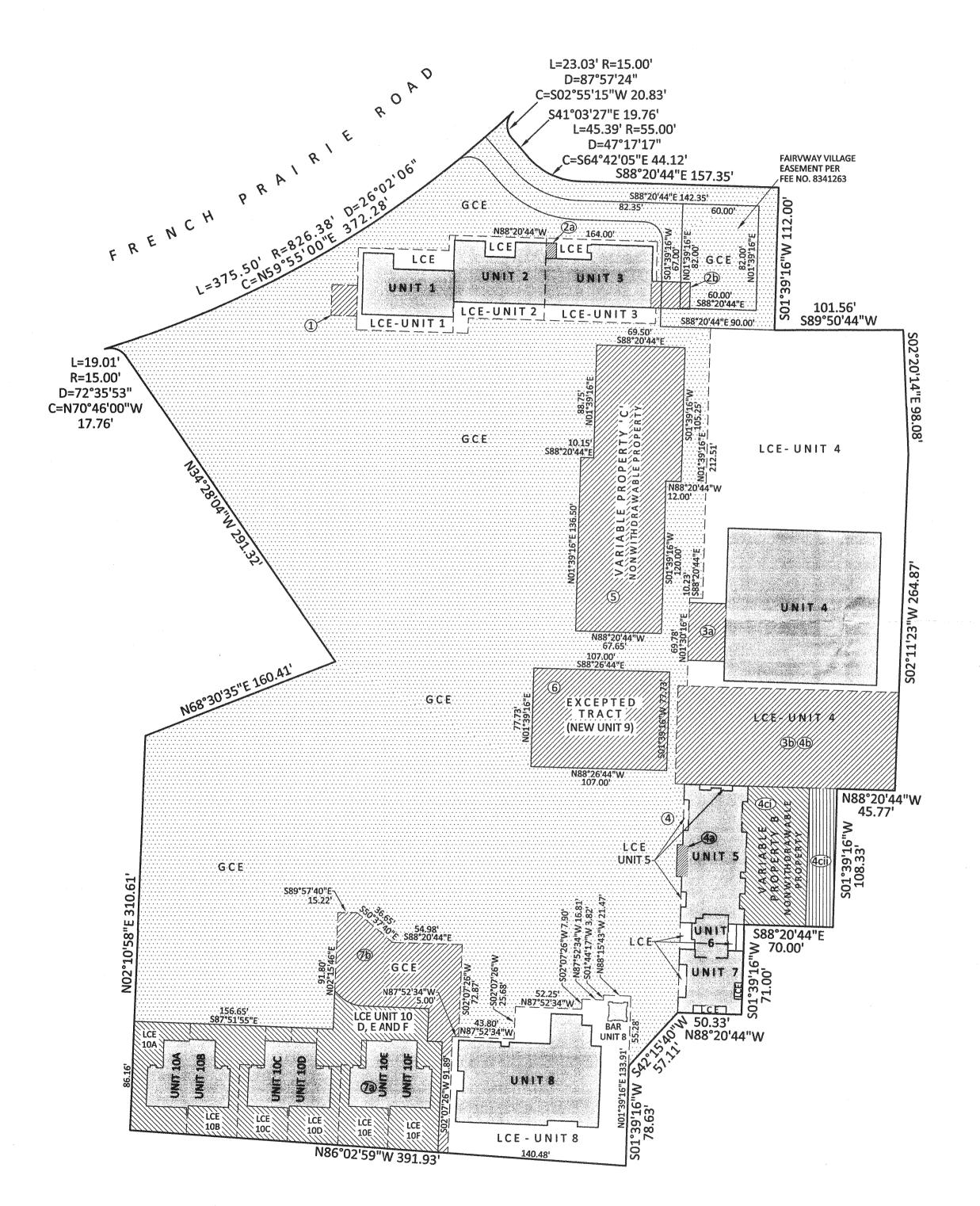
Notary Public for STATE DELACT My Commission expires: 4-25-94

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PLAT AMENDMENT

CHARBONNEAU VILLAGE CENTER CONDOMINIUM PLAT BOOK 94, PAGE 30

LOCATED IN THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 24 AND IN THE NORTH 1/2 OF THE NW 1/4 OF SECTION 35, T 3 S., R 1 W., WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, **CLACKAMAS COUNTY, OREGON**

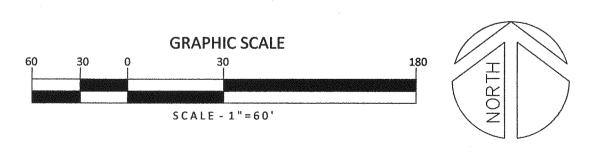
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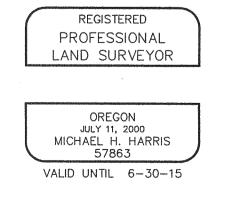
- 1. UNIT 1, ADJUST WEST SIDE LCE BOUNDARY TO INCLUDE OUTDOOR PATIO AND REMOVE THIS AREA FROM GENERAL COMMON ELEMENTS.
- - a. ADJUST UNIT BOUNDARY TO INCLUDE BUILDING ADDITION ON NORTH SIDE, AND REMOVE THIS AREA FROM LIMITED COMMON ELEMENT; AND b. ADJUST LIMITED COMMON AREA BOUNDARY TO INCLUDE EAST SIDE DRIVE-UP CANOPY AND DRIVEWAY, AND REMOVE THIS AREA FROM GENERAL

- a. ADJUST UNIT BOUNDARY TO INCLUDE THE BUILDING EXPANSION ON THE WEST SIDE OF THE TENNIS CLUB; AND REDUCE LCE BY SAME AMOUNT; AND b. TRANSFER A PORTION OF THE LIMITED COMMON ELEMENT SOUTH OF UNIT 4 TO UNIT 5. INCLUDING THE PLAZA AREA FAST OF THE SIDEWALK OVER
- - a. ADJUST UNIT BOUNDARY TO INCLUDE BUILDING ADDITIONS ON THE WEST; AND REDUCE LCE AND GCE BY SAME AMOUNT; AND
 - b. TRANSFER PORTION OF GENERAL COMMON ELEMENT AND LIMITED COMMON ELEMENT UNIT 4 SOUTH OF THE TENNIS CLUB BUILDING TO LIMITED COMMON ELEMENT UNIT 5; AND
 - c. RECLASSIFY VARIABLE PROPERTY "B" AS FOLLOWS:
 - i. ADJUST UNIT 5 BOUNDARY TO INCLUDE BUILDING ADDITION ON EAST SIDE:
 - RECLASSIFY NET AREA AS LIMITED COMMON ELEMENT UNIT 5.
- 5. RECLASSIFY VARIABLE PROPERTY C TO BE PART OF GENERAL COMMON ELEMENT (PARKING).
- 6. ADD UNIT 9, WHICH WAS PREVIOUSLY LISTED AS AN EXCEPTED TRACT.
- 7. ADD UNIT 10 (SUPPLEMENTAL DECLARATION CHARBONNEAU VILLAGE CONDOMINIUM STAGE 3): a. RECLASSIFY VARIABLE PROPERTY "A" TO UNIT 10, INCLUDING RESIDENTIAL CONDOS A-F; AND INCLUDING ASSOCIATED LIMITED COMMON ELEMENTS;
- b. ADJUSTMENT TO GENERAL COMMON ELEMENT TO INCLUDE GRASS TREED AREA NORTH OF UNITS.

RECORDED AND UNRECORDED AMENDMENTS

- CHARBONNEAU VILLAGE CENTER CONDO PLAT RECORDED 11-29-1990; BOOK 94, PAGE 30;
- 2. CHARBONNEAU VILLAGE CENTER CONDO DECLARATIONS RECORDED 11-29-1990; FEE NO. 90-059018
- WILLAMETTE FACTORS TRANSFERS VARIABLE PROPERTY B TO COUNTRY CLUB RECORDED 12-06-1990; FEE NO. 90-59025 4. WILLAMETTE FACTORS, VILLAGE CENTER, AND COUNTRY CLUBTRANSFERS UNITS 6, 7 AND 8 TO WILLAMETTE FACTORS, UNITS 1, 2 AND 3
- TO VILLAGE CENTER, AND UNITS 4 AND 5 TO COUNTRY CLUB RECORDED 12-6-1990; FEE NO. 90-60184
- UNIT 4 (TENNIS CLUB ADDITION) RECORDED 9-15-1994; FEE NO. 94-072852
- 6. COUNTRY CLUB WEST SIDE ADDITION (90DR18) NO AMENDMENT FILED:
- 7. BITAR BUILDING (PREVIOUSLY EXCEPTED) ADDED AS UNIT 9 RECORDED 9-12-1994; FEE NO. 94-095428 8. COUNTRY CLUB EAST SIDE ADDITION (98DR18) - NO AMENDMENT FILED:
- 9. VARIABLE PROPERTY B BECOMES PART OF UNIT 5 RECORDED 11-17-1997; FEE NO. 97-090153
- 10. VARIABLE PROPERTY C BECOMES GCE RECORDED 11-17-1997; FEE NO. 97-090153
- 11. VARIABLE PROPERTY "A" AMENDED AS UNIT 10 A-F RECORDED 03-10-1999; FEE NO. 99-024253
- 12. UNIT 1 ADDITION OF OUTDOOR PATIO, EARLY 2000 (OVER GENERAL COMMON ELEMENT NO AMENDMENT FILED;
- 13. UNIT 3 ADDITION OF BANK DRIVE-UP, EARLY 2000 ((OVER GENERAL COMMON ELEMENT NO AMENI
- 14. UNIT 3 ADDITION OF BUILDING ADDITION ON NORTH SIDE OF UNIT 3, AND REMOVE THIS AREA FROM LIMITED COMMON ELEMENT NO AMENDMENT FILED; 15. UNIT PROPORTIONATE INTERESTS AMENDED TO INCLUDE UNIT 10 - RECORDED 3-10-1999; FEE NO. 99-024252.

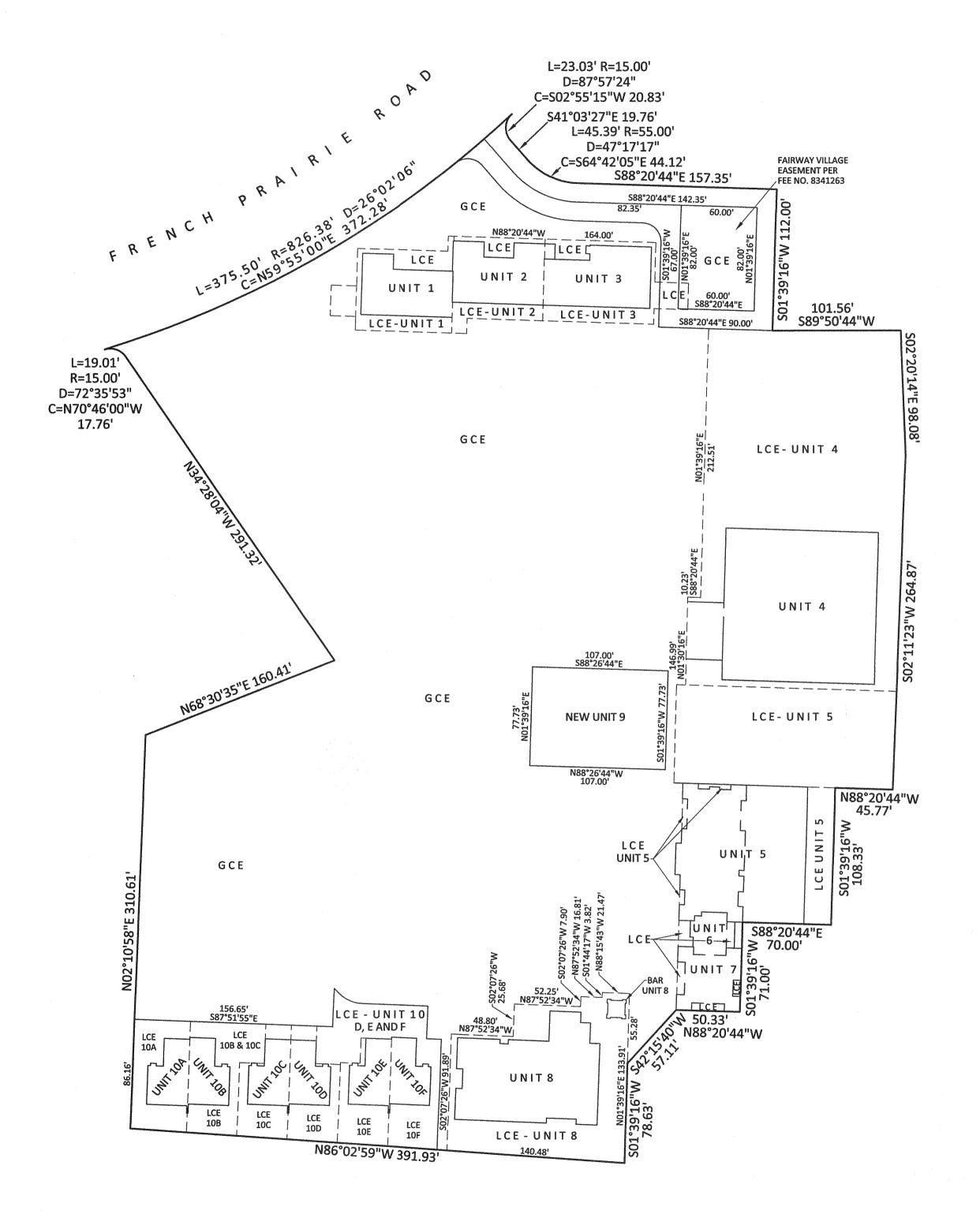






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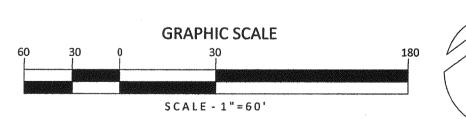
9020 SW Washington Square Dr. • Suite 505 • Portland, Oregon 97223 Phone 503.641.8311 Fax 503.643.7905

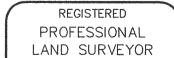


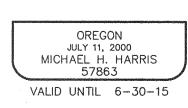
PLAT AMENDMENT

CHARBONNEAU VILLAGE CENTER CONDOMINIUM
PLAT BOOK 94, PAGE 30
LOCATED IN THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 24
AND IN THE NORTH 1/2 OF THE NW 1/4 OF SECTION 35,
T 3 S., R 1 W., WILLAMETTE MERIDIAN, CITY OF WILSONVILLE,
CLACKAMAS COUNTY, OREGON

SURVEYED: SHEET 1/1 LAST REVISED: 04/04/14









SFA Design Group, LLC

STRUCTURAL | CIVIL | LAND USE PLANNING | SURVEYING 9020 SW Washington Square Dr. • Suite 505 • Portland, Oregon 97223 Phone 503.641.8311 Fax 503.643.7905

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 9, 2014 6:30 PM

VII. Public Hearing:

A. Resolution No. 281. Artistic Auto Body Building Expansion: SFA Design Group, LLC- applicant for Terry Mostul – owner. The applicant is requesting approval of an amendment to a Stage I Preliminary Plan, Stage II Final Plan, Waiver to reduce building setbacks and Site Design Review for approximately 4,995 square foot building expansion to the Artistic Auto Body building, including related site improvements. The site is located at 27975 SW Parkway Avenue on Tax Lots 701, 702 and 703 of Section 11, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds

Case Files: DB14-0017 – Revised Stage I Preliminary Plan

DB14-0018 – Stage II Final Plan DB14-0019 – Setback Waiver DB14-0020 – Site Design Review

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 281

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL APPROVING AN AMENDMENT TO A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, A WAIVER TO REDUCE BUILDING SETBACKS, AND SITE DESIGN REVIEW FOR APPROXIMATELY 4,995 SQUARE FOOT BUILDING ADDITION TO THE ARTISTIC AUTO BODY BUILDING INCLUDING RELATED SITE IMPROVEMENTS. THE SITE IS LOCATED AT 27975 SW PARKWAY AVENUE ON TAX LOTS 701, 702, AND 703 IN SECTION 11; T3S R1W; CLACKAMAS COUNTY, OREGON; TERRY MOSTUL, OWNER.

RECITALS

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated June 2, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on June 9, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report June 2, 2014, as amended, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue a site development permit consistent with said recommendations for:

DB14-0017 Revised Stage I Preliminary Plan

DB14-0018 Stage II Final Plan

DB14-0019 Setback Waiver

DB14-0020 Site Design Review

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 9th day of June, 2014 and filed with the Planning Project Coordinator on ______. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

	Mary Fierros Bower, Chair, Panel A Wilsonville Development Review Board
Attest:	
Shelley White	

Exhibit 'A1' WILSONVILLE PLANNING DIVISION STAFF REPORT

DEVELOPMENT REVIEW BOARD PANEL 'A' QUASI-JUDICIAL PUBLIC HEARING

ARTISTIC AUTO BODY

Public Hearing Date: June 9, 2014

Date of Staff Report: June 2, 2014

Property Owner: Terry Mostul, Owner-Artistic Auto Body

Applicant's Representative: Mr. Ben Altman of SFA Design Group

Request: Mr. Ben Altman of SFA Design Group, acting as applicant for Mr. Terry Mostul, proposes construction of approximately 4,995 square foot building expansion to the Artistic Auto Body building including related site improvements at 27975 SW Parkway Avenue.

Request A: DB14-0017 Revised Stage I Preliminary Plan

Request B: DB14-0018 Stage II Final Plan Request C: DB14-0019 Setback Waiver Request D: DB14-0020 Site Design Review

Proposal: The applicant is proposing review and approval of a modified Stage I Preliminary Plan (Master Plan), Stage II Final Plan, a waiver to a street side yard setback and Site Design Review for a building expansion for auto body repair and service uses.

History:

The subject site was developed for Layton Sales in 1973, and at the time was zoned Planned Development Commercial and Industrial (PC&I). Layton Sales was a construction equipment sales and service company, which also had a machine shop as part of their repair operations. Mr. Robert Jones owned the property and improvements since 1982. Concurrently, he leased the site to his company Portland Tractor Inc. (PTI) who later moved to Washougal Washington in late 1993. PTI was similar in nature to Layton Sales, but used much more of the site for outdoor storage. Throughout 1994, and up through August 1995, all manufacturing and some warehousing was conducted by PTI on the subject property. So, it is evident that the site had been historically used for sales, manufacturing, repair and storage of heavy duty construction equipment, attachments and parts. Mr. Terry Mostul of Artistic Auto Body currently owns the property and performs a wide variety of automotive body repair and painting services. In Planning Case File 96AR28, Artistic Auto Body received approval to modify the exterior west elevation of the main building, as well as add a covered parking area and car washing facility, which are both located to the east of the main building. In Planning Case File 96AR41, Artistic was allowed to re-establish an approved monument sign. Case file 96SR17 was an administrative approval allowing a copy change to the freestanding 1-5 freeway sign. All of the other on-site

improvements were either conditioned as part of the administrative approvals, or required no city review at all (e.g. paint and clean up).

Site Description and Location:

The subject property comprises Tax Lots 701, 702, and 703 of Section 11, Township 3 South, Range I West, Willamette Meridian, Clackamas County, City of Wilsonville, Oregon. The three tax lots total 2.96 acres in area. The site is currently developed with two buildings on Tax Lot 703; a micro wave monopole tower on Tax Lot 701; and Tax Lot 702 is currently vacant with the exception of the freestanding freeway sign. To the north of the subject site is Wilsonville Garden Center, to the south is SW Boeckman Road and the Terrene Apartments. To the west is Interstate 5, and to the east is the Mentor Graphics Campus.

VICINITY MAP



Staff Recommendation: Approve Requests A through D with conditions of approval beginning on page 6.

Comprehensive Plan Designations: Industrial

Zone Map Designations: Planned Development Industrial (PDI)

Applicable Review Criteria: Planning and Land Development Ordinance:

Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.117	Standards Applying to Industrial Development in All
	Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.118(.03)	Waivers
Section 4.135	Planned Development Industrial Zone (PDI)
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.140	Planned Development Regulations
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177(.03)	Sidewalks
Section 4.179	Mixed Solid Waste and Recyclables Storage
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.400 through 4.440 as	Site Design Review
applicable	

Other Planning Documents: Comprehensive Plan; Storm Water Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning; Don Walters, Plans Examiner; Steve Adams and Development Engineering Manager.

SUMMARY FINDINGS

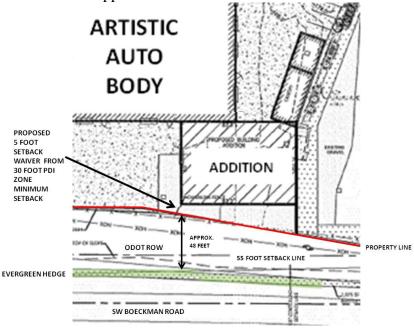
Request A – DB14-0017 Revised Stage I Preliminary Plan: As demonstrated in findings A1 through A47, the proposed revised Stage I Preliminary Plan meets all applicable requirements in Section 4.140.01 through .07.

Request B – DB14-0018 Stage II Final Plan: As demonstrated in findings B1 through B26 the proposed Stage II Final Plan for the building expansion meets the City criteria in Subsections 4.116, and 4.135 - Zoning. The proposed Stage II Final Plan meets the City criteria in Subsection 4.140.09(J)(1) - Land Use.

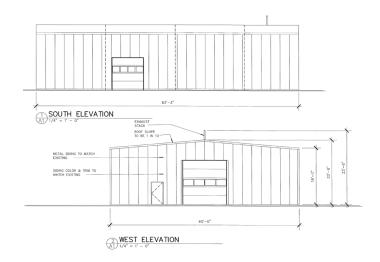
The proposed project meets the City criteria in Subsection 4.140.09(J)(2) – Traffic. The DKS Associates traffic impact study determined that the study intersections, or most probable used intersections, would not produce traffic congestion in excess of level service (LOS) D with the addition of the 10 PM peak hour traffic from the proposed project.

Public Utilities: The proposed project with Engineering Division conditions of approval referenced therein, meets the City criteria in Subsection 4.140.09(J)(3) - Public Utilities for streets, water, sanitary sewer and storm drainage.

Request C – DB14-0019 Waiver: As demonstrated in findings C1 through C12 the proposed waiver to reduce the 30 foot minimum setback to allow 5 feet at the southerly property line at SW Boeckman Road should be approved.



Request D – DB14-0020 Site Design Review: As demonstrated in findings D1 through D25 the proposed building expansion (architecture and landscaping) meets the City criteria in Sections 4.400 - 4.450.



DISCUSSION TOPICS:

Building Setback Waiver: Request C involves a waiver to encroach the 30 foot street side yard building setback along SW Boeckman Road. In Resolution 96DB36 the DRB approved a waiver to locate a car wash cover associated with a car wash operation 22' from the south property line. The proposed waiver request to allow the proposed building expansion at 5 feet from the south property line next to the right-of-way of SW Boeckman Road is necessary to accommodate internal body repair operations and it would be difficult if the building expansion was located elsewhere. Staff recommends that the proposed waiver be approved.

Internal Circulation – Section 4.154, DKS Associates: "Access to Artistic Auto Body is provided by a driveway on the west side of SW Parkway Drive. The driveway has entrances to other neighboring establishments, and the southern side of the road contains approximately 20 nose-in parking spaces with additional parking available on west side of Artistic Auto Body. No pedestrian or bicycle facilities are present on the site. It is recommended that a sidewalk between Parkway Drive and Artistic Auto Body be installed, along with defined bike parking to meet existing City of Wilsonville standards. Due to significant grade difference between Artistic Auto Body and Boeckman Road, no vehicle or pedestrian connection south of the facility is expected at this time." **Staff:** Regarding bicycle parking, the applicant has indicated to staff the bicycle parking is provided inside the Artistic Auto Body building which is acceptable.

Sidewalks: Subsection 4.177(.03) Wilsonville Code stipulates: "Sidewalks shall be provided on the public streets of all development." In 1996 the applicant installed a 5' wide, curb tight, concrete sidewalk along the entire frontage of the subject site along SW Parkway Ave. A half street improvement was also built along the unimproved northern most portion of SW Parkway Avenue fronting the site (10 -20' of the northern most frontage).

SW Boeckman Road. DKS Associates: "The design of the expansion of Artistic Auto Body should be coordinated with the City of Wilsonville to ensure final design will accommodate the Boeckman Road widening project identified in the City's TSP.6."

The City Development Engineer states in proposed condition PFA15: "Current existing right-of-way adjacent to the south property line varies from about 103 feet to 137 feet; the TSP specifies a right-of-way of 95 to 107 feet. Sufficient right-of-way presently exists to accommodate future roadway expansion as provided in the TSP and no additional right-of-way is needed."

PROPOSED CONDITIONS OF APPROVAL FOR REQUESTS 'A - D':

The applications and supporting documents are hereby adopted for approval with the following conditions:

PD	=	Planning Division Conditions	Request A: DB14-0017 Revised Stage I Preliminary Plan
BD	=,	Building Division Conditions	Request B: DB14-0018 Stage II Final Plan
PF	=	Engineering Conditions	Request C: DB14-0019 Waivers
NR	=	Natural Resources Conditions	Request D: DB14-0020 Site Design Review
FD	=	Tualatin Valley Fire and	
	=	Rescue Conditions	

Request A: DB14-0017: Revised Stage I Preliminary Plan

On the basis of findings A1 through A47. This action <u>approves</u> the revised Stage I Preliminary Plan submitted with this application, approved by the Development Review Board, and stamped "Approved Planning Division".

Request B – DB14-0018: Stage II Final Plan

- **PDB1.** The Applicant/Owner shall provide the general contractor for the proposed project with a copy of the approved plans and conditions of approval adopted by the City.
- **PDB2.** All construction workers' vehicles and job shacks associated with this project shall be parked and located on site or on other private property with the permission of that property owner.

Building Division Conditions:

- BD 1. CODE SUMMARY. A code summary will be required at the time of building permit submittal showing how the combined old and new buildings meet code.
- BD 2. FIRE CALCS. At the time of building permit submittal submit fire calcs.
- BD 3. ADVISORY. ACCESSIBLE PARKING cannot be fully reviewed at this time. Accessible parking will be fully reviewed as part of the plan review of the building permit. The additional information available at plan review may require changes to the number and location of accessible parking spaces shown on these preliminary plans.
- BD 4. ADVISORY. ACCESSIBLE PARKING/PLACEMENT. Accessible parking spaces shall be located on the shortest practical accessible route to an accessible building entry. (OSSC Section 1106.6)

Tualatin Valley Fire and Rescue Conditions:

No conditions were provided

Natural Resources Conditions:

No conditions were provided

Engineering Division Conditions of Approval:

Standard Comments:

Standard Comments:

- **PFA 1.** All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.
- **PFA 2.** No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
- **PFA 3.** All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- PFA 4. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
- PFA 5. Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
- **PFA 6.** Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
- PFA 7. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
- PFA 8. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- **PFA 9.** Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
- **PFA 10.** No surcharging of sanitary or storm water manholes is allowed.
- **PFA 11.** The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and

approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.

PFA 12. The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.

Specific Comments:

PFA 13. At the request of Staff, DKS Associates completed a Traffic Trip Generation memo dated April 25, 2014. Based on existing traffic rates the project is hereby limited to no more than the following impacts.

Estimated New PM Peak Hour Trips

10

- **PFA 14.** In the 2013 Transportation Systems Plan (TSP) Parkway Avenue is identified as a Minor Arterial. Sufficient right-of-way presently exists to accommodate the roadway and no additional improvements to Parkway Avenue are identified at this time.
- **PFA 15.** In the TSP Boeckman Road is identified as a Major Arterial. Current existing right-of-way adjacent to the south property line varies from about 103 feet to 137 feet; the TSP specifies a right-of-way of 95 to 107 feet. Sufficient right-of-way presently exists to accommodate future roadway expansion as provided in the TSP and no additional right-of-way is needed.
- **PFA 16.** Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, storm water detention shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.
- **PFA 17.** Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, water quality facilities shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.

If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.

PFA 18. Driveway access spacing along Parkway Avenue is not in compliance with the TSP, with a minimum spacing of 600 feet and a desired spacing of 1,000 feet. However, the existing driveway and use is grandfathered in and the continued use of the non-conforming driveway is allowed at this time.

Request C – DB14-0019: Building Setback Waiver

The side yard setback waiver is approved along SW Boeckman Road. No Conditions of approval are proposed.

Request D – DB14-0020: Site Design Review

- **PDD1.** The Applicant/Owner shall develop the project in substantial compliance with the Site Design Review Plans approved by the Development Review Board (DRB), unless altered with DRB approval, or minor revisions are approved by the Planning Director under a Class I administrative review process.
- PDD2. All landscaping required and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant.
- **PDD3.** All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville's Development Code.
- **PDD4.** The following requirements for planting of shrubs and ground cover shall be met:
 - All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.
 - Shrubs shall reach their designed size for screening within three (3) years of planting.
 - Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum.
 - No bare root planting shall be permitted.
 - Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.
- **PDD5.** Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- **PDD6.** The installation of an automatic in ground irrigation system shall be installed to ensure the longevity of all landscaping. Further, landscaping shall be maintained by weeding, pruning and replacing dead plant material as necessary.

MASTER EXHIBITS LIST

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the master exhibits list that includes exhibits for Planning Case Files:

Staff Report:

- A1. Staff Report, Findings of Fact and Conclusionary Findings for Requests A D, Dated March 7. 2014.
- A2. Staff PowerPoint Presentation

Applicant's Written and Graphic Materials:

- **B1.** Application, project narrative and Compliance Report, Tax Map, Colors and Materials, Reduced size plans, Staff Report 96DB36. (*Under separate cover*)
- **B2**. **Plan Sheets (Full size drawings and on CD):** (Under separate cover)
 - 1/6 Cover Sheet
 - 2/6 Existing Conditions
 - 3/6 Site Photos
 - 4/6 PDI Stage I Master Plan
 - 5/6 Preliminary Grading + Utilities Storm Drainage
 - 6/6 Landscape Plan
 - A1 South, West Building Elevations
 - A2 East, North Building Elevations

Development Review Team

- **C1.** Engineering Division Conditions, Dated May 20, 2014. Included in the proposed PF Conditions of Approval.
- **C2.** Building Division Conditions, Dated March 21, 2014. Included in this staff report in the Conditions of Approval.

Public Comment: None received.

FINDINGS OF FACT

1. Adjacent land uses:

Compass Direction	Zone:	Existing Use:
North:	PDI	Garden Center
East:	PDI	PGE Substation and Mentor Graphics Campus
South:	PDI	Terrene Apartments
West:	-	Interstate - 5

- **2. Comprehensive Plan and Zone Maps:** The site has a Comprehensive Plan designation of Industrial and is zoned Planned Development Industrial (PDI).
- **3. Natural Characteristics:** The project site has fairly level terrain on existing asphalt surface but backs up to a steep slope that is within ODOT ROW next to SW Boeckman Road.
- **4. Streets:** The subject property fronts SW Parkway Avenue and SW Boeckman Road with single driveway access at SW Parkway Avenue.
- **5. Review Procedures:** The required public notices have been sent and all proper notification procedures have been satisfied.
- **7. Previous public hearing land use approvals:** See the 'History' statement on page 1 of the report.
- **8. Note:** The statutory 120-day time limit applies to this application. The application was received on February 7, 2014. One letter of incompleteness was sent on February 17, 2014. New application materials were submitted on March 7, 2014. The application was deemed complete on April 28 2014 which is the date the DKS traffic report was deemed complete by the City Engineering Division. The City must render a final decision, including any appeals, for this application by August 25, 2014.

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Section II, Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

REQUEST A DB14-0017: REVISED STAGE 1 PRELIMINARY PLAN

The applicant has provided compliance findings to the applicable criteria (See Section III in Exhibit B1). Staff concurs with these findings except where otherwise noted.

- A1. The applicant is requesting approval to revise the Stage I Preliminary Plan (Master Plan) depicted on Plan Sheet 1 of 6 of the application notebook (Exhibit B1). The overall master planned area of approximately 2.98 acres abuts SW Boeckman Road, SW Parkway Avenue and Interstate-5. (See the Vicinity Map in the introductory section of this staff report). The proposed 4,995 sq. ft. would be developed on the southwest area of the master plan. The proposed revised Stage I Preliminary Plan is being submitted concurrently with applications for a Stage II Final Plan, Site Design Review and one waiver. In particular, see the Stage II compliance (Section IIIb), Site Design Review (Section IIIc) of Exhibit B1. The elements of the proposed revised Stage I Preliminary Plan can be made to meet all applicable development standards through required conditions of approval.
- **A2.** The consolidated applications include Preliminary Grading Plan + Utilities Storm Drainage (Plan Sheet 5 of 6) meeting code.

Proposed Revised Stage I Preliminary Development Plan:

- **A3.** The proposed revised Stage I Preliminary Plan includes the following:
 - Modify Stage I Master Plan (96DB36) to include 4,995 SQ. FT. addition for Artistic Auto Body shop.

The applicant has provided the following chart for the proposed revised Stage I Preliminary Plan:

Applicant's Tables 1 and 2 of Exhibit B1:

"Existing Development"

"The site is currently developed with two structures, a GTE cell tower, a wash rack and some open storage areas, see Table 1."

Table 1
Existing Site Improvements
96DB36

Area Use	Square Footage	Percent of Site
Artistic Auto Body Shop &	15,319	11.9
Canopies		
Office	3,078	2.4
Paving/Parking	37,675	29.2
Outdoor Storage	45,595	35.3
Commercial Display	16,720	13.0
Landscaping	10,550	8.2
	(plus 18,200 City row)	(22.3 including row)
Total	128,937 or 2.96 Ac	100*
	excluding City row	

^{*} Includes Tax Lot 701 Cell Tower, as part of Outdoor Storage

[&]quot;It is noted that some of the business operating on-site have changed since 1996, but the general use of the various areas is substantially the same as originally approved."

Table 2 Existing Site Improvements Based on Site Survey and Current Uses Approved Stage I Master Plan - 96DB36 and Proposed Modified Stage I Master Plan

Area Use	1996 Approved Stage I	Square Footage	2014 Proposed Stage I	Square Footage
Artistic Auto Body	Steel Frame Shop Office	12,000 _3,000 15,000		13,258
Wash Rack	Steel Framed Canopy	1170	Steel Framed Canopy modified	1191
Small Shop Double D Detailing	Modular office	1,312 250	1,369 Now RV's to Go Modular office removed	1,394 0
2013 New Building			Artistic Auto Body	4,995
Future Building Tax Lot 702 *Replace RV's To Go	Artistic Auto Body	15,000, future building to replace outdoor storage, not counted in current area totals		15,000, future building to replace outdoor storage, not counted in current Stage II area totals
Total Buildings		17,732		37,727, including wash rack canopy
Landscaping		16,379 On-site Plus 1,975 sf buffer on ODOT right-of- way		19,389 On-site, Plus (1,975 sf) buffer on ODOT right-of- way
Parking & Paving		78,922	}	59,488
	Gravel Outdoor Storage/Display	16,082	Now Paved	0
			<u>Gravel</u> storage	12,511, include cell tower site
GTE	Cell Tower	3,400	Cell Tower	3,400, included in gravel total
		128,937*	Total	129,115*

^{*} The 1996 land areas were scaled using Tax Map dimensions, whereas the 2013 numbers are based on field survey. Therefore some numbers do not match-up. Table 3 reflects surveyed Existing and Proposed Conditions for accurate comparison.

Applicant: Existing Access and Road Improvements

"The subject site abuts the west right-of-way line of SW Parkway Avenue, and also the north side of Boeckman Road. Access to the site is from Parkway Avenue, just north of the PGE substation. Both Parkway Avenue and Boeckman Road are designated as Arterials."

"Currently, along the property frontage, Boeckman Road is improved with two travel lanes. There are no curbs and just west of the driveway cut into the PGE Substation, there is a painted bike lane that extends across the I-5 overpass. There are also sidewalks on the I-5 Overpass, but there are no connected on either side of the Freeway."

"The City's Transportation System Plan anticipates widening of the overpass and connecting street segments to accommodate full arterial width and improvements, including curbs, sidewalks and bike lanes."

"The designated arterial right-of-way width is 110 feet (55 feet to centerline). This is the standard applied to the Holland Group property on the south side of Boeckman Road."

"The right-of-way along this section of Boeckman Road varies from 80 feet in width at the southeast corner of the property to 140 feet (40-70 feet to centerline) at the southwest corner. Therefore there will need to be an additional dedication of right-of-way at the southeast corner of the property to meet the minimum 55 foot centerline standard."

"As described herein, the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, based on prior approval. It is assumed that the new building will not substantially alter the existing traffic impacts.

The proposed building addition will not substantially alter the traffic impacts of the current uses on the subject site, and no street improvements are anticipated to be required to maintain "D" LOS."

"The applicant is not anticipating any new employees, as the building addition will accommodate enhanced operational efficiencies rather than adding space for new employees. This building will simply allow for redistribution of current operations, separating repair from paint and finish work, thereby allowing for a more productive and economically efficient operation."

Current employment for the three existing businesses are:

 Artistic
 15

 RVs TO GO
 2

 Enterprise Rental Car
 3

 Total
 20

Section 4.140. Planned Development Regulations.

(.01) Purpose

- A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.
- **A4.** Staff finds the proposed revised Stage I Preliminary Plan is consistent with the stated purpose in this section of the Planned Development Regulations.
 - B. It is the further purpose of the following Section:
 - 1. To take advantage of advances in technology, architectural design, and functional land use design:
- **A5.** The applicant's compliance findings in Section III of the Compliance Report more than adequately addresses this criterion.
 - 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
- **A6.** The applicant's compliance finding in Section III of the Compliance Report more than adequately addresses this criterion.
 - 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
- **A9.** The integrated design for the proposed revised Stage I Preliminary Development Plan assures an overall cohesive character and will result in a comprehensive development that is equal to or better than that resulting from individual lot land use development.
 - 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
- **A10.** The proposed revised Stage I Preliminary Plan is responsive to site characteristics such as topography, access and visibility and natural resources. Problems of flood hazard, severe soil limitations, or other hazards are not characteristics of the property.
 - 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the

Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

- **A11.** See Request C for the detailed discussion of the proposed waiver to street side yard setback along SW Boeckman Road.
 - 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- **A12.** The proposed development will not place unusual demands on public water, sanitary sewer, storm sewer facilities and streets. All public facilities and services are either available to the site or will be extended in compliance with City of Wilsonville standards. The City Engineering Division has reviewed the revised Stage I Preliminary Plan and has determined that adequate services and facilities are available or will become available with scheduled City facilities development projects.
 - 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- **A13.** See findings A14 through A47.
 - 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.
- **A14.** The applicant's compliance findings in Section III adequately address this criterion. The proposed revised Stage I Preliminary Plan responds to the economic changes by creating automotive collision repair services in the City.

(.02) Lot Qualification.

- A. Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.
- B. Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code.
- **A15.** With proposed conditions of approval the project can be made consistent with the purposes and objectives of Section 4.140. The proposed revised Stage I Preliminary Plan comprising 2.96 acres is at the same area of the current plan and is designated on the Comprehensive Plan Map as 'Industrial' and is zoned PDI.

(.03) Ownership.

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.
- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.
- **A16.** The subject property is currently owned by Mr. Terry Mostul who has authority to make land use and development applications meeting code.

(.04) Professional Design.

- A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.
- B. Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:
 - 1. An architect licensed by the State of Oregon;
 - 2. A landscape architect registered by the State of Oregon;
 - 3. An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review Board, Planning Commission, or City Council; or
 - 4. A registered engineer or a land surveyor licensed by the State of Oregon.
- C. One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.
- D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.
- **A17.** All of the professional disciplines as required by (.04) above were used to prepare the plans and narrative for the consolidated land use applications. Individual firms are listed on the inside cover of the application and represent the following disciplines:
 - Licensed architect (SFA Design Group)
 - Registered landscape architect (SFA Design Group)
 - Land use planner (Mr. Ben Altman, SFA Design Group)
 - Registered engineers (SFA Design Group.)

SFA Design Group has taken a lead role in conferring with staff with respect to the concept and details of the plans.

(.05) Planned Development Permit Process.

- A. All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
 - 1. Be zoned for planned development;
 - 2. Obtain a planned development permit; and
 - 3. Obtain Development Review Board, or, on appeal, City Council approval.
- **A18.** The site for the subject building addition encompasses 4,995 Sq. ft. less than 2 acres in area. The subject property within the Stage I and Stage II boundaries is designated 'Industrial' on the Wilsonville Comprehensive Plan Map. Stage II Final Plan approval for the project as well as Site Design Review are also being sought in the applicant's consolidated application.
 - D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:
 - 1. Pre-application conference with Planning Department;
 - 2. Preliminary (Stage I) review by the Development Review Board. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval to the Board; and
 - 3. Final (Stage II) review by the Development Review Board
 - 4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan.
- **A19.** A formal pre-application conference was held in August, 2013. The applicant has elected to combine numerous separate land use applications as allowed by the Wilsonville Code.
- **A20.** The Stage II Final Plan application outlines the improvements included in the more detailed Site Design plans addressed in Section III of the consolidated application.
- (.06)(B) The applicant may proceed to apply for Stage I Preliminary Approval upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.
- **A21.** The automotive body repair use contemplated with this request are consistent with the approved Stage I Preliminary Plan, zoning and with the Comprehensive Plan Map designation of Industrial.
- (.07) Preliminary Approval (Stage One):
 - A. Applications for preliminary approval for planned developments shall:
 - 1. Be made by the owner of all affected property or the owner's authorized agent; and
- **A22.** As described in the findings addressing (.03) Ownership, the Stage I application was authorized by the property owner.
 - 2. Be filed on a form prescribed by the City Planning Department and filed with said Department.

- **A23.** On February 7, 2014, the applicant submitted the required application forms and the required fees were received by the City.
 - 3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above.
- **A24.** The professional design team is described in Finding A17 addressing (.04) above.
 - 4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.
- **A25.** The application introduction and the revised Stage I Preliminary Plan application describe and illustrate the land uses, the amount of land area devoted to the use, and its location. See Section I of the submittal notebook for the complete site analysis.
 - B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:
- **A26.** A checklist that provides cross-references to the information required by Section 4.035 (Site Development Permits) is included in Exhibit B1 and is included by reference herein. Staff has reviewed the application and has determined that it includes conceptual and quantitatively accurate representations of the entire Stage I Preliminary Plan sufficient to judge the scope, size, and impact of the development on the community.
 - 1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.
- **A27.** The applicant has provided a boundary survey representing Artistic Auto within the Stage I Preliminary Plan area. This requirement is met.
 - 2. Topographic information as set forth in Section 4.035
- **A28.** Topographic information is shown on the Grading, Drainage, and Erosion Control Plans of Section III (Exhibit B1) of the consolidated application (Plan Sheet 5 of 6). This requirement is met.
 - 3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
- **A29.** Comprehensive Plan and Development Code work together to encourage flexibility in the application of regulations to planned Developments. For example, the Planned Development regulations permit the waiver of development standards such as minimum lot area, lot width, yard and street frontage.
 - 4. A staged development schedule demonstrating that the developer intended receive Stage II approval within 2 years of receiving Stage I approval., and to

commence construction within 2 years after the approval of the final development plan, and will proceed diligently to completion.

- **A30.** In Request B, the applicant is seeking approval of a Stage II Final Plan for the building addition concurrently with the request for proposed revised Stage I Preliminary Plan. The applicant intends to proceed diligently to completion of the improvements identified in the Stage II Final Plan and Site Design Review.
 - 5. 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.
- **A31.** Capital improvements were initiated in the construction of SW Parkway Avenue.
 - 6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.
- **A32.** Final development plans will be executed in one stage for proposed building addition meeting code.
 - 7. Statement of anticipated waivers from any of the applicable site development standards.
- **A33.** One waiver to the side yard setback along SW Boeckman Road is proposed and is analyzed in Request C of this staff report.

Section 4.135. Building Setbacks, building height.

- **A34.** (.06)C and D: The front, side and rear yard setback of the underlying PDI zones is 30 feet, measured from property line. See proposed Request C for the proposed waiver to a street side yard to allow 5 foot building setback.
- **A35. Special Setback:** An examination of the proposed revised Stage I Preliminary Plan indicates that the site for the proposed building addition would not infringe upon the 55 foot special setback from SW Boeckman Road.

Section 4.118(.01) Height Guidelines: The Development Review Board may regulate heights as follows:

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
- B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.
- C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.
- **A36.** TVFR has reviewed the proposed plans and can provide fire protection and emergency services to the project. The project has been designed to comply with these criteria. The proposed building addition will not be in the scenic vistas of Mt. Hood.

A37. Properties in the PDI zone are not subject to a maximum building height.

Off Street Parking: Off-street parking shall be provided as specified in Section 4.155.

A38. Parking for the building addition is provided at grade. (See Requests B and C for the detailed parking analysis)

Corner Vision: Vision clearance shall be provided as specified in Section 4.177, or such additional requirements as specified by the City Engineer.

A39. The proposed building expansion would be set back 5' from SW Boeckman Road ROW and the site is much lower in grade elevation of approximately 20 feet so it would not obstruct vision clearance.

Subsection 4.140 (.07)B.: The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:

- **A40.** The applicant has submitted a boundary survey including topographic information completed by a licensed surveyor meeting code.
- **A41.** The applicant has submitted a tabulation of the proposed land use (See Section III, Exhibit B1). A more detailed analysis of the proposed development will occur as a part of the Stage II Final Plan (Request B) application. The applicant is proposing auto body service use which is allowed in the current Stage I Preliminary Plan.
- **A42.** The applicant is seeking Stage II Final Plan approval for a building addition concurrent with the request for a Stage I Preliminary Plan meeting code meeting code.

Section 4.118. Standards applying to all Planned Development Zones:

(.01) Height Guidelines: In "S" overlay zones...

The project site is not within an "S" overlay zone; therefore, this provision does not apply.

- (.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.
- **A43.** Public Utilities were installed as part of SW Parkway Avenue. Thus, the applicant proposes to utilize existing utilities within the street. None of the proposed utilities will be located above ground.
 - (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140 and based on findings of fact supported by the record may:
 - A. Waive the following typical development standards:
 - 3. Height and yard requirements;

A44. See Finding A35.

Section 4.167. General Regulations - Access, Ingress and Egress.

A45. Approved for Artistic Auto Body is a single access drive at SW Parkway Avenue. This access is full turning movement meeting public works standards.

Section 4.171. General Regulations – Protection of Natural Features and Other Resources.

- **A46.** All grading, filling and excavating on the project site will be done in accordance with the Uniform Building Code.
- **A47.** No regulated trees are proposed for removal.

REQUEST B DB14-0018: STAGE II FINAL PLAN

B1. The applicant has provided compliance findings to the applicable criteria (See Section III in Exhibit B1). Staff concurs with these findings except where otherwise noted. Applicant's Table 5:

Table 5
Proposed Stage II Development Plan
Land Use Area Allocation

Type of Use	Land Area (Sq Ft)	Percent of Total Area
Buildings	22,727	18
Paving/Parking	74,488	58
Gravel Storage	12,511	9
Landscaping	19,389	15
	Plus 1,975 visual buffer on	
	ODOT right-of-way	
TOTAL	129,115	100

The approved development plans and the proposed building addition provide for development that is adequately served by necessary public services and facilities, consistent with the original approval. As previously discussed, we believe the requested setback waiver is consistent with the stated design review purpose and objectives.

ZONING, Sections 4.100-4.141

Subsection 4.140.09(J): A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the planned development regulations in Section 4.140.

Additionally, Subsection 4.140.09(J)(1) states: 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.

Zoning and Comprehensive Plan Designations: Planned Development Industrial Zone

- **B2.** The subject property is zoned Planned Development Industrial (PDI). The Comprehensive Plan designates the subject property as Industrial. The existing and proposed auto body service use is in compliance with the Stage I Preliminary Plan approved in 1996. This code criterion is met.
- B3. In reviewing and updating the City's Comprehensive Plan, eleven (11) Areas of Special Concern were identified. The subject site contains property that is identified in the Comprehensive Plan as an Area of Special Concern J. This is due to the possibility of a future SW Boeckman Road interchange. Areas of Special Concern of the Wilsonville Comprehensive Plan states: The land around the intersection of SW Boeckman Road and 1-5 depicted as Area J has been planned with a transportation system which includes the

interchange. However, in 2013, the Transportation Systems Plan was revised to delete a full SW Boeckman Interchange improvement with access to Interstate-5.

Subsection 4.118.03(A): Waivers.

B4. Subsection 4.135.06(D) allowing 30 foot building setbacks at proposed property lines. See Request C for a detailed analysis of the applicant's request to modify the current approval for the waiver to allow five (5) feet. See Request C for the detailed discussion about the proposed waivers.

Section 4.117: Standards applying to industrial developments in any zone

- **B5.** The applicant is not proposing outdoor sales, display, or retailing. All business would be conducted wholly within the completely enclosed building except for off-street parking and off-street loading and other exemptions in Subsection 4.116.05(D).
- **B6.** Should the operation of the proposed project fail to meet any of the performance standards of Subsection 4.135(.07) of the City's Development Code, the property owner must seek a Class 2 Administrative Review and approval from the Planning Division for the City of Wilsonville to mitigate the loss of performance.
- **B7.** The proposed building addition would be located outside the SW Boeckman Road right-of-way meeting code.
- **B8.** See Finding B4. The project site is not next to a more restrictive residential zoning district because SW Boeckman Road separates the property from the Terrene Apartments at the south.

Subsections 4.140.09(C-F): Stage II Final Plan

B9. The subject property is zoned Planned Development Industrial and is therefore subject to the Planned Development Regulations including 4.140.09(J). Staff has reviewed the applicant's submitted plans to determine compliance with the Planned Development Regulations. The applicant's submittal documents provide sufficient detail to review the requirements of Section 4.140.09(C) & (D). These criteria are met.

Subsection 4.171.02: General Terrain Preparation

B10. Plan Sheet 5 of 6 is the preliminary grading plan meeting this code criterion.

Subsection 4.171.04(B): *Trees and Wooded Areas*

B11. There are no trees that will be impacted by this project, thus this criterion is not applicable.

PARKING:

Section 4.155 of the Wilsonville Code sets forth the minimum parking standards for off-street parking.

Subsection 4.155.03(B)(8) and Table 5: Parking Standards.

B12. In 1996 the change of use for Artistic Auto Body was approved for parking, allowing a reduction from 85 to 54 spaces.

Applicant's Tables 5 and 6, and findings:

Table 5
Parking Requirements
Original Approval

Use	Parking Ratio	Required Spaces
Artistic	1/200 sf	61
Pro Trans		12
		no longer on-site
Double D		8
[no longer on-site
Enterprise		2
Retail Bulky Storage	1/600 sf	1
Hanson Trailer Sales		Area now used by RV's To Go
Hanson Trailer Sales		1
		Area now used by RV's To Go
Total Parking		85

Since 1996 the city has adopted new parking requirements based on Metro Standards. Applying the new standard for the proposed building addition will require 20 additional spaces to be provided, per Table 5.

B13. Per Table 5 of the Wilsonville Code the minimum parking requirements are as applicable to this request:

TABLE 5: PARKING STANDARDS				
USE	SE PARKING MINIMUMS		BICYCLE MINIMUMS	
	• •		A.	
f. Industrial				
1. Manufacturing establishment	1.6 per 1000 sq. ft.	No Limit	1 per 10,000 sq. ft. Min. of 6	
Storage warehouse, wholesale establishment, rail or trucking freight terminal	.3 per 1000 sq. ft.	.5 per 1000 sq. ft.	1 per 20,000 sq. ft. Min. of 2	
		1	1	
3. Service or repair shops	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft.	

The applicant contends and staff agrees with his response:

In 1996 the DRB granted a waiver to the parking standard allowing 54 spaces instead of 85.

The applicant believes it is important for the Development Review Board to understand the tenant changes have occurred since the approval in 1996. Since the original approval Pro Trans and Double D Detailing are companies that no longer operate on this property.

In addition, as reflected in Table 2, the allocation of office space is substantially reduced from what was reflected in 1996. First the office area within the main building is only 1,889 square feet, of which the three companies utilize:

Artistic 1,417 square feet;
 RV's to Go 283 " ";
 Enterprise 189 " "; and 1,889 square feet = -1,189 sf

Further, 787 square feet of modular office space has been removed since 1996, resulting in a total reduction in office space of 1,976 further reducing net parking requirements. Under the current Code office space requires 2.7 spaces per 1,000 square feet, which calculates to a reduction of 5 spaces.

Therefore we believe the originally approved waiver remains appropriate given that the site has functioned well for many years with actually only 40 stripped spaces. However, to comply with the approved waiver we have provided 14 additional designated parking spaces to serve the existing buildings and tenants, thereby meeting the approved 54 spaces. In order to comply with the original waiver we have added 10 spaces (employees) as follows:

- 4 spaces east of Artistic's main building, north of the car wash;
- 4 spaces north of RV's To Go Shop, east of Artistic and south of the cell tower;
- 2 spaces within RVs To Go paved display and storage area.

In combination, these space meet the 54 required under the approved waiver.

Since 1996 the city has adopted new parking requirements based on Metro Standards. Applying the new standard for the proposed building addition will require 20 additional spaces to be provided, per Table 5 of the Code, as reflected in Table 7 below.

Table 7
Parking Requirements
Proposed Addition

Use	Square Feet	Parking Ratio	Required Spaces
New Shop	4,995	4.1/1000 sf	20

In order to meet compliance for the new building, we have added another 20 spaces. These spaces are also located within RV's To Go paved display and storage area. To facilitate this parking plan, the applicant has worked with his tenant to modify the lease agreement, to adjust how the RVs are parked.

We see this proposal as a compromise of trade-offs. We are maximizing the use of existing paved areas, while minimizing reduction of landscaping, and maximizing the utilitarian use of the limited site space to enhance efficient operations. We also emphasize that this still remains an interim development plan for this site. As noted, ultimately Artistic anticipates full utilization of the property, as reflected in the Stage I Master Plan. In the interim, the applicant is simply working to maximize the economic utility of the property through leases with the two tenants.

With the elimination of the parking waiver it is not necessary to address the PDR purposes to justify the waiver.

B14. Subsection 4.155(.02)(N): Up to 40% of the off-street spaces may be compact spaces. As identified in Section 4.001 - Definitions, and shall be appropriately identified. The applicant may provide compact parking spaces but are not required.

Subsection 4.155.03(B)(4): ADA Parking:

B15. The Building Division will determine the number and adequacy of the parking spaces proposed to be accessible under the American's with Disabilities Act (ADA). One ADA van parking space is proposed on the west side of the Artistic Auto Body building.

Subsection 4.155.03(A)(1-3, 5): Minimum off-street loading requirements. Shall provide off street loading berths.

This Subsection states that "every building that is erected or structurally altered to increase the floor area, and which require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths"

B16. One (1) loading berth is required. There are no existing or proposed truck loading docks. The applicant indicates that "Trucks serving the site park either in front of the main office or on the east side of the property."

In 1996, The DRB had earlier determined that larger tractor-trailer trucks will not be required for the office users of the building. Rather, panel type vans used by primarily by parcel delivery companies will be used for deliveries. While a delivery area is not designated on the site plan, the turn-around in front of the entry rotunda and cover (approx. 16' clearance) provides could serve as the delivery area.

B17. Section 4.155(.04): Bicycle parking: The applicant has indicated that there is bicycle parking provisions inside the building meeting code.

Subsection 4.140.09(J)(2): Traffic Concurrency.

"That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as 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. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5."

- a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used

intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.

- b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three (3) new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.
- c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
- d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
- e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
- (3). That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
- **B18.** The DKS Associates Traffic Impact Analysis conducted for the proposed building addition estimated the following number of PM peak hour trips would be generated through the Wilsonville interchange with Interstate 5. (This is the designated study intersection and a most probable used intersection):

DKS Traffic Report:

Proposed Expansion Trip Generation:

"Trip generation estimates for the proposed 4,997 square-foot expansion were performed using both the existing p.m. peak hour trip rate and the trip rates provided by ITE and are shown below in Table 3. The results of this analysis indicate that the proposed expansion is expected to generate between 10 and 16 p.m. peak hour trips, depending on whether existing or ITE rates are used. Because this trip level is less than the City's 25 p.m. peak hour trip threshold, minimal impacts are expected to the City's transportation network and a full traffic impact study is not required."

Table 3: Trip Generation for Proposed Expansion (Comparison of Existing and ITE Rates)

Trip Generation Approach	Square	P.M. Peak	P.M.	Peak Hour	Trips
mp deliciation Approach	Footage	Hour Trip Rate	ln	Out	Total
Based on Existing Counts	5.0 KSF*	2.07 trips/KSF	6	4	10
Using ITE Land Use 942 (Automobile Care Center) ²	5.0 KSF*	3.11 trips/KSF*	8	8	16

^{*}KSF = 1,000 square feet|

The City operates under the system of concurrency. To be more specific, the City requires 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 of Service (LOS) D, as defined in the Highway Capacity manual published by the National Highway Research Board. The DKS traffic study did estimate that the study intersections, or most probable used intersections would not produce traffic congestion in excess of level service (LOS) D with the addition of the PM peak hour traffic from the proposed project.

B19. The City's 2013 Transportation Systems Plan identifies SW Boeckman Road as minor arterial. Street improvements are not expected as part of this project. SW Parkway Avenue is a minor arterial.

SW Boeckman Road Needs: The subject site's southerly frontage is along SW Boeckman Road, which is one of the City's primary east-west arterials. The City Development Engineer states in proposed condition PFA15: "Current existing right-of-way adjacent to the south property line varies from about 103 feet to 137 feet; the TSP specifies a right-of-way of 95 to 107 feet. Sufficient right-of-way presently exists to accommodate future roadway expansion as provided in the TSP and no additional right-of-way is needed."

Subsection 4.140.09(J)(3): Public Facilities stipulates, "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."

- **B20.** To assure orderly and efficient development of the subject property, each respective development must be provided with adequate public facilities. These facilities must be available prior to, or simultaneous with each phase of development. The proposed project will connect to existing public utilities and private infrastructure (power, water, sanitary, storm, natural gas, telephone, etc.) which serves the existing building. The applicant has provided sufficient information in the Utility Plan-Sheet 5 of 6, meeting code.
- **B21.** The Development Engineering Manager is requiring that project run-off from the site shall be detained and limited to the difference between a developed 25-year storm and an undeveloped 25-year storm.

Section 4.167: Access, Ingress, and Egress and Subsection 4.177.01(H): Access Drives and Lanes

B22. The existing and proposed building expansion will utilize the single driveway at SW Parkway Avenue Road meeting code.

Subsections 4.154 and 4.177.03: Sidewalk Requirements

Section 4.154. On-site Pedestrian Access and Circulation.

- (.01) On-site Pedestrian Access and Circulation
- A. The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards. Development shall conform to all of the following standards:
- 1. Continuous Pathway System. A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable.
- 2. Safe, Direct, and Convenient. Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:
- a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.
- b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.
- c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.
- d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.).
- 3. Vehicle/Pathway Separation. Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.
- 4. Crosswalks. Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light color concrete inlay between asphalt, or similar contrast).
- 5. Pathway Width and Surface. Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.
- 6. All pathways shall be clearly marked with appropriate standard signs.

Section 4.177(.03) Sidewalks. Sidewalks shall be provided on the public street frontage of all development. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the City Engineer.

A. Sidewalk widths shall include a minimum through zone of at least five feet. The through zone may be reduced pursuant to variance procedures in Section 4.196, a waiver pursuant to Section 4.118, or by authority of the City Engineer for reasons of traffic operations, efficiency, or safety.

- B. Within a Planned Development, the Development Review Board 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.
- B23. Internal Circulation Section 4.154, DKS Associates: "Access to Artistic Auto Body is provided by a driveway on the west side of SW Parkway Drive. The driveway has entrances to other neighboring establishments, and the southern side of the road contains approximately 20 nose-in parking spaces with additional parking available on west side of Artistic Auto Body. No pedestrian or bicycle facilities are present on the site. It is recommended that a sidewalk between Parkway Drive and Artistic Auto Body be installed, along with defined bike parking to meet existing City of Wilsonville standards. Due to significant grade difference between Artistic Auto Body and Boeckman Road, no vehicle or pedestrian connection south of the facility is expected at this time." Staff: Regarding bicycle parking, the applicant has indicated to staff that bicycle parking is provided inside the Artistic Auto Body building, which is acceptable.

SW Boeckman Road Sidewalk: Proposed PFA15 is not requiring sidewalk improvement at this time.

Sidewalks: Subsection 4.177(.03). In 1996 the applicant installed a 5' wide, curb tight, concrete sidewalk along the entire frontage of the subject site along SW Parkway Ave. A half street improvement was also built along the unimproved northern most portion of SW Parkway Avenue fronting the site (10 - 20' of the northern most frontage).

B24. Architecture: The applicant's proposed building elevations are found on Sheets A1 and A2. See Request C for the detailed analysis of Site Design Review for the subject building expansion.

Sections 4.300-4.320: Underground Utilities

B25. All utilities will be placed underground meeting these code criteria. All subsequent utility service to the proposed project will need to meet the requirements of this code section.

Section 4.800: Wireless communications facilities:

B26. A conditional use permit is required for any wireless communications pursuant to Section 4.184 of the Wilsonville Code. No such facilities are currently proposed.

REQUEST C DB14-0019: WAIVER

Subsection 4.118.03: Waivers.

Section 4.118.03 - The Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may approve waivers. The code requires that all waivers be specified at the time of Stage 1 Master Plan and Preliminary Plat approval.

Waivers - Subsection 4.118.03(B) as applicable to the proposed project: (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:

- A. Waive the following typical development standards:
- 1. minimum lot area:
- 2. lot width and frontage;
- 3. height and yard requirements;
- 5. lot depth;
- 8. height of buildings other than signs;

Section 4.140. Planned Development Regulations.

(.01) Purpose.

A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

B. It is the further purpose of the following Section:

- 1. To take advantage of advances in technology, architectural design, and functional land use design:
- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
- 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

Section 4.140. Planned Development Regulations.

- 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Section 4.116.10(E). Standards Applying to Commercial Development, Commercial Developments Generally "Maximum Building Height: Thirty-five (35) feet, unless taller building are specifically allowed in the zone."

C1. This request involves one waiver to encroach the 30 foot street side yard setback along SW Boeckman Road for the proposed building addition to allow approximately a five (5) foot setback. The requested waiver is based on several factors not the least of which is site design. The applicant's compliance findings found on pages 14 through 18, Section III of Exhibit B1 provide the supportive evidence to approve the proposed waiver.

Subsection 4.237(.05)(B): *Lot Size and Shape*

C2. The table below compares the dimensional requirements of the PDI Zone (4.135.06) and the existing auto body repair building.

PDI Zone:	Dimensional Requirements
Other standards:	
Minimum lot width at building line:	No limit
Minimum street frontage of lot:	No limit
Minimum lot depth:	No limit
Setbacks:	
Minimum front yard - East	30 feet
Minimum side yard - South	30 feet
Minimum rear yard - West	30 feet
Maximum building or structure height:	No limit.

C3. The applicant has requested a waiver to the minimum 30' street side yard setback at SW Boeckman Road. Within the PDI zone, there is a minimum 30 foot side, front and rear yard setback, except when the yard abuts a more restrictive district. When the yard abuts a more restrictive district, setbacks shall be the same as the abutting district. In Resolution 96DB36 the DRB approved a waiver to locate a car wash cover associated with a car wash operation 22' from the south property line. Staff has looked at alternate locations for the building addition, and concurs with the applicant's findings. The

proposed waiver request to allow the proposed building expansion at 5 feet from the south property line next to SW Boeckman Road is necessary to accommodate body repair operations and it would be difficult if the addition was located elsewhere. Granting of a waiver to reduce the setback to the south will be required as part of this approval. Moreover, without the proposed waivers, it is doubtful that the proposed building expansion of this size would work on this site. Below is the applicant's Table 4 found in Exhibit B1:

Table 4 Proposed Building Expansion Reduced South Yard Setback

Building	Standard Setback	Proposed Setbacks, with Waiver	
Front - east	30'	133 66' building separation	
Rear - west	30'	151'	
Side - north	30'	130'	
		to Tax Lot Line	
Side - south	30'	5-19' = Waiver	

Section 4.140.05(C) states: Development Review Board approval is governed by Sections 4.400 to 4.450. Particularly Section 4.400.02 (A through J).

In this case it relates to the decision criteria for reviewing a waiver to the 30 foot minimum yard setback and parking space reduction.

C5. Special Setback: Section 4.177.01(C)(3) requires a 'special setback' of 55 feet from centerline. In this case a special setback is required at of SW Boeckman Road. As previously stated in Finding B9 the subject site's southerly frontage is along SW Boeckman Road, which is one of the City's primary east-west major arterials. This is also the side the applicant is requesting a waiver proposed at five (5) feet from that ROW. The applicant's findings on pages 13 and 14 of Section IIIa.ii in Exhibit B1 affirm that the proposed building expansion would meet the 'special setback' of 55 feet from centerline of SW Boeckman Road.

Section 4.140(.04) B. It is the further purpose of the following Section:

- 1. To take advantage of advances in technology, architectural design, and functional land use design:
- C6. The scarcity of land for development has necessitated the intensification of the use of available land to accommodate the auto body service needs. While the applicant has sought to take advantage of advances in functional building design, the applicant must balance the requirements of the Development Code, e.g. yard setback requirements. In order to provide the proposed use that is functional, the applicant is seeking to reduce the yard setback from 30 feet to 5 feet for the proposed building expansion. The applicant has provided affirmative evidence on page pages 14 through 18 of Section III.a.ii of Section B1 for the DRB to approve the waiver.
- C7. The applicant concludes on pages 14 through 18 of Section III.a.ii of Exhibit B1:

- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
- **C8.** This criterion is not applicable to industrial development.
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
- **C9**. PDI zoning allows for non-traditional land use development. Planned developments also allows for traditional zoning rules to be waived in order to promote innovation and coordinated development. Rather than approaching development on a lot-by-lot basis, as typically occurs under traditional zoning, the entire parcel is planned in a comprehensive and integrated fashion. In this case it is being developed for an auto body repair building expansion.
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
- **C10**. The very purpose of the Planned Development Regulations is to permit flexibility of site design. Staff finds that the proposed waiver to allow the applicant the flexibility to utilize the site more efficiently meeting code.
- 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
- **C11**. This criterion is not applicable to industrial development.
- 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- **C12**. Adequate facilities exist or can be provided through the proposed PF conditions; therefore, this provision is satisfied regardless of building setbacks.

REQUEST D DB14-0020: SITE DESIGN REVIEW

ARCHITECTURE

D1. Proposed is steel building expansion to match the existing Artistic Auto steel building. Proposed exterior color(s); white and blue would match with the existing building. The proposed building expansion will have little or no fenestration but has extensive screening from Arborvitae hedge along SW Boeckman Road that was planted by the applicant in 1996 satisfying Subsections 4.400.02(A to J): Purposes and Objectives of Site Design Review and Sections 4.421.01(A-G): Criteria and Application of Design Standards.

LANDSCAPING

Subsection 4.176.02(D): Low Screen Landscape Standard

D2. The applicant is not proposing to add parking spaces that would require additional Low Screen Landscape.

Section 4.176.03: Landscape Area.

D3. The "Site Summary" information on Plan Sheet L1 (Planting Plan) indicates 19,389 sq. ft. plus 1,975 sq. ft. on ODOT ROW of the site (15%) has landscape coverage, which meets the 15% code minimum.

Subsection 4.176.04(C&D): Buffering and Screening

- **D4**. The applicant indicates that there will be no HVAC system mounted on the roof. The City reserves the right to require further screening of the HVAC equipment should it becomes visible from off-site, ground level view meeting code.
- **D5**. See Findings D24 and D25 for detailed discussion about trash enclosures.

Subsection 4.155.03(B)(1 and 2): Parking Area Landscaping

D6. The applicant is proposing to strip 31 new standard sized parking spaces on the existing paved lot on Tax Lot 702. Trees would be added along the southerly side of new parking for shading. In 1996, the approved site and planting plans indicated that at least 10% of the parking area is screened meeting the minimum 10% requirement.

Subsection 4.176.06(A-E): Plant Materials.

- **D7**. Proposed is a landscape strip next to the east side of the proposed building expansion and a canopy. The applicant's planting plan (Plan Sheet 6 of 6) depicts, tree, shrub, and ground cover types of a size and spacing sufficient to meet the criteria of 4.176(.06)A(1-2) and B.
- **D8**. The proposed specifications for secondary and accent trees meet code criterion for caliper size and/or height. This code criterion is met.
- **D9.** Existing street trees will be retained along SW Parkway Avenue meet code

Subsection 4.176.07(A-D): Installation and Maintenance.

D10. Plant materials, once approved by the DRB, shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. Maintenance of landscaped areas is the on-going responsibility of the property owner.

Any landscaping installed to meet the requirements of this Code, or any condition of approval established by City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless the City approves appropriate substitute species. Failure to maintain landscaping as required in this subsection shall constitute a violation of the City Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.

Section 4.176.10: Completion of Landscaping.

D11. The applicant's submittal documents do not specify whether a deferment of the installation of the proposed planting plan is requested. The applicant/owner will be required to post a bond or other security acceptable to the Community Development Director for the installation of the approved landscaping, should the approved landscaping not be installed at the time of final occupancy of the proposed building.

Section 4.175: Public Safety and Crime Prevention

D12. Current wall pack lighting is sufficient to discourage on-site criminal activity after dark.

Section 4.199 Outdoor Lighting Section 4.199.20. Applicability.

(.01) This Ordinance is applicable to:

- A. Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.
- B. Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.
- **D13.** The existing auto body building has wall mounted down lighting for safety purposes. In the DRB approval in 1996 the applicant had agreed to install hoods on all the wall mounted lights to reduce glare to 1-5 motorists while still providing the necessary security.
- **D14.** The applicant indicates on page 25 of Exhibit B1 that proposed building expansion will not add any new outdoor lights. Therefore, Section 4.199 is not applicable.

Section 4.421. Criteria and Application of Design Standards.

(.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)

A. Preservation of Landscape.

D15. Staff finds that the subject site is the location of the proposed building expansion is part of the approved Stage I Preliminary Plan. The project site has fairly level terrain in asphalt or gravel so no landscaping is being removed for the building expansion.

B. Relation of Proposed Buildings to Environment.

D16. The subject property is not within a Significant Resource Overlay Zone or next to any other natural feature. This criterion is not applicable.

C. Drives, Parking and Circulation.

D17. Drives and circulation exist and serve the site adequately.

D. Surface Water Drainage.

D18 All storm water and drainage systems are in place in SW Kinsman Road. Refer to the applicant's civil drawing storm water and drainage plans for the storm drainage system in Plan Sheet C2.0. Storm water drainage is currently released into the ODOT system at the southwest corner of the site. At permit review the City will require that the applicant provide storm water calculations to ensure the downstream capacity of the public storm drainage system and not adversely affect neighboring properties.

E. Utility Service.

D19. All utilities already exist in SW Parkway Avenue and on-site meeting code. Engineering review of construction documents will ensure compliance with this provision.

F. Advertising Features.

D20. In 1996 the DRB approved a Master Sign Plan. No new signs or changes are proposed to the Master Sign Plan.

G. Special Features.

- **D21**. There will be no exposed machinery installations or utility buildings associated with the proposed building expansion. All garbage and recycling that will be generated at this proposed location will be dealt with and stored internal or external existing to the building.
 - (.02) The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.
- **D22.** The applicant is not proposing accessory building, structures or other site features. This provision is therefore not applicable.

Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas

D23. See Findings D24 and D25

Section 4.17. Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings.

(.06) Specific Requirements for Storage Areas

D24. Subsection 4.179(.06)(B) requires a minimum of ten (10) square feet of storage area plus ten square feet per 1,000 SF of gross floor area (GFA) for retail. The applicant is proposing a 4,995 square feet service commercial and small office use. Pursuant to this requirement, the applicant is required to provide 202 square feet of storage. On pages 23 and 24 of the applicant's submittal notebook in Exhibit B1 the applicant indicates:

"In coordination with Republic Services the container storage area has been relocated to the northeast corner of the existing body shop building. Therefore, as approved by Republic Services, no increase or change in solid waste disposal service is proposed as part of this application."

Section 4.430 Design of Trash and Recycling Enclosures: The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code. Listed (.02) A. through (.04) C.

D25. Subsection .02 requires that solid waste areas be located convenient for users as well as for collection vehicles. The existing solid waste containers (2 – 4 yard boxes) is accessible at the northeast corner of the existing auto body shop, which provides convenient access and ensures that collection vehicles can approach them without blocking on-site or off-site traffic. Subsection .03 requires a six-foot high sight obscuring enclosure with a gate at least ten feet in width. The applicant contends and staff agrees that the existing 6 foot high slatted fence, the building and proposed landscaping will adequately screen the trash boxes meeting code.

EXHIBIT A PLANNING DIVISION STAFF REPORT

ARTISTIC AUTOBODY

DEVELOPMENT REVIEW BOARD PANEL '___' QUASI JUDICIAL HEARING

Public Hearing Date:

Date of Report:

Application Numbers: Request B: DB14-0018 Stage II Final Plan

Property

Owners/Applicants:

PD = **Planning Division conditions**

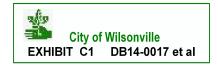
BD – Building Division Conditions

PF = Engineering Conditions.

NR = **Natural Resources Conditions**

TR = SMART/Transit Conditions

FD = Tualatin Valley Fire and Rescue Conditions



Standard	Comments:
PFB 1.	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.
PFB 2.	No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
PFB 3.	All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
PFB 4.	The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
PFB 5.	Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
PFB 6.	Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
PFB 7.	The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
PFB 8.	All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
PFB 9.	Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
PFB 10.	No surcharging of sanitary or storm water manholes is allowed.
PFB 11.	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be

submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.

PFB 12. The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.

Specific Comments:

PFB 13. At the request of Staff, DKS Associates completed a traffic Trip Generation memo dated April 25, 2014. Based on existing traffic rates the project is hereby limited to no more than the following impacts.

Estimated New PM Peak Hour Trips

10

- **PFB 14.** In the 2013 Transportation Systems Plan (TSP) Parkway Avenue is identified as a Minor Arterial. Sufficient right-of-way presently exists to accommodate the roadway and no additional improvements to Parkway Avenue are identified at this time.
- PFB 15. In the TSP Boeckman Road is identified as a Major Arterial. Current existing right-of-way adjacent to the south property line varies from about 103 feet to 137 feet; the TSP specifies a right-of-way of 95 to 107 feet. Sufficient right-of-way presently exists to accommodate future roadway expansion as provided in the TSP and no additional right-of-way is needed.
- PFB 16. Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, storm water detention shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.
- PFB 17. Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, water quality facilities shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.

If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.

PFB 18. Driveway access spacing along Parkway Avenue is not in compliance with the TSP, with a minimum spacing of 600 feet and a desired spacing of 1,000 feet. However, the existing driveway and use is grandfathered in and the continued use of the non-conforming driveway is allowed at this time.

Development Review Template

DATE: 3/21/14

TO: BLAISE EDMONDS, DIRECTOR OF CURRENT PLANNING

FROM: DON WALTERS

SUBJECT: DEVELOPMENT REVIEW # DB14-0017 -0020 ARTISTIC AUTO BODY

EXPANSION.

WORK DESCRIPTION: EXPANDING EXISTING AUTO BODY BUILDING BY 4995SF.

Building Division Conditions:

- BD 1. CODE SUMMARY. A code summary will be required at the time of building permit submittal showing how the combined old and new buildings meet code.
- BD 2. FIRE CALCS. At the time of building permit submittal submit fire calcs.
- BD 3. ADVISORY. ACCESSIBLE PARKING cannot be fully reviewed at this time. Accessible parking will be fully reviewed as part of the plan review of the building permit. The additional information available at plan review may require changes to the number and location of accessible parking spaces shown on these preliminary plans.
- BD 4. ADVISORY. ACCESSIBLE PARKING/PLACEMENT. Accessible parking spaces shall be located on the shortest practical accessible route to an accessible building entry. (OSSC Section 1106.6)



City of Wilsonville **Land Use Application**



ARTISTIC AUTO BODY

Revised Stage I Master Plan, PDI Stage II **Building Expansion, and Site Design** Review, with Setback Waiver

February 6, 2014 Revised for Completeness March 7, 2014

APPLICANT/OWNER:

Terry Mostul 5785 SW Hunziker, St. Tigard, OR 97223 503-639-9200

PLANNING/SURVEYING:

SFA Design Group 9020 SW Washington Sq. Dr. #505 Portland, OR 97223 Contact: Ben Altman

503-641-8311

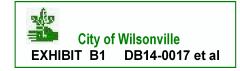
Email: baltman@sfadg.com

LANDSCAPE ARCHITECT

Macdonald Environmental Planning 9020 SW Washington Sq. Dr. #410 Portland, OR 97223 Contact: Laurel Macdonald

503-224-1225

Email: macdonald@mep-pc.com



Incomplete Application Response



March 7 2014

Blaise Edmonds, Current Planning Manager City of Wilsonville 29799 SW Town Center Lope E. Wilsonville, Oregon 97070

RE: Completeness Responses, Artistic Auto Body, DB14-0017, DB14-0018, DB14-0019, and DB14-0020.

Blaise Edmonds:

This letter and Attachments are in response to your letter of Incomplete Application for Artistic Auto Body, dated 2-17-14. The following are responses to each of the items listed in your letter.

1) The Building Division will determine the number and adequacy of the parking spaces proposed to be accessible under the American's with Disabilities Act (ADA). There are no existing or proposed ADA parking spaces shown.

4.155(.03)C. Off Street Parking shall be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces., provide one ADA accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.

Response: We have revised the Site Plan to reflect proposed ADA parking. There is 1 existing ADA stall, but it is located at the south end of the parking lot, which is not consistent with ADA standards for relationship to the main door.

Therefore we have relocated the stall, designed as a ADA Van stall to be parallel to the front of the building (west) and situated between the entry door to Enterprise Rental Car and Artistic's main entry. The standard parking space across the drive isle from this stall have been changed to compact spaces. Section 4.155(.02)N allows up to 40% of required parking to be compact spaces. In this case only 3 space are shown as compact.

With the building addition and associated increase in parking, if required, we can add 1 additional ADA space, to meet the 1:50 ratio. However, the current space is rarely used, and if another space is so striped, it will severely limit the most vital customer parking on-site.

Our intent is to work with the Building Department to determine the best location and to ensure the requirements are met based on Conditions of Approval.

2) Please provide ten (10) copies of building elevations (south, west and east) of the proposed building addition and how it will tie with the existing building at 1/4" = 1' -0" scale).

Response: We have provided scaled building elevations, including showing how the new building ties into the existing structure and the minor adjustment needed to the car wash canopy.

3) Please provide 0ne (1) colors and materials board to not exceed 8 ½" x 14" for the proposed building expansion. Demonstrate how the colors will be compatible with the existing building.

Response: We have provided a materials and color board. The building will be steel framed, metal siding and roof, matching the existing building, including the white with blue trim.

4) The DKS Traffic Report has not be completed and approved by Steve Adams, Development Engineering Manager.

Response: This is pending Engineering determination for the requested Waiver. Engineering is asking for an impact memo from DKS. The applicant will submit the fee, as soon as we receive the Scope of Work.

5) Is HVAC proposed on the roof and if so how will it meet Subsection 4.176(.04)(C&D): Buffering and Screening? The existing evergreen hedge along SW Boeckman Road provides good screening but when SW Boeckman Road is widened and if the City requires sidewalk improvement that may require the removal of the evergreen hedge exposing Artistic Auto Body.

Response: There will be no HVAC system mounted on the roof. Heating will be via a heat tube (ceiling mounted) inside the building. There will be no A/C in the new building. The only external element will be one exhaust vent stack, as reflected on the building elevations.

As noted there is existing vegetative screening provided at the top of slope (ODOT right-of-way), which satisfies the code requirements.

With regard to required future screening, we argue that if the City changes circumstances by making street improvements, than that project would necessarily need to replace any required screening. This is a Condition that seems to be attached to a <u>potential future</u> <u>condition</u>, and therefore is not ripe or appropriate.

Further the applicant has no control over the right-of-way, which is elevated above the site, and therefore should not be held to comply to an impractical standard, imposed on what is essentially an aerial view of the property.

6) Based on my conversation with Chris Neamtzu who reviewed the original Artistic Auto Body project, the request for a waiver to reduce the minimum parking space requirement from 105 spaces to 54 spaces is a significant reduction and may not be supported by staff. I observed on February 13, 2014, the proposed parking area for ten (10) new parking spaces was nearly full with stored vehicles waiting for repairs. The vehicles were tandem parked precluding any reasonable use of the area for legitimate parking. Over time staff has also observed that the row of parking spaces along the main driveway entrance has been used for returned Enterprise rentals of which the original approval designated the enterprise rentals next to their office. Per Section 4.118(.03) (waivers) which links to Section 4.140 please provide findings responding to Section 4.140(.01)A and B1 through 4 and 6 through 8 with more attention to Section 4.1409.(01)B.3. "To produce a comprehensive development equal to or better than that resulting from traditional lot land use development."

Response: We recognize the functional conflict with designating parking in the vehicle temporary storage area south of the main building. This area really needs to be preserved for vehicles in work process. Therefore we have revised the Site Plan to reflect a different location for the 10 parking spaces needed to comply with the 1996 approval, at 54 spaces.

Based on our meeting with staff (Blaise) we have revised the application to eliminate the modified parking waiver. We will simply maintain the prior waiver granted, and have revised the Site Plan to provide 20 additional spaces to meet compliance for the new building.

Even with the modified parking plan, we note that under the original 1996 approval 54 parking spaces were required. However, as reflected on the Existing Conditions Plan Sheet (2 of 6) there are actually only 40 existing striped spaces.

We want to emphasize the fact that the site has functioned quit well with the current three tenants for many years with only the 40 designated spaces. Again, we note that no new employees, or any major increase in site activity are anticipated of planned as a result of this building addition. With this revised Site Plan, we are seeking to maintain the 1996 waiver allowing for 54 parking spaces to serve the existing buildings.

In order to comply with the original waiver we have added 10 spaces (employees) as follows:

- 4 spaces east of Artistic's main building, north of the car wash;
- 4 spaces north of RV's To Go Shop, east of Artistic and south of the cell tower;

• 2 spaces within RVs To Go paved display and storage area.

In combination, these space meet the 54 required under the approved waiver.

In order to meet compliance for the new building, we have added another 20 spaces. These spaces are also located within RV's To Go paved display and storage area.

To facilitate this parking plan, the applicant has worked with his tenant to modify the lease agreement, to adjust how the RVs are parked.

In addition to the added parking, we have added a total of 9 shade trees for the parking to meet the 1:8 ratio specified in the Code. These trees provide for compliance for all 74 spaces now provided (74/8 = 9.25).

These shade trees have been added as follows:

- 2 within the new planted areas west and south of RVs To Go Shop building;
- 7 within the existing planter strip, along the north side of the entry drive, which separates the RV display/storage area from the rest of the site.

We did not provide the typical tree islands as they would conflict with safe and convenient vehicle movements. However, Section 4.155(.03)2. provides, "Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount." Therefore this design complies.

We see this proposal as a compromise of trade-offs. We are maximizing the use of existing paved areas, while minimizing reduction of landscaping, and maximizing the utilitarian use of the limited site space to enhance efficient operations. We also emphasize that this still remains an interim development plan for this site. As noted, ultimately Artistic anticipates full utilization of the property, as reflected in the Stage I Master Plan. In the interim, the applicant is simply working to maximize the economic utility of the property through leases with the two tenants.

With the elimination of the parking waiver it is not necessary to address the PDR purposes to justify the waiver.

7) Please show parking for the disabled per ADA. Contact Don Walters of the Building Division for ADA parking requirements and how many.

Response: Address under Item 1, above.

8) Please dimension proposed parking spaces on the site plan.

Response: We have revised the Site Plan to provide dimensions for all parking spaces, or at least groups of spaces. The parking spaces are dimensioned consistent with the code standards.

The majority of the spaces are standard 9' x 18', with 3 compact spaces (7.5' x 15') across the access drive from the relocated ADA van stall (17' x 20'). The ADA parking has been moved to the front of the building between the two entry doors for Enterprise Rental Car and Artistic Auto Body.

9) Bicycle parking is not proposed and shown per table #5 of Section 4.155 for "service or repair shops" (proposed building expansion) at one (1) space per 4,000 sq. ft., and per Section 4.155(.04).

Response: The applicant has previously made provisions for bicycle parking inside the main building. There is a bike rack, which is designed for 2 bikes, but because of its location and design could accommodate 3-4.

10) Advisory: The Community Development Director/City Engineer is exploring the possibility of requiring a sidewalk along the frontage of the subject property with SW Boeckman Road as part of your request.

Response: We object to any requirement for a sidewalk on the Boeckman Road frontage.

First, we do not believe the City has jurisdiction here. The adjacent right-of-way for Boeckman Road is under ODOT jurisdiction.

Second, we argue this is a "Dolan" issue, and we submit there is <u>no direct nexus</u> to the impacts of this development and a sidewalk on an adjacent street where no access is provided. This property takes access from Parkway Avenue, not Boeckman Road. As part of the prior site improvements in 1996, a sidewalk was installed along the Parkway frontage.

Further, this request is simply not practicable, nor functional. The section of Boeckman Road adjacent to this property is under ODOT jurisdiction, not the City's. The roadway is elevated some 20 feet above the site, with the ODOT right-of-way extending down to the toe of the slope at the property line. This puts the edge of right-of-way 20 below the grade of the street. Therefore any such sidewalk would be totally isolated from the street (overpass) and thereby non-functional.

The Compliance Narrative has been revised to incorporate these supplemental findings, without need to refer back to this letter. Attached are 10 complete sets of all application documents, plus 10 CDs of all documents.

With these supplemental responses and plan revisions our application should be complete. Should you have any other questions or need additional information, please don't hesitate to call.

Sincerely,

SFA Design Group, LLC

Ben Altman

Senior Planner/Project Manager

cc: file

Terry Mostul



29799 SW Town Center Loop E Wilsonville, Oregon 97070 (503) 682-1011 (503) 682-1015 Fax Administration (503) 682-7025 Fax Community Development

February 17, 2014

Mr. Ben Altman SFA Design Group 9020 SW Washington Sq. Dr. Suite 505 Portland, OR 97223

Application Numbers:

DB14-0017 Revised Stage I Preliminary Plan DB14-0018 Stage II Final Plan DB14-0019 Waivers DB14-0020 Site Design Review

Legal: Tax Lots 701, 702 and 703 in Section 11; T3S R1W; Clackamas County, Oregon

Status: Notice that Your Application IS NOT COMPLETE.

Dear Ben:

You are listed as the authorized representative on a City of Wilsonville Site Development Application form submitted regarding the property described above. You submitted materials on February 6, 2014, in application for construction of an auto body repair building expansion for Mr. Terry Mostul.

The materials submitted with the application form discussed above would be found to be incomplete, when reviewed regarding the applicable provisions of ORS 227.178(2) and Subsection 4.035(.05) WC, due to the following missing items:

- 1) The Building Division will determine the number and adequacy of the parking spaces proposed to be accessible under the American's with Disabilities Act (ADA). There are no existing or proposed ADA parking spaces shown.
- 2) Please provide ten (10) copies of building elevations (south, west and east) of the proposed building addition and how it will tie with the existing building at 1/4" = 1' 0" scale).
- 3) Please provide 0ne (1) colors and materials board to not exceed 8 ½" x 14" for the proposed building expansion. Demonstrate how the colors will be compatible with the existing building.

- 4) The DKS Traffic Report has not be completed and approved by Steve Adams, Development Engineering Manager.
- 5) Is HVAC proposed on the roof and if so how will it meet Subsection 4.176(.04)(C&D): Buffering and Screening? The existing evergreen hedge along SW Boeckman Road provides good screening but when SW Boeckman Road is widened and if the City requires sidewalk improvement that may require the removal of the evergreen hedge exposing Artistic Auto Body.
- 6) Based on my conversation with Chris Neamtzu who reviewed the original Artistic Auto Body project, the request for a waiver to reduce the minimum parking space requirement from 105 spaces to 54 spaces is a significant reduction and may not be supported by staff. I observed on February 13, 2014, the proposed parking area for ten (10) new parking spaces was nearly full with stored vehicles waiting for repairs. The vehicles were tandem parked precluding any reasonable use of the area for legitimate parking. Over time staff has also observed that the row of parking spaces along the main driveway entrance has been used for returned Enterprise rentals of which the original approval designated the enterprise rentals next to their office. Per Section 4.118(.03) (waivers) which links to Section 4.140 please provide findings responding to Section 4.140(.01)A and B1 through 4 and 6 through 8 with more attention to Section 4.1409.(01)B.3. "To produce a comprehensive development equal to or better than that resulting from traditional lot land use development."
- 7) Please show parking for the disabled per ADA. Contact Don Walters of the Building Division for ADA parking requirements and how many.
- 8) Please dimension proposed parking spaces on the site plan.
- 9) Bicycle parking is not proposed and shown per table #5 of Section 4.155 for "service or repair shops" (proposed building expansion) at one (1) space per 4,000 sq. ft., and per Section 4.155(.04).
- 10) Advisory: The Community Development Director/City Engineer is exploring the possibility of requiring a sidewalk along the frontage of the subject property with SW Boeckman Road as part of your request.
- Items 1 9 must be addressed in order to complete the applications. When you have resubmitted the application materials, staff will have 30 days in which to determine whether the application is complete. Please provide ten (10) copies of the project notebooks and full sized drawings of the revised compliance findings and all project drawings.

If you have any questions, please contact me at 503-682-4960, or at edmonds@ci.wilsonville.or.us.

Sincerely,

Blaise Edmonds, Manager of Current Planning

April 14, 2014

Dear Ben:

As indicated in the attached correspondence, your application (Planning Case files DB14-0017 through 0020) has been deemed to be incomplete.

You must acknowledge, in writing, your intent to provide the material required to complete the application, as identified in the attached correspondence, dated April 14, 2014. To do this, please sign below and return this acknowledgment by April 28, 2014, to:

Planning Division – Attention: Blaise Edmonds Community Development Division City of Wilsonville 29799 SW Town Center Loop Drive E Wilsonville, OR 97070

If you indicate your intent to complete the application, you will have 180 days from the date of the initial submittal (February 6, 2014) to provide the required material. If you fail to submit the required material within 180 days (August 5, 2014), of the date the application was submitted your application will be deemed void. The case files regarding the applications will then be closed.

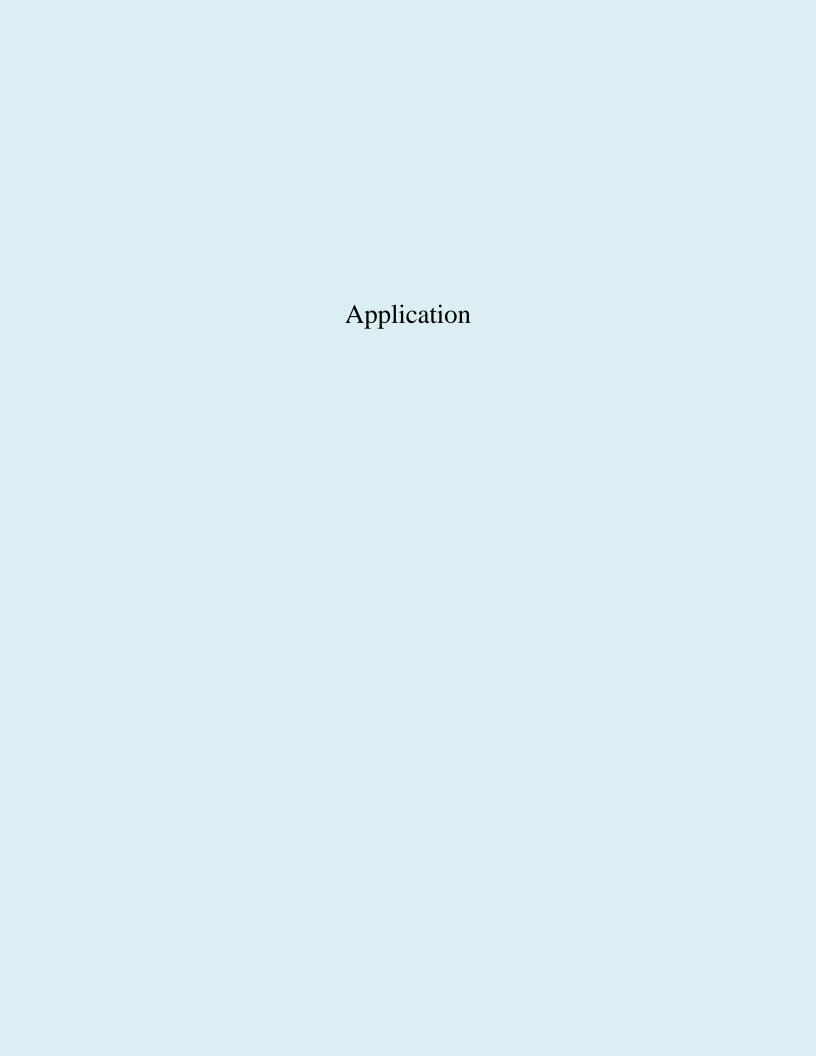
If you do not return this acknowledgment, such action will be considered to be a refusal under the meaning accorded in ORS 227.178(2). Your application will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application.

ACKNOWLEDGEMENT

I (\square intend / \square refuse) to provide the additional material identified in corresponden	ıce
from the Division of Planning and Development, dated April 14, 2014.	

Signed and Acknowledged (Applicant) Representative

Date



This electronic fill-in form cannot be submitted electronically. Please sign a printed copy and submit to the Wilsonville Planning Division. Please call 503-682-4960 if you have any questions.

CITY OF WILSONVILLE	Planning Division	
29799 SW Town Center Loop East	Development Permit Application	
Wilsonville, OR 97070 Phone: 503.682.4960 Fax: 503.682.7025	Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175	
Web: www.ci.wilsonville.or.us	A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements	
Pre-Application meeting date: TO BE COMPLETED BY APPLICANT: Please PRINT legibly	Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.	
Legal Property Owner's Name:	Authorized Representative:	
Terry Mostul	Ben Altman, SFA Design Group	
Address: 5785 SW Hunziker Street Tigard, OR 97223	Address: 9020 SW Washington Sq. Dr. Suite 505 Portland, OR 97223	
Phone: 503-639-9200	Phone: 503-641-8311	
Fax:	Fax:	
E-mail: tmostul@artistic-autobody.com	E-mail: baltman@sfadg.com	
Property Owner or Authorized Signature: Title: OWNER	Printed Name Terry Mostul Date 10-7-13	
Site Location and Description: Project Address if Available: Project Location: Project Location: Parkway Avenue just north of Boeckman Road Tax Map #(s): Tax Lot #(s): Pol Stage I Modified Master Plan, Stage II Final Development Plan, Site Design Review for 4,995 square foot		
building addition, and future phased development, wit	II Farking and Selback Walvers	
Project Type: Class I Class II Class III Residential Commercial	Industrial Other (describe below)	
Application Type: Annexation Appeal Final Plat Major Partition Plan Amendment Planned Development Request for Special Meeting Request for Time Extension SROZ/SRIR Review Staff Interpretation Type C Tree Removal Plan Villebois SAP Zone Map Amendment Other	Comp Plan Map Amendment Conditional Use Minor Partition Parks Plan Review Preliminary Plat Request to Modify Condition Signs Site Design Review Stage I Master Plan Stage II Final Plan Temporary Use Variance Villebois FDP Waiver	
FOR STAFF USE ONLY: Application Rec'd: Fee: Check #: File No (s)	Application Complete: By:	



City of Wilsonville Land Use Application

ARTISTIC AUTO BODY

Revised Stage I Master Plan, PDI Stage II Building Expansion, and Site Design Review, with Setback Waiver

February 6, 2014 Revised for Completeness March 7, 2014

APPLICANT/OWNER:

Terry Mostul 5785 SW Hunziker, St. Tigard, OR 97223 503-639-9200

PLANNING/SURVEYING:

SFA Design Group 9020 SW Washington Sq. Dr. #505 Portland, OR 97223

Contact: Ben Altman

503-641-8311

Email: baltman@sfadg.com

LANDSCAPE ARCHITECT

Macdonald Environmental Planning 9020 SW Washington Sq. Dr. #410 Portland, OR 97223 Contact: Laurel Macdonald 503-224-1225

T 116

Email: macdonald@mep-pc.com

FACT SHEET:

Project Name:

Artistic Auto Body

Type of Application:

Revised Stage I Master Plan, Building

Expansion, Site Design Review, with Setback

Waiver

Tax Lot(s):

Tax Lots 701, 702 & 703, Map T3S R1W 11

Lot Size:

Approximately 129,115 square feet, or 2.96Acres

Zoning:

PDI, Planned Development Industrial

Existing Land Use:

Industrial – Auto Body Repair

Site Location:

27975 SW Parkway Avenue Wilsonville, OR 97070

Applicant/Owner:

Terry Mostul

Artistic Auto Body 5785 SW Hunziker, St. Tigard, OR 97223 503-639-9200

Email: tmostul@artistic-autobody.com

Design Team:

SFA Design Group

9020 SW Washington Sq. Rd., Suite 505

Portland, OR 97223

Contact: Ben Altman

503-641-8311

Email: baltman@sfadg.com

Macdonald Environmental Planning 9020 SW Washington Sq. Dr. #410

Portland, OR 97223

Contact: Laurel Macdonald

503-224-1225

Email: macdonald@mep-pc.com

Building Design:

Erectors, Inc.

2020 SE Hanna Harvester Drive

Milwaukie, OR 97222

Contact: Steve Dorn

503-722-8994

. Sieve Dom

Email: sdorn@erectorsinc.com

DTLA Architecture & Planning

0106 SW Gibbs Street Portland, OR 97239

Contact: Steve Thomson

503-224-6767

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I. INTRODUCTION

This application is submitted on behalf terry Mostul, Artistic Auto Body. This request includes the following land use actions:

- Modified Stage I Master Plan (96DB36)
- Stage II Development Plan for Building Expansion:
 - o 4,995 square foot addition for body shop
 - o Waiver:
 - Building setback, to allow reduced 5 foot south side setback.
- Site Design Review

Artistic Auto Body currently owns Tax Lots 701, 702 & 703, Map T3S R1W 11. They acquired the property in 1996 and have occupied the premises since then. The property is designated for industrial use on the Comprehensive Plan. The current zoning is PDI, Planned Development Industrial. The existing and proposed uses are industrial.

The DRB approved Site Design Review, Landscaping and Signage in January 1997, File 96DB36, see Index Tab. The subject property abuts the north side of Boeckman Road, as it crosses over the I-5 freeway. Therefore the right-of-way is elevated above the property grade by approximately 20 feet, resulting in a steep bank. Consistent with the prior design review approval the applicant planted this bank, including evergreen screening at top of bank, even though it is actually ODOT right-of-way.

The right-of-way of Boeckman Road abutting the southern property varies from 82 at the southeast corner to 140 feet in width at the southwest corner.

The standard PDI setback is 30 feet for all yards, per Section 4.135(.06)C. However, the Building Code allows the setback to be measured from the centerline of an abutting street rather than from the property line.

Surrounding Uses

Surrounding development includes:

South: The site abuts the Boeckman Road right-of-way to the south. Property immediately south of the road has recently been re-developed by the Holland Group as a mixed density residential development.

North: The adjacent property to the north is the Wilsonville Garden Center.

East: To the southeast is the PGE Substation, and east across Parkway Avenue is the Mentor Graphics Campus.

West: Immediately to the east is the I-5 Freeway.

Existing Development

The site is currently developed with four structures. Based on the site survey the:

- 1. Main Building at 15,147 square feet (Tax Lot 703), now utilized by Artistic Auto Body, with Enterprise Rental Cars, and RV's to Go leasing small office spaces;
- 2. Wash Rack Canopy at 1,191 square feet; and
- 3. Small Shop at 1,394 square feet, now used by RV's to Go for maintenance
- 4. Cell Tower at 3,400 square feet (Tax Lot 701); and
- 5. Outdoor Storage/Display Areas at 30,670 square feet (Tax Lot 702), now used by RV's to Go.

There have been some tenant changes since 1996. The original and current tenants were and are as follows:

Table 1
Original and Current Tenants

1996	2013
Artistic Auto Body	Artistic Auto Body
Pro Transmission	Artistic Auto Body
Double D Detailing	RV's to Go
Hanson Trailer Sales	RV's to Go
Enterprise Rental Cars	Enterprise Rental Cars
GTE Cell Tower	Verizon Cell Tower

NOTE: 1996 the site area was listed as 2.96 acres or 128,937 square feet, but the tax map totals were only 2.56 acres. However, for this application a complete site survey was conducted. The surveyed confirms the gross site area as 129,115 square feet, or 2.96 acres. Consequently, some of the numbers in Table I listed under Approved Stage I Master Plan do not match City records 96DB36. But the two right columns related to the Proposed Master Plan are based on a current boundary and site improvements survey.

Relative to office space, the approved Master Plan called for two modular offices for subtenants. These temporary units, totaling 778 square feet, are no longer on-site or were never installed. Currently both the Enterprise Auto Rental and RV's To Go lease small office spaces in the main Artistic Auto building.

Also, Pro Transmission, originally occupied part of the main building for transmission repair. They are no longer on-site, and Artistic now utilizes that space, part office and part shop area.

Table 2 Existing Site Improvements Based on Site Survey and Current Uses Approved Stage I Master Plan - 96DB36 and Proposed Modified Stage I Master Plan

Area Use	1996 Approved Stage I	Square Footage	2014 Proposed Stage I	Square Footage
Artistic Auto Body	Steel Frame Shop	12,000		13,258
	Office	3,000		1,889
		15,000		15,147
Wash Rack	Steel Framed	1170	Steel Framed	1191
	Canopy		Canopy	
			modified	
Small Shop		1,312	1,369	1,394
Double D Detailing		,	Now RV's to Go	
	Modular office	250	Modular office	0
			removed	
2013 New Building		,	Artistic Auto	4,995
			Body	
Future Building	Artistic Auto	15,000, future		15,000, future
Tax Lot 702	Body	building to replace		building to replace
*Replace RV's To	_	outdoor storage, not		outdoor storage, not
Go		counted in current		counted in current
		area totals		Stage II area totals
Total Buildings		17,732		37,727 , including
				wash rack canopy
Landscaping		16,379 On-site		19,389 On-site,
		Plus 1,975 sf buffer		Plus (1,975 sf) buffer
		on ODOT right-of-		on ODOT right-of-
		way		way
Parking & Paving		78,922		59,488
	Gravel Outdoor	16,082	Now Paved	0
	Storage/Display			
			Gravel storage	12,511 , include cell
				tower site
GTE	Cell Tower	3,400	Cell Tower	3,400 , included in gravel total
		128,937*	Total	129,115*

^{*} The 1996 land areas were scaled using Tax Map dimensions, whereas the 2013 numbers are based on field survey. Therefore some numbers do not match-up. Table 3 reflects surveyed Existing and Proposed Conditions for accurate comparison.

Table 3
Proposed Stage I Development Plan
Simplified Land Use Area Allocation

	1996 Master Plan		2013 Master Plan	
Type of Use	Land Area	Percent of	Land Area	Percent of
	(Sq Ft)	Total Area	(Sq Ft)	Total Area
Buildings	17,732		22,727	
Future Body Shop	<u>15,000</u>		<u>15,000</u>	
	32,732	25.3	37,727	29
Paving/Parking	78,922	50.3	59,488	46
Gravel Storage	16,082	11.3	12,511	10
Landscaping	17,038	13.1	19,389	15
	Plus 1,975 visual		Plus 1,975 visual	
	buffer on ODOT		buffer on ODOT	
	right-of-way		right-of-way	
TOTAL	129,115*	100	129,115	100

^{*} Gross Site Area based on surveyed Existing Conditions Plan.

Existing Access and Road Improvements

The subject site abuts the west right-of-way line of SW Parkway Avenue, and also the north side of Boeckman Road. Access to the site is from Parkway Avenue, just north of the PGE substation. Both Parkway Avenue and Boeckman Road are designated as Arterials.

Currently, along the property frontage, Boeckman Road is improved with two travel lanes, but no curbs, sidewalks or bikes lanes, except there are sidewalks on the I-5 Overpass.

The City's Transportation System Plan anticipates future widening of the overpass and connecting street segments to accommodate full arterial width and improvements, including curbs, sidewalks and bike lanes. The designated arterial right-of-way width is 110 feet.

Existing Utilities

The subject site is currently served by a full range of urban services. There are city water, storm drainage, and sewer lines in Parkway Avenue. However, the majority of the storm water flows west to the Freeway. There is a fire hydrant located in front of the property at the entry drive. Private utilities provide electrical power, phone, cable, and gas to the site.

Approved Stage I Master Plan and Phased Stage II, Final Development Plan

The Phase I Master Plan and Stage II plans were approved under 96DB36, including improvements describe in Table 1. The Stage I Master Plan anticipated future development involving expansion of the auto body shop.

However, the long term anticipate building expansion was, and still is planned for the northern portion of the site, currently occupied by RV's To Go.

Proposed Building Expansion

The current interim building expansion seeks to add 4,995 square feet to the southeast of the current body shop. This addition will allow improved internal operations by separating the body repair functions from the paint and finish functions. The building improvement will be on Tax Lot 703.

The function of the new building addresses three operational elements, which necessitate more floor area. They include:

- 1. The building will allow further separation of current repair and finish operations;
- 2. It will allow for an increased parts department; and
- 3. More importantly, the new building is required to accommodate a significant change in the way the cars are initially evaluated for repairs (previously called estimating). This new process is called "Blue Printing", and involves a complete disassembly (rather than visual inspection) to fully assess the required repairs, including potential hidden damage. This Blue Printing process necessarily requires a lot of floor area.

This Blue Printing process, coupled with increased on-site parts storage, will help to minimize the time a vehicle might sit waiting for approval of additional unidentified repair, or just waiting for parts.

Therefore this application includes the following Land Use requests:

- 1. Modified PDI Stage I Master Plan, with phasing;
- 2. Phase 2, PDI Stage II Building Expansion, with one Waiver for reduced setback on the south side; and
- 3. Site Design Review.

Based on discussions with the Planning Staff, the application has been modified to eliminate a request for a modification to the prior approved parking waiver.

II. COMPREHENSIVE PLAN COMPLIANCE

The subject property is designated for industrial use on the Comprehensive Plan Map. It is zoned PDI, Planned Development Industrial, consistent with the Plan designation. The current and proposed uses for the property are all industrial, as confirmed with the above referenced DRB approval. Full compliance with the Comprehensive Plan was acknowledged as part of the Stage I & II approvals.

The applicant is now proposing to expand the auto body shop by 4,995 square feet. The proposed building expansion does not alter any Comprehensive Plan compliance findings. Therefore the proposed Partitioning maintains consistency with the Comprehensive Plan.

III. DEVELOPMENT CODE COMPLIANCE

The following narrative addresses Compliance with the PDI, Industrial development and Design Review standards, amending the Stage I Master Plan; together with Stage II Building Expansion Plans, including a requested Waiver for a reduced building setback to the Boeckman Road right-of-way; and including Site Design Review.

A. Amendment to Approved Stage I Master Plan, with setback waiver.

- Section 4.135 Planned Development Industrial Zone.
 - (.01) <u>Purpose</u>.
 - (.02) The PDI Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.
 - (.03) Example of uses that are typically permitted:
 - (.04) Block and Access Standards:
 - (.05) Performance Standards:
 - (.08) Other Standards:
 - A. Minimum Individual Lot Size: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
 - B. Maximum Lot Coverage: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
 - C. Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be maintained from the planned right-of-way shown on any adopted City street plan.
 - D. Rear and Side yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setback on both streets. Setbacks shall also be maintained from the planned right-of-way shown on any adopted City street plan.
 - E. No setback is required when side or rear yard abuts on a railroad siding.
 - F. Corner Vision: Corner lots shall have not sight obstruction to exceed the vision clearance standards of Section 4.177.
 - G. Off-Street Parking and Loading: As provided in Section 4.155.
 - H. Signs: As provided in Section 4.156.

RESPONSE

Consistent with the industrial designation in the Comprehensive Plan, the subject property is zoned PDI, Planned Development Industrial. The Property is not within a designated Regionally Significant Industrial Area.

Prior land use approval was granted for Artistic Auto Body under 96DB36. At that time the development was found to comply with the PDI and other applicable zoning standards as part of the Stage I & II and Design Review approvals. The approval included two waivers:

- Parking waiver, reducing required spaces from 85 to 54; and
- South setback waiver for car wash canopy, south of the detail shop building to 8 feet. However, this canopy was never constructed.

The applicant is now proposing a Modified Stage I Master Plan to accommodate an interim building expansion for the body shop. The revised Master Plan is revised for various changes in tenant usage since 1996 and also specifically to accommodate the proposed shop building expansion. The Master Plan also, however, retains the original 15,000 square foot future building for Artistic Auto Body on Tax Lot 702.

RVs To Go is a current viable and compatible tenant. However, at some point, as Wilsonville continues to grow, Artistic Auto Body anticipates the need for a much larger facility. At that time (5-10 years) RVs To Go will be dropped as a tenant and Artistic will expand to the north lot. But in the interim RVs To Go helps support the economics of the site.

At this time, Artistic finds it necessary to expand their building, but not to the scale that would warrant dislocating RVs To Go. Therefore they are proposing an addition to the south side of the main building as phase 1 of a longer term phasing plan.

As previously approved, the site has been developed to conform to the standard 30 foot yard setback requirements for the PDI zone. However, the proposed building expansion will not comply with the 30 foot standard on the south side. Therefore the applicant is requesting a Waiver to allow this yard to be reduced to 5 feet, as reflected in Table 2.

In addition, a <u>modified Waiver</u> is requested from the <u>minimum parking standard</u>, as applicable to the new building area, and changes in tenants.

The applicant is not proposing any changes to the existing approved signage.

4.140 Planned Development Regulations.

(.07) Preliminary Approval (Stage One):

- B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impacts of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:
 - a. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.
 - b. Topographic information as set forth in Section 4.035.
 - c. A tabulation of the land area to be devoted t various uses, and a calculation of the average residential density per net acre.
 - d. A staged development schedule demonstrating that the developer intends (et sic) receive Stage II approval within two (2) years of receiving Stage I approval, and to commence construction within two (2) years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.
 - e. A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security fro the capital improvements required by the project.
 - f. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.
 - g. Statement of anticipated waivers from any of the applicable site development standards.

RESPONSE

The applicant is requesting an amendment to the approved Stage I Master Plan, 96DB36 to include the proposed building expansion south of the main building. As noted, a Setback Waiver is also being requested.

This application was prepared and submitted on behalf of the owner of all affected property within the proposed development. The owner has obtained the services of and will be represented by a professional design team, led by Ben Altman of SFA Design Group.

The application was filed on a standard application form provided by the City and filed with the Planning Division, with a signed application and the applicable filing fee.

The Stage I portion of this application provides the required submission information, consistent with the prior approvals. A boundary survey and legal description of the property, and the proposed Preliminary Partition Plat were, prepared by a professional surveyor has been provided.

A tabulation of the land area allocation devoted to various uses is shown in Table 1. The modified Master Plan provides the required level of information such that the Board can appropriately judge the scope and impacts of planned site development.

This is not a residential development, so there is no need to provide density calculations.

Table 4 Proposed Building Expansion Reduced South Yard Setback

Building	Standard Setback	Proposed Setbacks, with Waiver
Front - east	30'	133
		66' building separation
Rear - west	30'	151'
Side - north	30'	130'
		to Tax Lot Line
Side - south	30'	5-19' = Waiver

Waiver Criteria

Section 4.118. Standards applying to all Planned Development Zones:

- (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:
- A. Waive the following typical development standards:
 - 1. minimum lot area;
 - 2. lot width and frontage;
 - 3. height and yard requirements;
 - 4. lot coverage;
 - 5. lot depth;
 - 6. street widths;
 - 7. sidewalk requirements;
 - 8. height of buildings other than signs;
 - 9. parking space configuration and drive aisle design;
 - 10. minimum number of parking or loading spaces;
 - 11. shade tree islands in parking lots, provided that alternative shading is provided;
 - 12. fence height;
 - 13. architectural design standards;
 - 14. transit facilities; and
 - 15. On-site pedestrian access and circulation standards; and
 - 16. Solar access standards, as provided in section 4.137.
 - [Amended by Ord. #719, 6/17/13.]
- B. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:
 - 1. open space requirements in residential areas;
 - 2. minimum density standards of residential zones;
 - 3. minimum landscape, buffering, and screening standards;
- C. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:
 - 1. maximum number of parking spaces;
 - 2. standards for mitigation of trees that are removed;

- 3. standards for mitigation of wetlands that are filled or damaged; and
- 4. trails or pathways shown in the Parks and Recreation Master Plan.
- D. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and
- E. Adopt other requirements or restrictions, inclusive of, but not limited to, the following:
 - 1. Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low density development.
 - 2. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
 - 3. The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street or private drive. [amended by Ord. 682, 9/9/10]
 - 4. Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
 - 5. Location and size of off-street loading areas and docks.
 - 6. Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.
 - 7. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation which would have an adverse effect on the present or potential development on surrounding properties.
 - 8. Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.
 - 9. A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.
 - 10. Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.
 - 11. Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to one hundred ten percent (110%) of the cost of the landscaping and installation may be required.
 - 12. A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.
- (.04) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.
- (.08) Waivers and Variances. Waivers and variances are similar in that they allow deviation from requirements such as area, and height from ground. They differ in that

waivers are granted by the DRB as part of a comprehensive review of the design and function of an entire site to bring about an improved design and variances are granted by either the Planning Director or DRB to relieve a specific hardship caused by the regulations.

REPSONSE

Waiver Request - Setback

The subject property abuts the north side of Boeckman Road, as it crosses over the I-5 freeway. Boeckman is designated as an arterial in the Transportation System Plan (TSP). Because Boeckman crosses over the I-5 Freeway the right-of-way is elevated above the property grade by approximately 20 feet. Consequently there is a steep bank along the southern property line, which provides a vertical separation from the street.

Consistent with the prior design review approval the applicant planted this bank, even though it is actually ODOT right-of-way. An evergreen screening was planted along the top of bank, as a visual buffer from the elevated roadway.

The right-of-way of Boeckman Road abutting the southern property varies from 82 at the southeast corner to 140 feet in width at the southwest corner, which reflects prior dedications and/or acquisition of right-of-way from the subject property. The south property line of the subject property is 20 feet farther north than the adjacent PGE substation property.

The City's Transportation System Plan anticipates future widening of the Boeckman Overpass. The design standard for this arterial street is (110 feet or 55 foot centerline). The existing right-of-way exceeds this standard, along the entire site frontage except at the very southeast corner, adjacent to the PGE property. If necessary, the applicant will dedicate an additional 6 feet at the southeast corner to ensure the minimum 55 foot centerline.

Right-of-way jurisdiction for Boeckman Road is slip between ODOT and City of Wilsonville. ODOT controls the overpass structure land within the I-5 right-of-way, defined by fencing at the edge of the right-of-way. The City controls the rest of the Boeckman Road right-of-way east and west of the Freeway.

The standard PDI setback is 30 feet for all yards, per Section 4.135(.06)C. However, the Building Code allows the setback to be measured from the centerline of an abutting street rather than from the property line, thereby allowing for the proposed reduced southern yard setback of 5 feet.

The applicant argues that in this particular case, with the elevated street section, the additional setback required to meet the standard 30 feet would serve no useful purpose. In contrast, this area is needed and more valuable to accommodate the building expansion.

The site is odd-shaped and constrained on three sides by public rights-of-way. The proposed expansion area is the most functional location for the new building, without interfering with other site operations. This expansion will allow for a substantial improvement in operational efficiency for the body shop, by physically separating it from the paint booth and other functional areas.

We believe that the vertical separation of the site from the road diminishes the need for a horizontal setback. With the visual screening provided at the top of bank the building is virtually not visible from the right-of-way. The combined vertical separation and centerline setback combine to provide appropriate fire safety separation, consistent with the Building Code. And, the centerline setback meets or exceeds the minimum arterial street setback required by the Development Code.

Section 4.140. Planned Development Regulations.

(.01) Purpose.

A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

- B. It is the further purpose of the following Section:
- 1. To take advantage of advances in technology, architectural design, and functional land use design;
- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
- 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
- 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

RESPONSE

Setback Waiver

The DRB has previously relied upon the above purpose statements and criteria as a basis for considering approval of requested waivers.

The proposed setback waiver for the building addition requests that the south setback to the property line be allowed at 5 feet instead of 30 feet. This reduced setback relies upon the Building Code provision, which allows for consideration of setbacks based on the centerline of abutting right-of-way. In addition to the Building Code provision, the Development Code requires a minimum 55 foot centerline setback adjacent to arterial streets to protect for future street widening. Therefore the requested waiver is consistent with other applicable regulations.

The DRB already allowed a deviation from rigid established patterns of land uses in approving parking and setback waivers under the 1996 Stage I & II approvals. These deviations were found to be consistent with defined policies and objectives detailed in the Comprehensive Plan. In approving the Stage I & II plans the DRB found the proposed development to be equal to or better than that resulting from traditional lot and use development.

The proposed building addition maintains prior site design factors from those originally approved, and only requests an additional waiver for the south building setback. Because of the vertical site separation from the road, the new setback waiver will not alter the site design from a visual perspective.

The PD provisions seek to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning. This property includes 3 tax lots and has been master planned, complying with this objective.

The PD provisions also provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations; and to encourage a harmonious variety of uses, creating an attractive, healthful, efficient and stable environment for working.

In this case, the Artistic Site is occupied by a harmonious mix of compatible uses, including auto body repair, rental cars, and rental RVs. This mix provides for efficient use of shared facilities (offices and parking) as well as an efficient use of limited land. This particular mix of uses has proven to work well, and also allows the applicant to cover operations and ownership costs, while preserving future expansion potential.

Relative to the other stated purposes, for the requested waiver:

- 1. There is no particular technology we are seeking to take advantage of, but rather are simply trying to maintain functional land use design, with minimum impact to existing operations.
- 2. There are no particular problems of population density or distribution related to this waiver. However, site circulation in conjunction with parking is of concern. In this case, the applicant is seeking to provide needed additional work space to improve operational efficiency, while not being forced to add unnecessary parking. Compliance with the stated objectives, as described herein, maintains compliance with policies and objectives detailed in the Comprehensive Plan.

We believe there is a general objective to provide adequate, but not unnecessary building setbacks to support individual developments and to protect adjacent developments. Yet, the Code establishes standard industrial setbacks that do not account for different circumstances such as in this case, the elevated adjacent right-of-way, and/or accounting for the consideration of unique aspects of any single or combination of businesses.

The applicant argues that the auto body operations are currently constrained by lack of floor space and the ability to separate repair work from paint and finish work, as well as other functional operations, such as "Blue Printing", as previously described.

3. The general purpose of the PD provisions is to produce a comprehensive development equal to or better than that resulting from traditional lot land use development. So, it all depends on how you define or apply equal or better as a review criteria. We would argue that in this case equal or better must include consideration of existing on-site operations, and should not be limited to just simple compliance with a particular code standard.

First, we note that in Wilsonville there really is no option available for what might be called traditional development, as all non-residential development are required to use the PD process.

In this case, however, the applicant is relying upon the flexibility allowed in these provisions to allow for a reduced building setback.

In this case the abutting right-of-way provides a basis for considering the reduced setback. The larger setback is clearly not needed to accommodate building or property safety. There is also sufficient (excess) right-of-way available for planned future widening of Boeckman Road. Therefore the larger setback served no particularly critical function.

4. There are no special site characteristics or special features of geography, topography, or areas characterized by problems of flood hazard, severe soil limitations, or other natural hazards associated with this property. However, its size and long narrow shape do serve to constrain ideal site planning.

These PD provision do permit flexibility of design in the placement of circulation facilities and off-street parking areas in order to more efficiently utilize the limited potentials of this odd shaped property. As discussed above, there is no critical public need for a larger setback in this particular situation.

- 5. This waiver request does not relate to an issue of height or maintaining a ratio of site area to dwelling units that is consistent with the densities. Therefore this design purpose is not applicable.
- 6. While this development is adequately served, this waiver request does not affect the demand for or availability of any necessary public services or facilities.
- 7. This waiver request is all about accommodating a permitted mix of uses where it has clearly been demonstrated to be of benefit to three users businesses. These three businesses have complimented each other's operations for many years, without conflict. Additional parking area is being provided to accommodate the new building, but this leaves limited space for the proposed building addition. To the degree addressed herein, the applicant believes this waiver is warranted and will not result in conflicts or inconsistencies with the intent of the Comprehensive Plan.
- 8. To a large degree this setback waiver is directly linked to the state of the economy, where businesses are looking for ways to reduce costs of operations and improve operational efficiencies.

But it is also linked, as described, to the changing environment within which auto body repair is occurring. As discussed above, Artistic is in need for more floor space to accommodate additional parts storage, rearrangement and further separation of functions, and to allow employment of new technology (Blue Printing) as an emerging innovation in detailed analysis of vehicle damage designed to improve work flow and ensure complete repair.

Approval of this Waiver recognizes existing conditions as to building locations and as such permits flexibility of design in the placement of the building, while maintaining functional site circulation and adequate off-street parking and landscaped areas, all designed in a configuration to accomplish efficient utilization of the site's potentials.

CONCLUSION – Stage I Master Plan

The applicant has provided quantitatively accurate information sufficient to judge the overall scale and impacts of the proposed Master Plan.

B. Stage II Final Development Permit

The current interim building expansion seeks to add 4,995 square feet to the southeast of the current body shop. This addition will allow improved internal operations by separating the body repair functions from the paint and finish functions.

With this building the applicant is providing additional landscaping, parking and shade trees to bring the site into better compliance with current code standards.

Collectively these improvements will result in continued enhancement of the quality appearance of this site. We note there has already been a substantial enhancement from the site conditions left by the former tractor rental and sales company.

Table 5
Proposed Stage II Development Plan
Land Use Area Allocation

Type of Use	Land Area (Sq Ft)	Percent of Total Area
Buildings	22,727	18
Paving/Parking	74,488	58
Gravel Storage	12,511	9
Landscaping	19,389	15
	Plus 1,975 visual buffer on	
	ODOT right-of-way	
TOTAL	129,115	100

The approved development plans and the proposed building addition provide for development that is adequately served by necessary public services and facilities, consistent with the original approval. As previously discussed, we believe the requested setback waiver is consistent with the stated design review purpose and objectives.

Table 6
Parking Requirements
Original Approval

Use	Parking Ratio	Required Spaces
Artistic	1/200 sf	61
Pro Trans		12
		no longer on-site
Double D		8
		no longer on-site
Enterprise		2
Retail Bulky Storage	1/600 sf	1
Hanson Trailer Sales		Area now used by RV's To Go
Hanson Trailer Sales		1
		Area now used by RV's To Go
Total Parking		85

In 1996 the DRB granted a waiver to the parking standard allowing 54 spaces instead of 85.

The applicant believes it is important for the Development Review Board to understand the tenant changes have occurred since the approval in 1996. Since the original approval Pro Trans and Double D Detailing are companies that no longer operate on this property.

In addition, as reflected in Table 2, the allocation of office space is substantially reduced from what was reflected in 1996. First the office area within the main building is only 1,889 square feet, of which the three companies utilize:

Artistic 1,417 square feet;
 RV's to Go 283 " ";
 Enterprise 189 " "; and 1,889 square feet = -1,189 sf

Further, 787 square feet of modular office space has been removed since 1996, resulting in a total reduction in office space of 1,976 further reducing net parking requirements. Under the current Code office space requires 2.7 spaces per 1,000 square feet, which calculates to a reduction of 5 spaces.

Therefore we believe the originally approved waiver remains appropriate given that the site has functioned well for many years with actually only 40 stripped spaces. However, to comply with the approved waiver we have provided 14 additional designated parking spaces to serve the existing buildings and tenants, thereby meeting the approved 54 spaces. In order to comply with the original waiver we have added 10 spaces (employees) as follows:

- 4 spaces east of Artistic's main building, north of the car wash;
- 4 spaces north of RV's To Go Shop, east of Artistic and south of the cell tower;
- 2 spaces within RVs To Go paved display and storage area.

In combination, these space meet the 54 required under the approved waiver.

Since 1996 the city has adopted new parking requirements based on Metro Standards. Applying the new standard for the proposed building addition will require 20 additional spaces to be provided, per Table 5 of the Code, as reflected in Table 7 below.

Table 7 Parking Requirements Proposed Addition

Use	Square Feet	Parking Ratio	Required Spaces
New Shop	4,995	4.1/1000 sf	20

In order to meet compliance for the new building, we have added another 20 spaces. These spaces are also located within RV's To Go paved display and storage area. To facilitate this parking plan, the applicant has worked with his tenant to modify the lease agreement, to adjust how the RVs are parked.

We see this proposal as a compromise of trade-offs. We are maximizing the use of existing paved areas, while minimizing reduction of landscaping, and maximizing the utilitarian use of the limited site space to enhance efficient operations. We also emphasize that this still remains an interim development plan for this site. As noted, ultimately Artistic anticipates full utilization of the property, as reflected in the Stage I Master Plan. In the interim, the applicant is simply working to maximize the economic utility of the property through leases with the two tenants.

With the elimination of the parking waiver it is not necessary to address the PDR purposes to justify the waiver.

Parking Shade Tree Requirements

With the added 34 spaces, the Proposed Landscaping Plan provides additional shade trees to meet code requirements. We have added a total of 9 shade trees for the parking to meet the 1:8 ratio specified in the Code. These trees provide for compliance for all 74 spaces now provided (74/8 = 9.25), not just to 34 added spaces.

These shade trees have been added as follows:

- 2 within the new planted areas west and south of RVs To Go Shop building;
- 7 within the existing planter strip, along the north side of the entry drive, which separates the RV display/storage area from the rest of the site.

We did not provide the typical tree islands as they would conflict with safe and convenient vehicle movements. However, Section 4.155(.03)2. provides, "Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount." Therefore this design complies.

There are no existing or proposed truck loading docks. Trucks serving the site park either in front of the main office or on the east side of the shop.

4.167 General Regulations - Access, Ingress and Egress (.01) Each access onto streets shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit.

RESPONSE

The site currently has a single access onto Parkway Avenue, as previously approved and improved. This application does not alter the existing access or site circulation, except to the extent that the new building will eliminate the possibility for vehicular access south of the building.

The site design and building configuration has been coordinated with Tualatin Valley Fire & Rescue to ensure adequate fire access, consistent with their hydrant, truck and hose lay standards.

4.175 Public Safety and Crime Prevention

(.01) All developments shall be designed to deter crime and insure public safety.
(.02) Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.
(.03) Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.
(.04) Exterior lighting shall be designed and oriented to discourage crime.

RESPONSE

The applicant and his sub-tenants are of course concerned about deterring crime and ensuring public safety throughout the site. The site, as designed, has operated safely and without significant crime experience since 1996. Site Design provides for appropriate addressing and directional signage designed to assure easy identification of this multitenant development.

The buildings have been designed to be aesthetically pleasing and consistent within the development. Vegetative screening has been provided to buffer and accent the building from the road.

The parking areas have also been designed for easy access and surveillance by City police in their course of routine patrols. Exterior lighting has been minimized, but designed and oriented to discourage crime. No new exterior lighting is proposed with this building expansion, so Sections 4.199 and 4.400 Outdoor lighting is not applicable.

Therefore the proposed development complies with these standards.

4.176 Landscaping and Buffering

(.02) Landscaping and Screening Standards.

A. Subsections "C" through "I," below, state the different landscaping and screening standards to be applied throughout the City. The locations where the landscaping and screening are required and the depth of the landscaping and screening is stated in various places in the Code.

B. All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation height limitations are met. Where the standards set a minimum based on square

footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length (e.g., a landscaped area of between 800 and 1600 square feet shall have two trees if the standard calls for one tree per 800 square feet.

C. General Landscaping Standard.

- 1. Intent. The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees.
- 2. Required materials. Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:
 - a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
 - b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.
- D. Low Screen Landscaping Standard.
- 1. Intent. The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way.
- 2. Required materials. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 22: Low Screen Landscaping).
- (.03) <u>Landscape Area</u>. Not less than fifteen (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten (10%) parking area landscaping required by Section 4.155(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct area of the lot, on of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.
- (.04) <u>Buffering and Screening</u>. Additional to the standards of this subsection, the requirements of Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

RESPONSE

The proposed Site Development Plan provides for total on-site landscaping coverage of 19,367 square feet, or 15% of the gross site area. In addition, there is 1,975 square feet of

off-site buffer screening provided on ODOT right-of-way. Therefore the plan meets or exceeds the minimum 15% standard. The landscaping is designed to physically separate the three functional portions of the site, and to provide perimeter screening, and visual enhancement as viewed from public rights-of-way. Additional parking area shade trees have also been provided.

There has not been a Screening and Buffering Overlay Zone established for this site, so subsection (.04) does not apply. However, as required under 96DB36, an appropriate vegetative screening has been provided at to the top of bank along the Boeckman Road. This screening is actually located on ODOT right-of-way. It was required because of the elevated roadway, and the fact that in 1996 the site plan, with only 12.69% on-site landscaping did not provide for the minimum 15% required by code.

Additional landscaping has been provided along the top of the realigned retaining wall between the body shop and RV's to Go.

The landscaping is provided in at least 4 areas around the perimeter of the site and buildings. Various trees are provided throughout the site, and two additional shade trees have been provided within the new landscaped areas. These two trees are intended to count as shade for paved areas. This design is consistent with and complimentary to the established landscape designs for the two adjacent properties, and is also consistent with code standards, as described herein. The added landscaping brings the on-site landscaping into compliance with the minimum 15% standard.

(.06) Plant Materials.

C. Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:

- 1. At maturity, proposed trees shall be at least one-half the height of the building to which they are closest, and building walls longer than 50 feet shall require tree groups located no more than fifty (50) feet on center, to break up the length and height of the façade.
- 2. Either fully branched deciduous or evergreen trees may be specified depending upon the desired results. Where solar access is to be preserved, only solar-friendly deciduous trees are to be used. Where year-round sight obscuring is the highest priority, evergreen trees are to be used.
- 3. The following standards are to be applied;
- a. Deciduous trees:
 - i. Minimum height of ten (10) feet; and
 - ii. Minimum trunk diameter (caliper) of 2 inches (measured at four and one-half [4 1/2] feet above grade).
- b. Evergreen trees: Minimum height of twelve (12) feet.

E. Types of Plant Species.

1. Existing landscaping or native vegetation may be used to meet these standards, if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and non-native vegetation to be incorporated into the landscaping shall be identified.

2. Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought-tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation that will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.

RESPONSE

Landscaping consists of a combination of ground covers, ornamental shrubs, and a variety of deciduous and evergreen trees.

Temporary automatic irrigation system will be provided to ensure survival of the newly landscaped areas. Therefore the proposed landscaping complies with the applicable design criteria.

Section 4.177. Street Improvement Standards.

Note: This section is expected to be revised after the completion of the Transportation Systems Plan.

(.01) Except as specifically approved by the Development Review Board, all street and access improvements shall conform to the Transportation Systems Plan and the Public Works Standards, together with the following standards:

A. All street improvements and intersections shall conform to the Public Works Standards and shall provide for the continuation of 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 Development Review Board 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.

RESPONSE

Site access, egress and site circulation have been designed consistent with the prior DRB approval. No changes to access or egress are proposed as part of this expansion project.

Street improvements have already been completed providing adequate traffic capacity for the proposed development consistent with the City's "D" LOS standard, see also DKS Traffic Impact Report.

Section 4.179. Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings.

(.01) All site plans for multi-unit residential and non-residential buildings submitted to the Wilsonville Development Review Board for approval shall include adequate storage space for mixed solid waste and source separated recyclables.

(.02) The floor area of an interior or exterior storage area shall be excluded from the calculation of building floor area for purposes of determining minimum storage requirements. (.03) The storage area requirement shall be based on the predominant use(s) of the building. If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.

(.04) Storage areas for multiple uses on a single site may be combined and shared.
(.05) The specific requirements are based on an assumed storage height of four feet for seven feet may be used to accommodate the same volume of storage in a reduced floor space. Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions for the containers.

(.06) The specific requirements for storage area are as follows:

A. Multi-unit residential buildings containing five-ten units shall provide a minimum storage area of 50 square feet. Buildings containing more than ten residential units shall provide an additional five square feet per unit for each unit above ten.

B. Non-residential buildings shall provide a minimum storage area of ten square feet,

plus:

1. Office: Four square feet per 1,000 square feet gross floor area (GFA);

2. Retail: Ten square feet per 1,000 square feet GFA;

3. Wholesale / Warehouse / Manufacturing: Six square feet per 1,000 square feet GFA; and

4. Other: Four square feet per 1,000 square feet GFA. (.07) The applicant shall work with the City's franchised garbage hauler to ensure that site plans provide adequate access for the hauler's equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section.

RESPONSE

The subject site has operated with the current mix of tenants for several years and has proved that adequate storage space for mixed solid waste and source separated recyclables has been adequate. Currently the site operates with two 4 yard boxes, with wheels. To date the trash storage has been in the yard area behind the southeast corner of the body shop building. For the office functions, including RV's to Go; Enterprise Rental Cars and Artistic Auto Body, residential type roll carts and bins are used for waste and recyclables. These carts and bins are stored inside the office area until pick-up day.

It is important to understand that for the body shop all plastic and metal parts are stored separately and periodically picked up by recyclers. With the separated recyclables the two 4 yard drop boxes have been adequate for the body shop operations.

This storage area is currently located southeast of the body shop. With the proposed building addition, the recycling storage will be behind (south) the building. This location will be completely screened from public view by the building and the ODOT embankment.

In coordination with Republic Services the trash containers (2- 4 yard boxes) have been located just outside the northeast corner of the body shop. There is a slated fence and gate that provide screening for the drop boxes. The gate remains open even after normal work hours. This location has been tested with Republic and determined to be the best location to store the containers. This location ensures safe and convenient truck access, with minimum back-up maneuvers. The slatted fence together with the new landscaping to the east, provide adequate screening from view from Parkway Avenue. Based on Republic's recommendations no full enclosure is proposed, just the existing slated fence, as currently configured.

The building expansion is not expected to increase waste generation, as it only provides for separating operational functions for the body shop, and not necessarily any increased work load. Therefore the intent is to maintaining the current level of service.

Table 8
Mixed Solid Waste and Recyclables Storage

Type Use	Storage Area Standard Square Feet	Proposed Square Feet	
Office @ 1,889 sf	4 sq ft/1,000 = 7.6	Roll Carts	
Other @ 21,364	10 sq ft/1,000 = 214	72	
Total	222	72	

With the proposed building expansion, the code would require a total of 202 square feet of trash storage. However, as discussed above, current site operations have proven to be adequate with only two 4 yard boxes, or 72 square feet.

In coordination with Republic Services the container storage area has been relocated to the northeast corner of the existing body shop building. This location improves truck access, with minimal backing maneuvers. Therefore, as approved by Republic Services, no increase or change in solid waste disposal service is proposed as part of this application.

4.199 OUTDOOR LIGHTING

4.199.20. Applicability:

- (.01) This Ordinance is applicable to:
 - A. Installation of new exterior lighting systems in public facility, commercial industrial and multi-family housing projects with common areas.
 - B. Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial industrial and multi-family housing projects with common areas.
- (.02) Exemption. The following luminaires and lighting systems are EXEMPT from these requirements:
 - A. Interior lighting
 - B. Internally illuminated signs
 - F. Building Code required exit path lighting

- G. Lighting specifically for stairs and ramps
- K. Code required Signs
- M. Landscape lighting

4.199.30 Lighting Overlay Zones.

- (.01) The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family, or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance.
- (.02) The Lighting Zones shall be:
 - A. LZ 0. Critical dark environments.
 - B. LZ 1. Developed areas in City and State parks, recreation areas, SROZ wetland and wildlife habitat areas: developed areas in natural settings; sensitive night environments; and rural areas.
 - C. LZ 2. Low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts. This zone is intended to be the default condition for the majority of the City.
 - D. LZ 3. Medium to high-density suburban neighborhoods and districts, major shopping and commercial districts as depicted on the Lighting Overlay Zone Map.
 - E. LZ 4. Reserved for limited applications with special lighting requirements.
- 4.199.40. Lighting Systems Standards for Approval.
- (.01) Non-Residential Uses and Common Residential Areas.
 - A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below.

From Table 10: Curfew: Lighting Zone Curfew Time

LZ 2 10:00 PM (2200 hours)

RESPONSE

The City has adopted new outdoor lighting standards, Section 4.199. These relatively new regulations set standards for the intensity of outdoor lighting, and there are also curfew provisions, aimed at lower artificial light levels at night (dark sky).

Section 4.199.30(.02) establishes lighting zones. The subject site is within LZ 2, as identified on the Lighting Zone Map. This zone applies to low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts, and is the default condition for the majority of the City. This zone has a 10:00 PM curfew, which calls for lower lighting levels after 10:00 PM.

The development site is within a developed industrial district and within the PDI, Planned Development Industrial Zone. This development is subject to the provisions of these new regulations, but only to the extent that changes in outdoor lighting are proposed. The proposed building expansion will not add any new outdoor lights. Therefore this section is currently not applicable.

Section 4.300. General Underground Utilities

- (.01) The City Council deems it reasonable and necessary in order to accomplish the orderly and desirable development of land within the corporate limits of the City, to require the underground installation of utilities in all new developments.
- (.02) After the effective date of this Code, the approval of any development of land within the City will be upon the express condition that all new utility lines, including but not limited to those required for power, communication, street lighting, gas, cable television services and related facilities, shall be placed underground.
- (.03) The construction of underground utilities shall be subject to the City's Public Works Standards and shall meet applicable requirements for erosion control and other environmental protection.

Section 4.310 Exceptions.

Section 4.300 of this Code shall not apply to surface-mounted transformers, surface-mounted connection boxes, wireless communication facilities, and meter cabinets and other appurtenances which are reasonably necessary to be placed above ground, or to temporary utility service facilities during construction, or to high capacity electric and communication feeder lines, or to utility transmission lines operating at 50,000 volts or more.

Section 4.320. Requirements.

- (.01) The developer or subdivider shall be responsible for and make all necessary arrangements with the serving utility to provide the underground services (including cost of rearranging any existing overhead facilities). All such underground facilities as described shall be constructed in compliance with the rules and regulations of the Public Utility Commission of the State of Oregon relating to the installation and safety of underground lines, plant, system, equipment and apparatus.
- (.02) The location of the buried facilities shall conform to standards supplied to the subdivider by the City. The City also reserves the right to approve location of all surface-mounted transformers.
- (.03) Interior easements (back lot lines) will only be used for storm or sanitary sewers, and front easements will be used for other utilities unless different locations are approved by the City Engineer. Easements satisfactory to the serving utilities shall be provided by the developer and shall be set forth on the plat.

RESPONSE

There are no existing overhead facilities that require undergrounding, as part of this development. There is, however, an overhead PGE transmission line over the slope of the adjacent ODOT right-of-way. This line is off-site and not subject to undergrounding requirements.

All new utility lines, including water, sewer, storm, power, communication, street lighting, gas, cable television services and related facilities, are currently provided by underground connections. Other than electrical connections, there will be no new services required for the building expansion. All current services are adequate to accommodate the existing uses and proposed expansion. Appropriate interior easements have already been or will be provided, as specified by the City engineer, needed for storm or sanitary sewers.

Therefore the proposed development complies with the provisions of this section.

CONCLUSION – ZONING and STAGE II DEVELOPMENT PERMIT

Based on the Plans submitted and the findings provided herein the proposed development plan for the Data Center has been demonstrated to comply with all applicable PDI and Planned Development code standards.

IV. SITE DESIGN REVIEW

1.400. <u>Purposed</u>.

- (.01) Excessive uniformity, inappropriate or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services thereof.
- (.02) The City Council declares that the purposes and objectives of site and development requirements and the site design review procedures are to:
- a. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment;
- b. Encourages originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;
- c. Discourages monotonous, drab, unsightly, dreary and inharmonious developments;
- d. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;
- e. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;
- f. Stabilize and improve property values and prevent blighted areas and, thus increase tax revenues:
- g. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provisions of public facilities and services;
- h. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus decrease the cost of government services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-public, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior particularly crime;
- i. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;
- j. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.

RESPONSE

The proposed building will be a metal frame and metal clad structure, matching the (white, with blue trim) of the existing building. The building will be the same height as existing, at one-story. The eve height is 18 feet, with the peak of the rood (1:12 pitch) at 20 feet 6 inches.

Pedestrian circulation from parking areas to the front doors is not altered by this building addition.

The development plans insure that adequate public facilities are available to serve development. The new building will not add any new plumbing fixtures or water service. It will also have add any new restrooms, thus there will be no new demand for sanitary sewer.

Appropriate water quality and quantity control provisions have been designed into the storm drainage system consistent with the discharge carrying capacity of ODOT's downstream storm system. For the southern portion of this property, the on-site drainage flows west discharging to ODOT's ditch along the freeway.

The on-site system only requires minor revisions to accommodate the new building. There is an existing water quality vault located at the west end of the vehicle parking/storage area south of the existing building.

The proposed building and site improvements are designed to complement and enhance the existing industrial environment, and therefore will maintain consistency with the Design Review Criteria and Objectives listed above. These improvements are designed to ensure the site functions safely, properly and efficiently.

4.421. Criteria and Application of Design Standards.

- (.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural style is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)
 - A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
 - B. Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide buffering from less intensive uses in accordance with Sections 4.139 and 4.139.5. The achievement of such relationship may include enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.
 - C. Drives, Parking, and Circulation. With respect to vehicular an pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement

- of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- D. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of (et sic) the public storm drainage system.
- E. Utility Service. Any utility installations above ground shall be located so as to have an harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.
- F. Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- G. Special Features. Exposed storage area, exposed mechanical installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.
- (.02) The standards of review outlined in Sections (a) through (g) shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.
- (.03) The Board shall also be guided by the purposes of Section 4.400 and such objectives shall serve as additional criteria and standards.

RESPONSE

The area of the proposed development has already been substantially modified from its natural state by right-of-way acquisition and site improvements. Within the development site, there are no naturally sensitive areas or wildlife habitats that require protection or buffering (SROZ). The site is relatively flat and the proposed development minimizes additional topographic changes, insofar as practicable, while adding appropriate aesthetic enhancements with building and landscape architecture.

This site is surrounded by industrial uses to the north and east. It abuts I-5 to the west, and Boeckman Road to the south. South of Boeckman Road there is a new mixed density residential development. However, this residential area is physically separated from the side by the elevated roadway and approximately 160 linear feet of horizontal distance.

There are no proposed changes to the existing driveway or circulation, and only minor changes to parking areas are proposed. Appropriate ADA access is being provided.

Appropriate attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. In that regard on-site water quality treatment and detention at the southwest corner of the site is provided.

4.420 Location, Design and Access Standards for Mixed Waste and Recycling Areas.

(.01) The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.

(.02) Location Standards.

- A. To encourage its use, the storage for source separated recyclables shall be co-located with the storage area for residual mixed solid waste.
- B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.
- C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine both interior and exterior locations.
- D. Exterior storage areas can be located within interior side yards or rear yard areas. Minimum setback shall be three (3) feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.
- E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.
- F. Exterior storage areas can be located in a parking area if the proposed use provides at least a minimum number of parking spaces required for the use after deducting the area used for storage.

 Storage areas hall be appropriately screened according to the provisions of Section 4.430(.03), below.

(.03) Access Standards.

- A. Access to storage areas can be limited for security reasons. However, the storage areas shall be accessible to users at convenient times of the day and to collect service (et sic) personnel on the day and approximate time they are scheduled to provide collection service.
- B. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grad and vehicle access.

 A minimum of ten (10) feet horizontal clearance and eight feet of vertical clearance if the storage area is covered.
- C. Storage areas shall be accessible to collection vehicles without requiring backing out or a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.
- D. Pursuant to Subsection 8.210 (9) Wilsonville Code and Subsections 4.430 (.04) B. information on required covers for mixed solid waste and recycling storage areas. The City's stormwater regulations require the waste and recycling enclosures be covered. Wilsonville Code Subsection 8.210 (9) reads, "Outside storage areas for grease, oil, waste products, recycling, garbage, and other sources of contaminants shall be a covered enclosure adequately sized to allow all containers to be accessible. No drainage is allowed to enter the storm sewer system." Subsection 4.430 (.04) B. requires vertical clearance to be at least fight feet (8').

RESPONSE

Relocation of the existing solid waste storage area has been carefully coordinated with Republic Services, which improved safe and convenient truck access. The new location is at the northeast corner of the existing body shop. At this location the slated fence provides appropriate screening from off-site view, particularly recognizing that it is setback about 340 feet from Parkway Avenue.

Artistic currently utilizes two 4 yard containers, with no changes proposed other than relocation. The new location has already been operationally tested by Republic, who has confirmed appropriate access is available for their truck. The applicant has obtained a letter from Allied Waste approving the proposed trash enclosure designs.

4.155(.03)C. Off Street Parking shall be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces., provide one ADA accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.

General parking compliance was previously addressed. We have revised the Site Plan to provide dimensions for all parking spaces, or at least groups of spaces. The parking spaces are dimensioned consistent with the code standards. The majority of the spaces are standard 9' x 18', with 3 compact spaces (7.5' x 15') across the access drive from the relocated ADA van stall (17' x 20'). The ADA parking has been moved to the front of the building between the two entry doors for Enterprise Rental Car and Artistic Auto Body.

With the building addition, if required, we can add 1 additional ADA space, to meet the 1:50 ratio. However, the current space is rarely used, and if another space is so striped, it will severely limit the most necessary customer parking on-site. We will work with the Building Department to ensure the requirements are met based on Conditions of Approval.

Subsection 4.176(.04)(C&D): Buffering and Screening. The existing evergreen hedge along SW Boeckman Road provides good screening but when SW Boeckman Road is widened and if the City requires sidewalk improvement that may require the removal of the evergreen hedge exposing Artistic Auto Body.

RESPONSE

There will be no HVAC system on the roof mounted. Heating will be via a heat tube (ceiling mounted) inside the building. There will be no A/C in the new building. The only external element will be one exhaust vent stack, as reflected on the building elevations.

As noted there is existing vegetative screening provided at the top of slope (ODOT right-of-way), which satisfies the code requirements.

With regard to required future screening, suggested by staff, we argue that if the City changes circumstances by making street improvements, than that project would necessarily need to replace any required screening. This is a Condition that seems to be attached to a <u>potential future condition</u>, and therefore is not ripe or appropriate.

Further the applicant has no control over the right-of-way, which is elevated above the site, and therefore should not be held to comply to an impractical standard, imposed on what is essentially an aerial view of the property.

Bicycle parking is required per table #5 of Section 4.155 for "service or repair shops" (proposed building expansion) at one (1) space per 4,000 sq. ft., and per Section 4.155(.04).

The applicant has previously made provisions for bicycle parking inside the main building. There is a bike rack, which is designed for 2 bikes, but because of its location and design could accommodate 3-4.

CONCLUSION - Site and Architectural Design Review

This report has provided documentation of compliance with the applicable design review standards. Therefore this project should be approved as requested.

VII. TREE PRESERVATION AND REMOVAL

Section 4.600. Purpose and Declaration (.01) Rapid growth, the spread of development, need for water and increasing demands upon natural resources have the effect of encroaching upon, despoiling, or eliminating many of the trees, other forms of vegetation, and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational and economic assets to existing and future residents of the City of Wilsonville.

RESPONSE

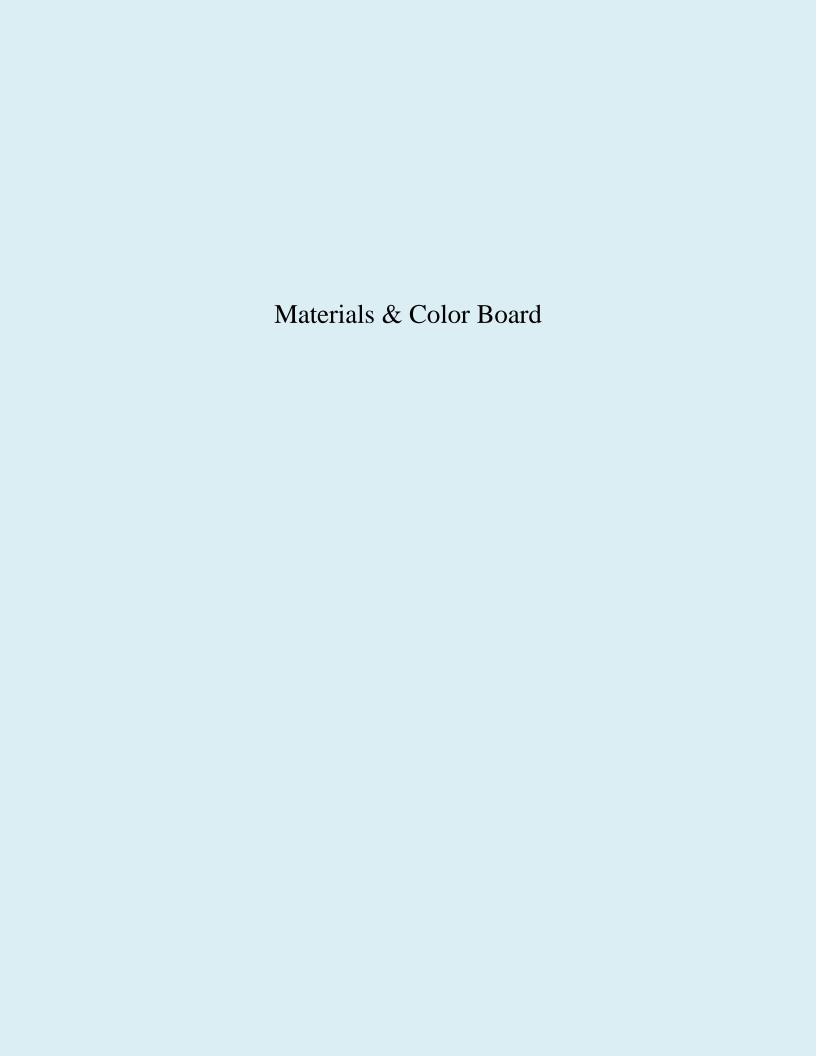
There are no existing trees on-site that are proposed to be removed.

The landscaping plan provides for the addition of six Golden Desert Ash shade trees associated with the additional identified parking. Therefore this tree preservation Section is not applicable.

VIII. FINAL CONCLUSION

Based on the findings presented herein, and supported by the accompanying documentation and plans, the proposed development has been demonstrated to comply with all applicable Comprehensive Plan and Development Code provisions and standards.

Compliance has been demonstrated for the updated Stage I Master Plan, PDI Stage II Final Development Plans, and Site Design Review design standards and approval criteria, including one waiver. Therefore the applicant respectfully requests approval as requested.





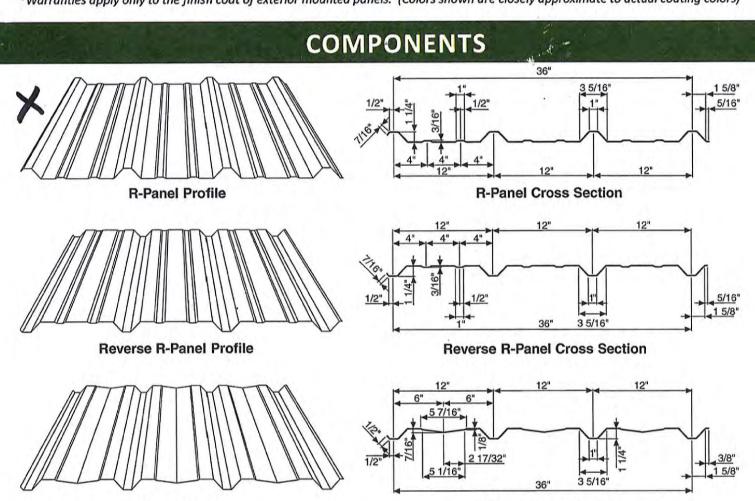
SMP "COOL" PAINT SYSTEM

CBC Steel Buildings Silicone Modified Polyester (SMP) two-coat paint system is a budget friendly system that maintains excellent color retention and performance. Our SMP colors are a great way to help reduce cooling costs and is ideal for many applications.



All standard SMP colors shown on this chart feature a 25 year finish warranty.*

*Warranties apply only to the finish coat of exterior mounted panels. (Colors shown are closely approximate to actual coating colors)



A-Panel Profile

A-Panel Cross Section





(Kynar/Hylar) COLOR COATINGS

MORE THAN JUST A COLOR COATING...

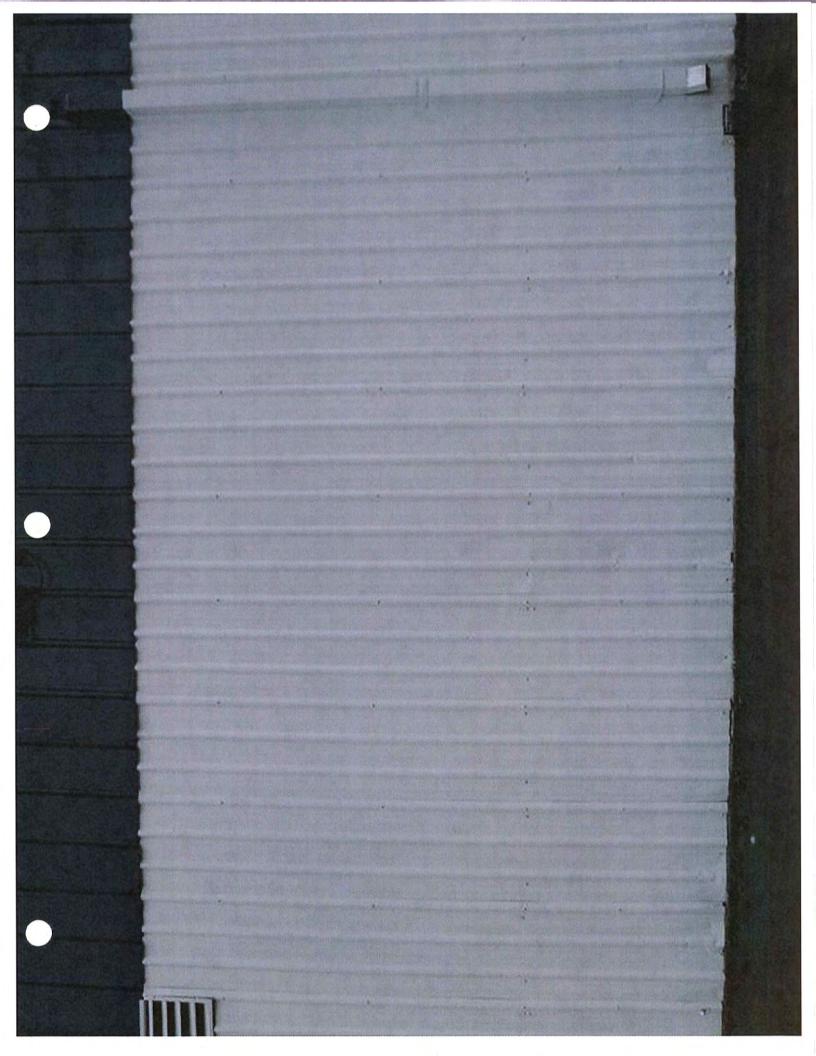
CBC "COOL" colors are vivid, fade-resistant with incredible durability and an environmentally friendly "COOL" technology. CBC offers you the highest quality materials to help you meet your requirements while maximizing efficiency and cost savings.



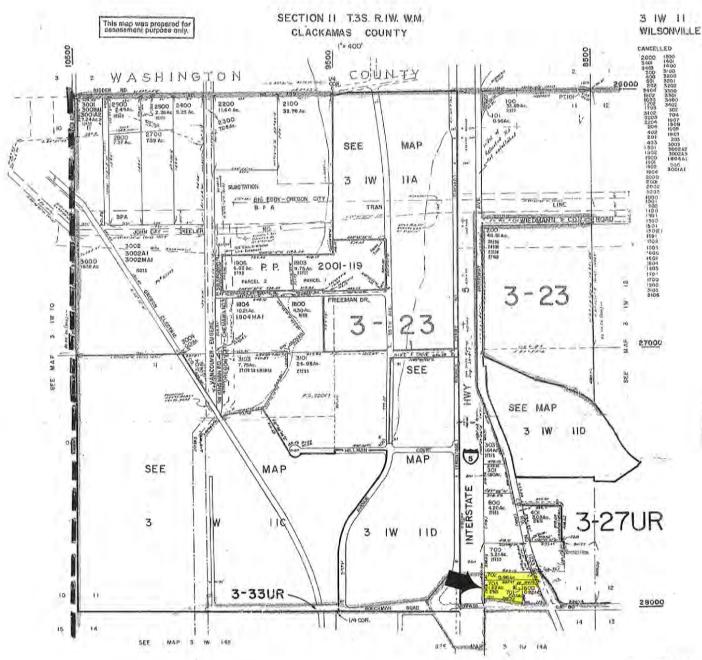
Colors shown closely approximate actual coating colors.

These premium coatings are manufactured by PPG.

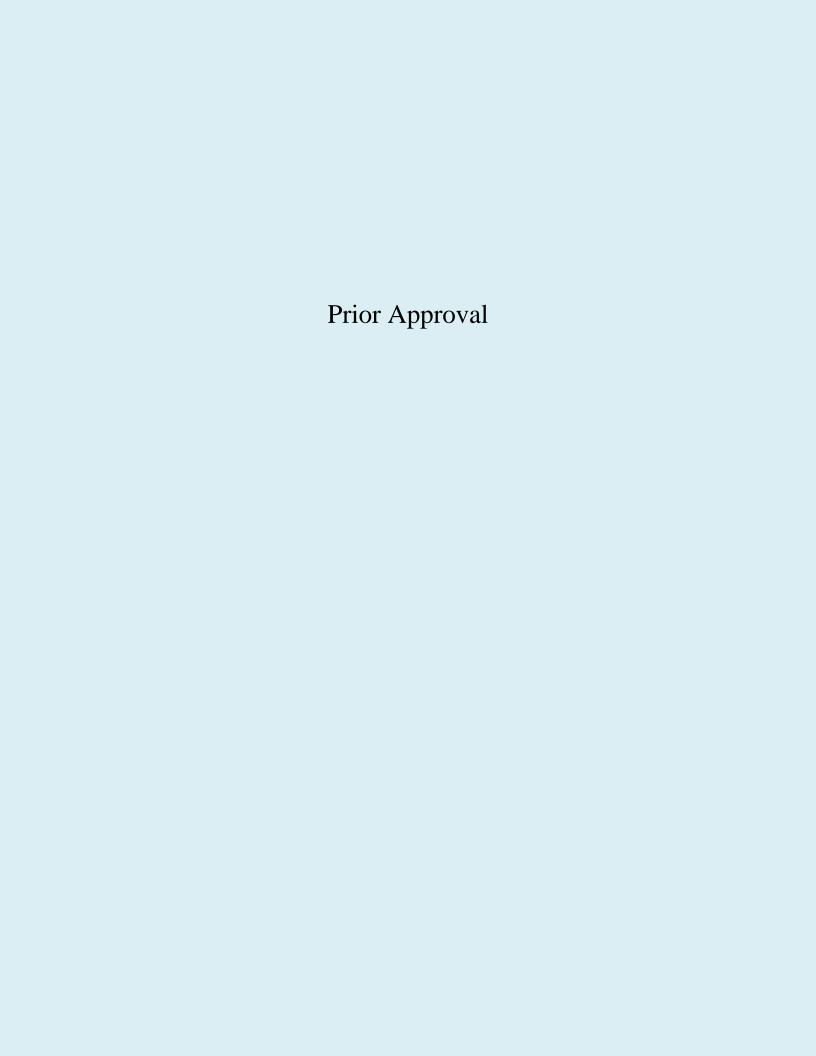
These colors utilize "COOL" Coating Technology and are compliant with the Energy Star specification of 25% minimum reflectance.







3 IW II WILSONVILLE



NOTICE OF DECISION City of



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

DEVELOPMENT REVIEW BOARD PANEL A

Pro	iect	Name:
X 1 U	CCL	manne.

ARTISTIC AUTO BODY

File No.

96DB36

Applicant/Owner:

MR. ROBERT JONES/MR. TERRY MOSTUL

Proposed Action:

APPROVAL OF STAGE I MASTER PLAN,

PHASE I, STAGE I SITE DEVELOPMENT PLAN

FOR AN AUTO-RELATED SERVICE

COMMERCIAL PROJECT AND A HANSON'S

HORSE TRAILER FACILITY

Map No: T3S-RIW,

Sec. 11 Tax Lot No: 701, 702, and 703

Location:

27975 SW Parkway Avenue

On January 13, 1997, at the meeting of the Development Review Board, the following decision was made on the above-referenced proposed application:

Approved	$\mathbf{X}\mathbf{X}$	Approved	with	Conditions_	Denied
Approved	2 N 2 N	_Approved	** * * * * * * * * * * * * * * * * * * *	Contantions	DCIIICU

XX Written decision is attached

This action will expire on <u>January 13, 1999</u>, unless development commences prior to the expiration date.

The Temporary Use Permit for Hanson's Horse Trailer's will expire on January 13, 1998.

For further information, please contact the Wilsonville Planning Department, Community Development Building, 8445 S.W. Elligsen Rd., or phone 682-4960.



CITY OF WILSONVILLE DEVELOPMENT REVIEW BOARD RESOLUTION NO. 96DB36

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL FOR A STAGE I MASTER PLAN, PHASE I - STAGE II SITE DEVELOPMENT PLAN, SITE AND DEVELOPMENT REVIEW, AND SIGNAGE FOR AN AUTO-RELATED SERVICE COMMERCIAL PROJECT, AND A ONE-YEAR TEMPORARY USE PERMIT FOR A HANSON'S HORSE TRAILER FACILITY.

THE SITE IS LOCATED AT 27975 SW PARKWAY AVENUE ON TAX LOTS 701, 702, AND 703, SECTION 11, T3S-R1W, WILSONVILLE, CLACKAMAS COUNTY, OREGON. MR. ROBERT JONES/OWNER AND MR. TERRY MOSTUL/APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Sections 4.187, 4.210, 4.139 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared a staff report on the above-captioned subject, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on December 9, 1996, and continued to January 13, 1997 to allow the applicant opportunity to submit revised plans to address the board's concerns, at which time exhibits, together with findings were entered into the public record, and

WHEREAS, the Development Review Board has duly considered the subject and the recommendations contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the amended staff report attached hereto as Exhibit A, with findings and amended conditions of approval contained therein, and further authorizes the Planning Director to issue a site development permit consistent with said recommendations. The applicant is directed to submit revised plans acceptable to the board on the proposed modular building at the February 10, 1997 meeting.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 13th day of January, 1997, and filed with the Planning Secretary on Secretary on 16, 1997.

Matt Miller, Chair

Wilsonville Development Review Board

Panel A

Attest:

Sally Hartill, Planning Secretary

David Lake moved to approve 96DB36 for Artistic Auto Body with the conditions as outlined in the staff report with the following amendments:

#26: Amend to indicated that the sign has to contain either the time or the temperature, but may not flash back and forth between the two.

#29: As amended by staff in this meeting as follows, "The I-5 pole mounted sign shall not exceed 4' above the roof of the main building, is approved with 8' setback, with new orientation.

#43: As amended, "This application does not approve the location of a telecommunications carrier or any other use on the site. Any such location would require a separate application to the DRB for a Conditional Use Permit.

#44: Add new condition: The added which is the approval to grant a waiver of parking spaces or reduction of parking spaces from the required 85 to 54 and approve the reduced setback for the carwash canopy of eight feet.

#45: Add new condition: If in the future widening of Boeckman Road eliminates part or all of the off-site landscape buffering, the site-obscuring planting shall be replaced on-site along the south property line. The proposed landscaping shall be subject to board approval.

#46: Add new condition: Washing of trailers in the trailer lot is prohibited.

#47: Add new condition: The applicant shall provide, as a consent agenda item to the board at the next board meeting, a redesigned modular building for approval through staff and by the board.

FINDING: The board finds that the concrete pads used for storage are not subject to the 30' setback because there is no separation between buildings and they are on grade.

Ralph Coppersmith seconded the motion which passed 4-0 with I abstention - Mike Elder

Conditions of Approval amended and adopted by the Development Review Board on January 13, 1996

96 DB 36

ARTISTIC AUTO BODY

STAGE I and II and SITE DESIGN, LANDSCAPING and SIGNAGE

The plans dated January 6, 1996 are hereby approved with Conditions as follows:

- 1. All landscaping required by this approval shall be installed prior to issuance of occupancy permits, unless security equal to 110% of the cost of the landscaping as determined by the Community Development Director is filed with the City assuring such installation within six months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the Community Development Director. If the installation of the landscaping is not completed within a six- month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the applicant.
- 2. The applicant shall construct a 5' wide, curb tight, concrete sidewalk the entire length of the improved frontage along SW Parkway Avenue.
- 3. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2 gallon cans, 12" to 15".
- 4. Construction, site development and landscaping shall be carried out in substantial accord with the plans (1/6/97), drawings, sketches and other documents approved by the Development Review Board, unless altered with Board approval or with minor revisions, by the Planning Director.
- 5. The installation of an in ground irrigation system shall be installed to ensure the longevity of all landscaping. Further, landscaping shall be maintained by weeding, pruning and replacing dead plant material as necessary.

ARTISTIC AUTO BODY 96DBB36 January 13, 1997

- 6. All roof-mounted mechanical equipment (HVAC) visible from Boeckman Road, I-5, or Parkway Ave. shall be screened or painted to closely match the final color of the building.
- 7. All signs shall be installed and constructed in accordance with the drawings, plans and graphics approved by the Development Review Board and none shall be of the flashing type. In addition, no signs shall shine into adjacent residential areas.
- 8. The applicant shall coordinate with the Building Official for proper addressing of the buildings.
- 9. The display of banners, pennants, balloons or any other type of temporary advertising device is prohibited unless all necessary permits from the Planning Department are obtained at least one month prior to "grand openings". No temporary banners will be allowed without prior approval.
- 10. Site design approval shall be void after two years unless a Building Permit has been issued and substantial construction pursuant thereto has taken place, or an extension is granted by motion of the Development Review Board. Such extensions may be for not more than a two-year period.
- 11. The modular structure for Hanson's shall be hooked up to city services, and shall meet all the requirements of the Uniform Building Code.
- 12. Hansons Horse Trailer Sales is approved for 1 year only (from date of the Notice of Decision) and the modular structure shall not be permanent.
- 13. The Stage I, Phase II, building for Artistic Auto Body will need a separate Stage II site development approval, and site and design review.
- 14. The applicant shall concrete the outdoor storage area for Pro Trans Transmission Repair and Artistic Auto Body. The remainder of the storage area will be paved with asphalt. Such storage area shall be constructed with an oil/water separator that is appropriately sized.
- 15. Install a bicycle rack to accommodate up to three (3) bicycles with close convenient access to the main entry of the building.

- 16. The applicant shall replace any dead Arborvitae along Boeckman Rd.
- 17. The site must fully comply with the ADA prior to final occupancy.

 Compliance shall be determined by the city's Building Department, and all improvements shall be completed prior to final occupancy of the new tenants.
- 18. The analog sign is approved as part of this application and shall display the time or temperature but shall not change or flash between the two.
- 19. The monument sign and the radiating split face CMU wall are approved with a zero setback.
- 20. The I-5 pole mounted sign shall not exceed 4' above the roof of the main building, and is approved with an 8' setback and a new orientation.
- 21. The developer shall develop the site, buildings, parking and drives, in substantial compliance with the approved site development plans. It is understood that minor revisions in the development will occur prior to and during the construction phase. Minor site development revisions may be reviewed by the Planning Director under a Class I Administrative Review.
- 22. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction. The developer/applicant shall comply with the conditions of approval identified in Exhibits E (City Engineering, Building and Environmental Services Departments).
- 23. All construction workers vehicles and job shacks associated with this project shall be parked on site.
- 24. The applicant / owner shall waive right of remonstrance to any local improvement district which may be formed to construct public improvements which would serve the subject property.
- 25. Employees should be allowed and encouraged to use flexible work hours to encourage off-peak hours of travel to and from work. Special carpool parking stalls could be reserved and allocated close to building entrances to encourage employees to share rides to work.

- 26. The maximum number of cars allowed on site for Enterprise Rental Car shall not exceed 15 at any given time.
- 27. The car wash area, and any vehicle preparation areas associated with Double D shall be finished in concrete.
- 28. This application does not approve the location of a telecommunications carrier or any other use on the site. Any such location would require a separate application to the DRB for a Conditional Use Permit.
- 29. A waiver for a reduction in the on site parking spaces from the Code required 85 to 54 is approved, and the car wash canopy at Double Detail is approved with a 22' setback from the south property line.
- 30. If, in the future, widening of Boeckman Road eliminates part or all of the off site landscape buffering, the site obscuring planting shall be replaced on site along the south property line. The proposed landscaping shall be subject to DRB approval.
- 31. Washing of horse trailers in the gravel area is prohibited.
- 32. The applicant shall provide, as a consent agenda item at the next meeting (February 10, 1997), a redesigned modular building for approval by Staff and the DRB.



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

ENGINEERING DEPARTMENT MEMO

DATE:

November 3, 1996

TO:

Blaise Edmonds

Associate Planner

FROM:

Michael A. Stone, PE

City Engineer

RE:

Engineering Division Public Facilities (PF)

Conditions of Approval for Artistic Auto Body



Based on Staff's review of the materials submitted to the Community Development Department, the following Conditions of Approval are presented. These conditions are applicable to the subject application. Any modifications or revisions to the subject application may require amendments and/or additions to the conditions as set forth and outlined below.

At the request of Staff, DKS Associates has completed a Traffic Impact Analysis for the proposed project (attached).

PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections. Staff has concerns on the adequacy of the existing public utilities or improvements to serve the site. Separate Engineering Drawings reflecting the installation of these public utilities will be required.

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

- PF 2. The Engineering Division reserves the right to revise or modify the public improvement plans and improvements to see if additional modifications are required particularly sight distance at the development driveway onto Parkway Avenue.
- PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- PF 4. Record drawings are to be furnished by the Applicant for all public utility/improvements (on 3 mil. mylar) before the final Punch List Inspection will be performed.

 \[\begin{align*} \begin{align*} \text{List Inspection will be} \\ \end{align*} \]

 \[\begin{align*} \b

ARTISTIC AUTO BODY 96DB36
DEVELOPMENT REVIEW BOARD
December 9, 1996 PAGE % OF(3 6

- PF 5. 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.
- PF 6. Plans submitted for review shall meet the following general format:
 - A. Composite Utility Plan
 - B. Detailed Utility or Improvement Plans and Grading Plan.
 - C. Public utility or improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City and a in a 15 ft. wide public utility or improvement easement (centered over the utility or improvement) conveyed to the City on its dedication forms.
 - D. Design of any public utility or improvement shall be approved at the time of the issuance of a Public Works Permit.
 - E. All proposed on and off-site utility or improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - G. All new public utility or 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.
- PF 7. 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 approved permanent vegetative materials have been installed.
- PF 8. The Applicant shall install City approved energy dissipaters and pollution control devices at each storm drain outlet point.
- PF 9. The Applicant shall contact the Oregon Water Resources Department and inform them of any existing wells on the site that are to be abandoned. Any wells so abandoned shall be completed in accordance with the requirements of the Oregon Water Resources Department.
- PF 10. The Applicant shall install a 12-inch (minimum) storm drain crossing at the existing driveway to allow proper drainage from the site to Parkway Avenue.
- PF 11. The Applicant is proposing the City vacate a portion of the existing right-of-way along Parkway Avenue between the subject developments entrance to the site and Boeckman Road. It appears that this request is for the sole benefit of the Applicant to allow the installation of entrance modifications and development directional

ARTISTIC AUTO BODY 96DB36
DEVELOPMENT REVIEW BOARD
December 9, 1996 PAGE 87 OF 136

Conditions of Approval A. Stie Auto Body November 3, 1996

Page 3

signage. Although the Traffic Impact Analysis indicates traffic operations in the area meet current level of service requirements, it is Staff opinion that expansion of street improvements at the intersection of Parkway Avenue and Boeckman Road will be required in the future. The possible construction of a Correctional Facility within the City and the construction of the required roadway improvements in the Boeckman Road area only seem to support this belief. At this time Staff could not forward a recommendation for vacation of any existing right-of-way in the area.

- PF 12. The Applicant shall dedicate a 6-foot public utility easement along the development frontage of Parkway Avenue.
- PF 13. The Applicant shall be required to obtain a storm water discharge permit from the Oregon Department of Transportation to address the increase in volume from the subject development site into the right-of-way along I-5.
- PF 14. All new public utilities shall be installed underground.
- PF 15. If necessary, the Applicant shall dedicate right-of-way along the development frontage of Parkway Avenue in conformance with the Transportation Master Plan.

 Staff concern centers on the north end of the development site.
- PF 16. The Applicant shall deposit a sum with the City equal to the estimated cost of the construction cost of a 24-foot wide street improvement with curbs, bikelanes and sidewalks adjacent to the undevelopment street frontage along Parkway Avenue.
- PF 17. The DKS Traffic Impact Analysis recommends the realignment of the existing driveway with the existing entrance to the Mentor Graphics Campus onto Parkway Avenue. Due to the estimated number of new P. M. Peak Hour Trips (5), Staff is not recommending the driveway realignment at this time. Staff does however recommend that if additional development occurs on the development site that substantially increases the trips generated of if there is a substantial increase in the number or severity of vehicular or pedestrian accidents, improvements will be undertaken by the Applicant. These improvements may include but not be limited to driveway realignment.

PF 18) The Applicant shall install a temporary asphaltic concrete sidewalk 5 feet in width adjacent to the undevelopment frontage and a concrete sidewalk 5-feet in width adjacent to the developed street frontage along Parkway Avenue.

- PF 19. The Applicant shall provide pedestrian linkages from the front doors of each building to the public sidewalks (raised in areas of potential vehicle/pedestrian conflicts).
- PF 20. The Applicant shall provide bicycle racks convenient to the building entrances for employment uses.
- PF 21. New PM peak hour trips

 New p.m. peak hour trips through

 15/Wilsonville Road Interchange Area

 (subject to capacity limitations)

5.

0.

(3 of 5)

Conditions of Approval/OldTown Flex Space

ARTISTIC AUTO BODY 96DB36
DEVELOPMENT REVIEW BOARD
December 9, 1996 PAGE 880F 136

city of wilsonville BUILDING DEPARTMENT DEVELOPMENT REVIEW



BECEIVED NOV 1 1996

i e n

TO:

Blaise Edmonds, Associate Planner

FROM:

Martin Brown, Building Official

SUBIECT:

DEVELOPMENT REVIEW

DATE:

November 1, 1996

The following is a list of concerns and/or conditions related to the mentioned projects. Further conditions of approval may be noted during the actual plan review of the project plans.

96DB36 Artistic Auto Body Master Plan

- 1. An approved public fire hydrant shall be installed within 250' feet, hose-lay fashion, of the new proposed modular office building for both the new Hanson's Trailer facility and the new Double Detail office building.
- 2. An approved accessible route on a hard surface shall be constructed which will connect the public way to both the new proposed modular office buildings. Such accessible routes shall meet the appropriate standards outlined in Chapter 11 of the State Structural Specialty Code.
- 3. Both modular office buildings shall be subject to the construction and inspection provisions found in Section 1704 of the Structural Specialty Code and shall be made accessible for the disabled.
- 4. Proposed businesses shall be subject to the city's systems development charges, where applicable, including separate water meters serving each modular building.
- 5. Double Detail car washing area shall be covered with a roofed structure preventing storm water from entering the sanitary sewer system. Such roofed area shall be subject to the Structural Specialty Code and require building permits as needed.
- 6. A reduce-pressure backflow prevention device shall be installed serving the new proposed car wash area.

(4 of 5)

/srf

Environmental Services Memo

Date:

10/30/96

To:

Chris Neamtzu

Subject

Artistic Auto Body Property

From:

Luke Bushman, Storm Water Management Technician

Phone:

503-570-1552 (ext. 552)

Fax:

503-682-8816

Mailing Address:

30000 SW Town Center Loop E, Wilsonville, OR 97070

Site Address:

8455 SW Eiligsen Road, Wilsonville, OR 97070

Site Requirements

Pro-Tran

The site must be paved in concrete, curbing around the site, an oil interceptor (sized appropriately for the pad, timely serviced, and meeting a maximum oil discharge of 10 mg/l) discharging to the storm sewer, and that this be the only area that cars being serviced by pro-Tran are stored.

Double Detail

This project will need a paved and covered wash facility with a oil interceptor (sized appropriately for the pad, timely serviced, and meeting a maximum oil discharge of 300 mg/l) discharging to the Sanitary Sewer. All washing must occur on this pad.

Thanks again for the opportunity to provide input - Luke.

ECRIVED OCT 3 0 1996

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

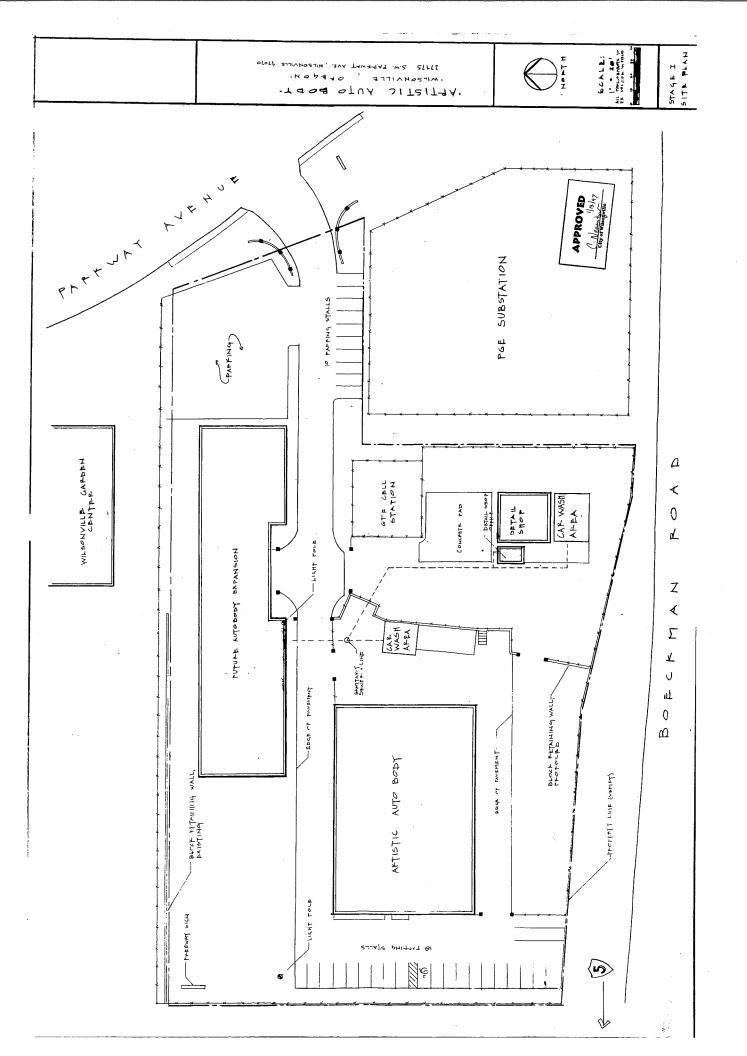
Signature

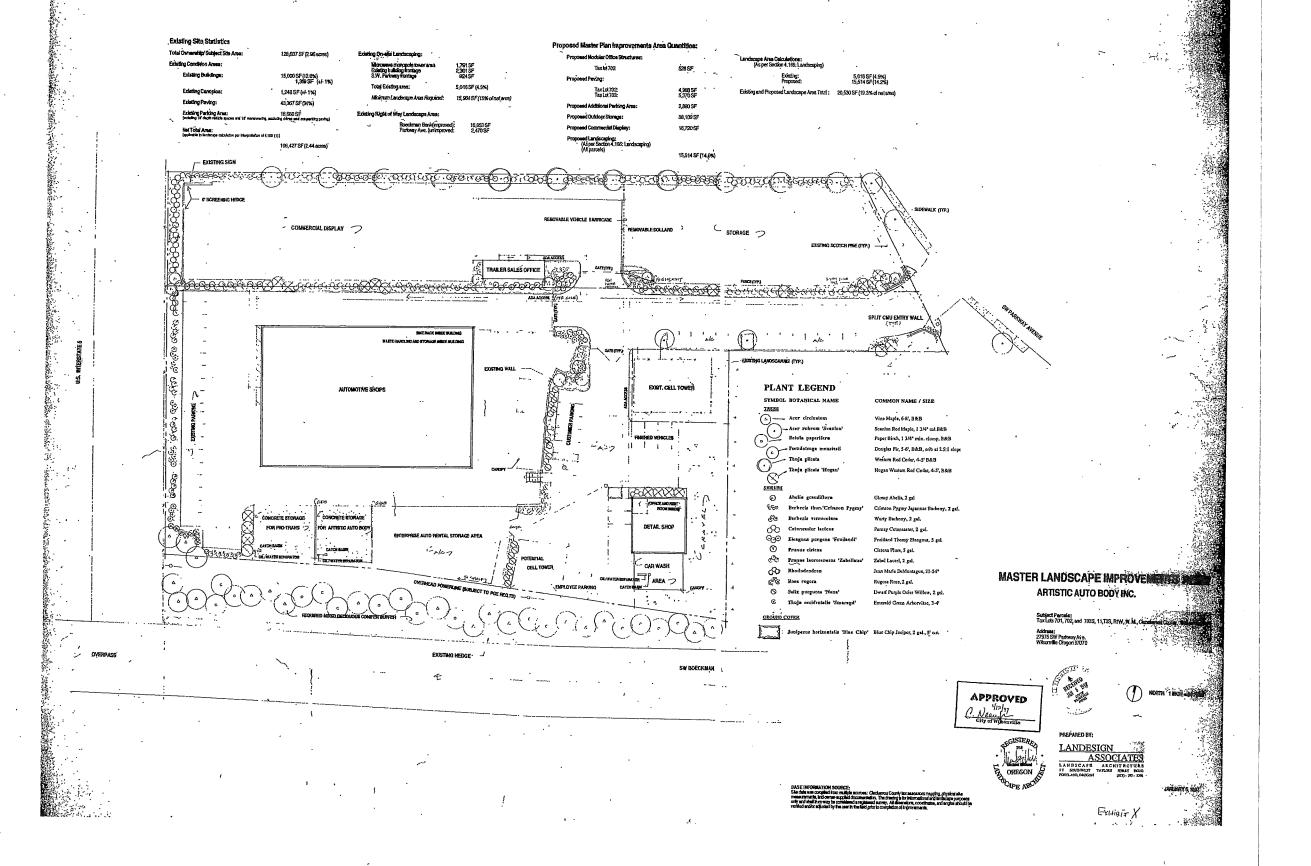
Omer/applicant 1/20/9
Title Date

This decision is not effective unless this form is signed and returned to the planning office as required by Section 4.139(7) of the Wilsonville Code.

In the event of sale, transfer or lease of the property, a copy of these conditions will be forwarded to the successor(s) in interest.

Please sign and return to: Sally Hartill, Planning Secretary City of Wilsonville 30000 SW Town Center Loop E Wilsonville OR 97070

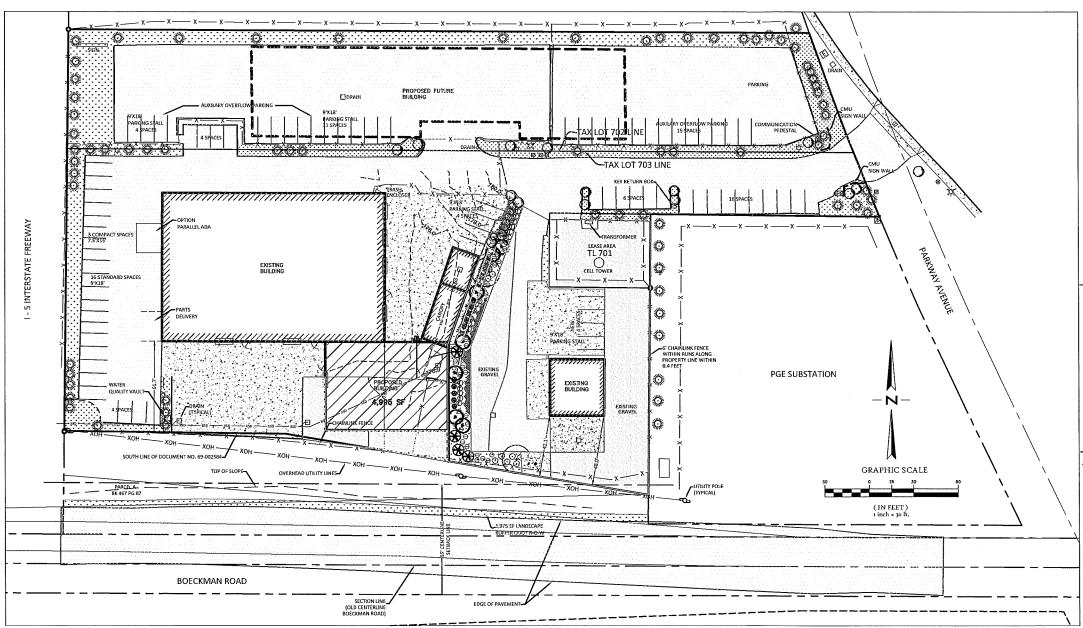






ARTISTIC AUTO BODY

PROJECT ON TAX LOTS 701, 702, AND 703 MAP 3S 1 11



APPLICANT/OWNER

TERRY MOSTUL 5785 SW HUNZIKER, ST. TIAGARD, OR 97223 PHONE (503) 639-9200 CONTACT: TERRY MOSTUL

DESIGN TEAM

SFA DESIGN GROUP, LLC 9020 WASHINGTON SQ DR, SUITE 350 PORTLAND, OR 97223 PHONE (503) 641-8311 / FAX (503) 643-7905 CONTACT: BEN ALTMAN

MACDONALD ENVIRONMENTAL PLANNING 9020 WASHINGTON SQ DR, SUITE 410 PORTLAND, OR 97223 PHONE (503) 224-1225 CONTACT: LAUREL MACDONALD

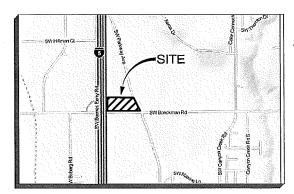
BUILDING DESIGN

ERRECTORS, INC. 2020 SE HANNA HARVESTER DRIVE MILWAUKIE, OR 97222 PHONE (503) 722-8994 CONTACT: STEVE DORN

SITE INFORMATION

TOTAL AREA: LOCATION: TAX LOTS:

2.98 ACRES T3S R1 SEC 11 701, 702, AND 703



VICINITY MAP

SHEET INDEX

- 1. PDI, STAGE 2 DEVELOPMENT PLAN
- **EXISTING CONDITIONS**
- SITE PHOTOS
- PDI, STAGE 1 MASTER PLAN
- PRELIMINARY GRADING/UTILITIES
- LANDSCAPE PLAN
- A1. BUILDING ELEVATIONS
- A2. BUILDING ELEVATIONS

LAND AREA TABLE

TOTAL AREA: 129,115 SF OR 2.98 ACRES

PROPOSED BUILDING AREA: 22,727 SF

PROPOSED PARKING AND PAVING AREA: 74,488 SF

PROPOSED LANDSCAPE AREA:

PROPOSED GRAVEL AREA: 12,511 SF

LEGEND

É - CONIFEROUS TREE	EASEMENT LINE	
- WATER VALVE	RIGHT-OF-WAY LIN	νE
- WATER METER	BOUNDARY LINE C)F SI
- AREA DRAIN/DITCH INLET - FIRE HYDRANT - LIGHT POLE	a EXISTING CONCRET	ſĒ
3 - GAS VAULT 3 - COMMUNICATION PEDESTAL 3 - ELECTRICAL PEDESTAL	- EXISTING ASPHALT	PA'
	- EXISTING GRAVEL!	SUR

	EASEMENT LINE
	RIGHT-OF-WAY LINE
	BOUNDARY LINE OF SUBJECT PARCEL
() *** *** *** *** *** *** *** *** ***	EXISTING CONCRETE

19,389 SF

VERTICAL DATUM

DATUM: NGVD 29

ELEVATION: 170.033 FT.

ELEVATIONS SHOWN ON THIS MAP ARE GPS DERIVED AND BASED ON PS 25,218 (CLACKAMAS CO. SURVEY RECORDS) DATA FOR THE NORTH 1/4 CORNER OF SECTION 14. THIS CORNER IS LOCATED IN THE CENTER OF BOECKMAN ROAD JUST WEST OF 95TH AVENUE AND HAS AN ELEVATION OF 170.033' (NGVD 29) PER SAID SURVEY.

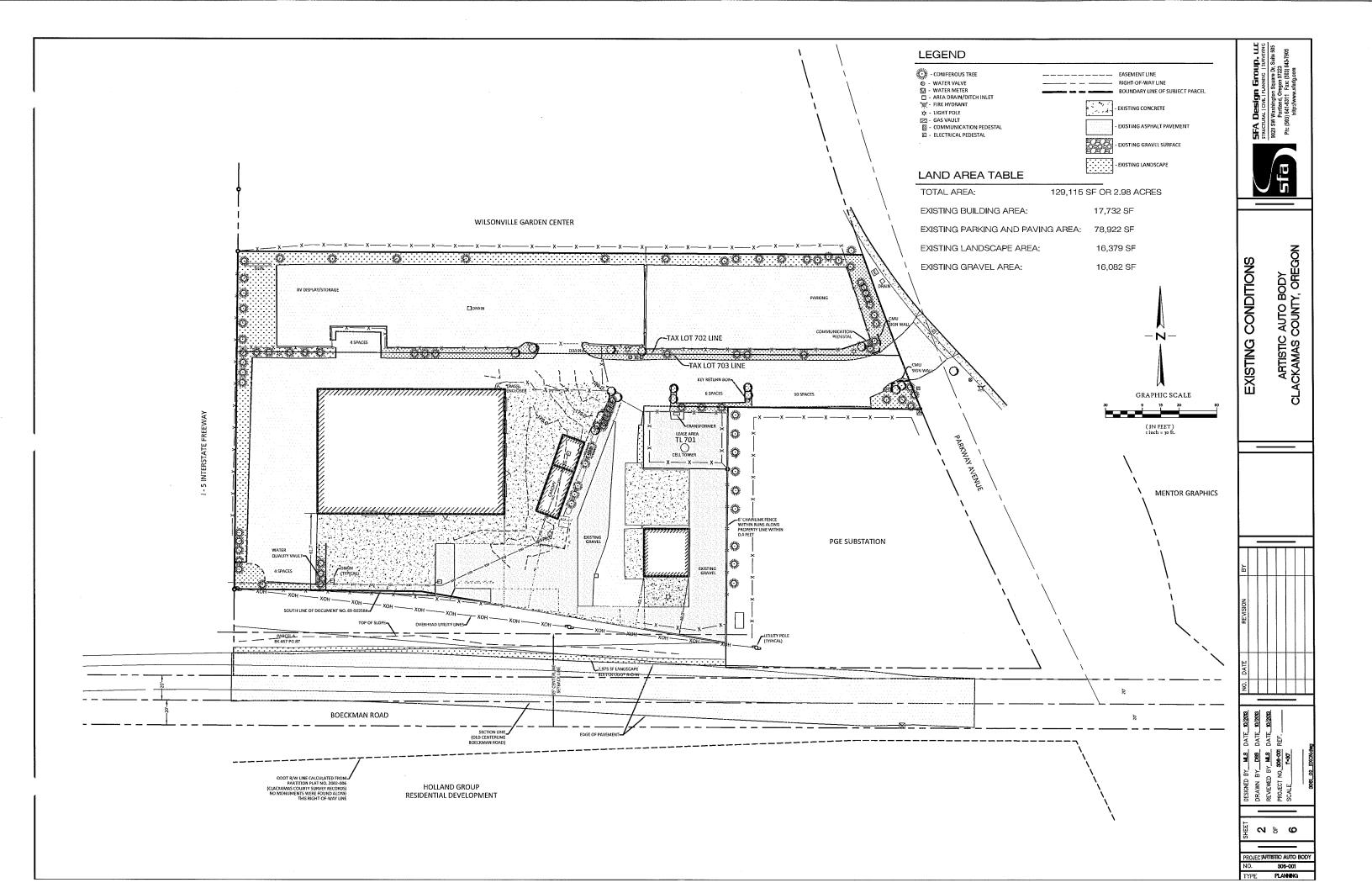
ARTISTIC AUTO BODY CLACKAMAS COUNTY, OREGON

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STAGE

- 5

POLIFCIARTISTIC AUTO BOD 306-001

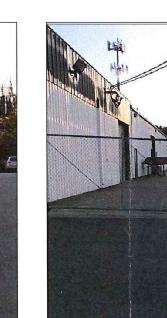
















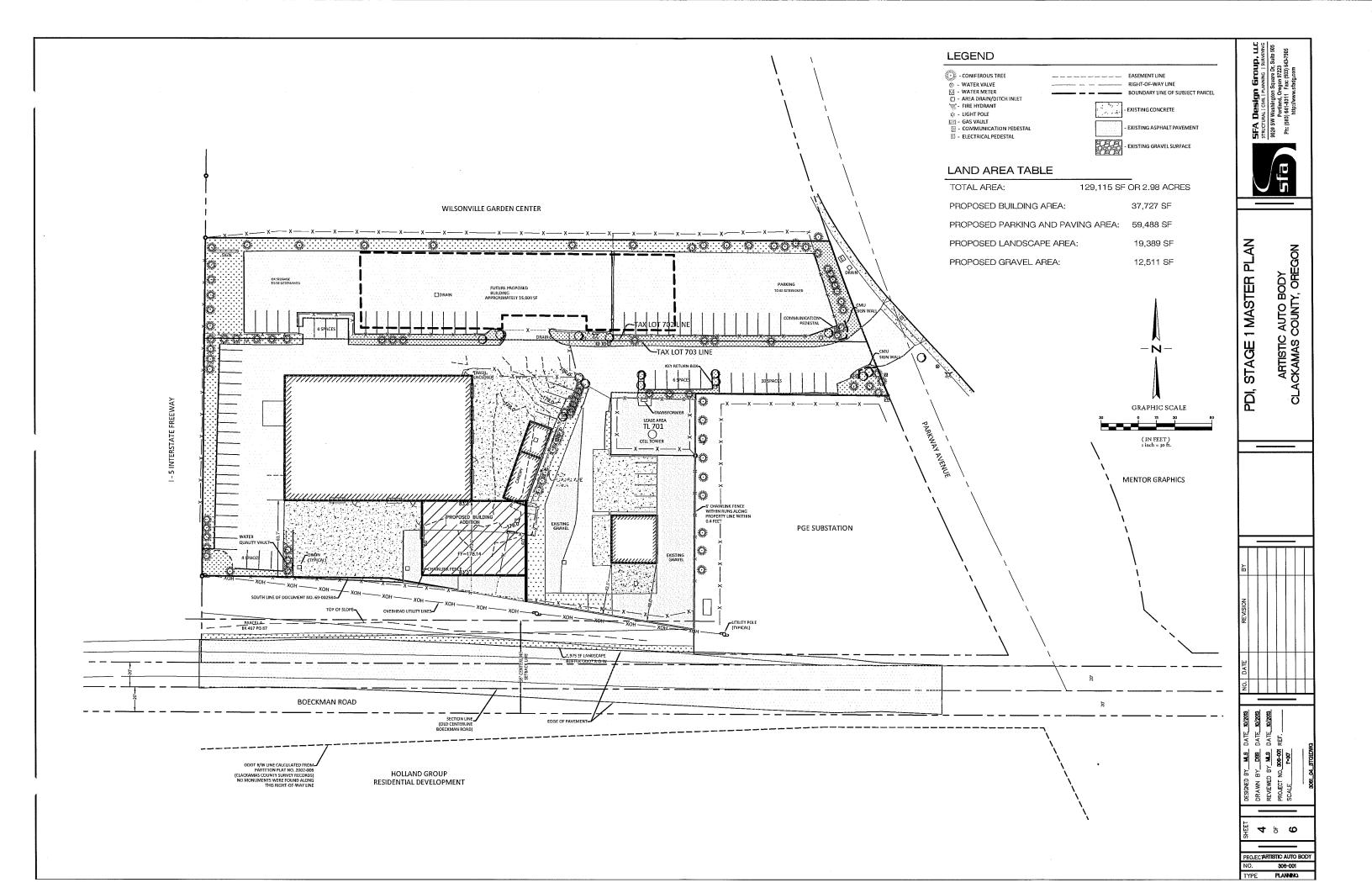


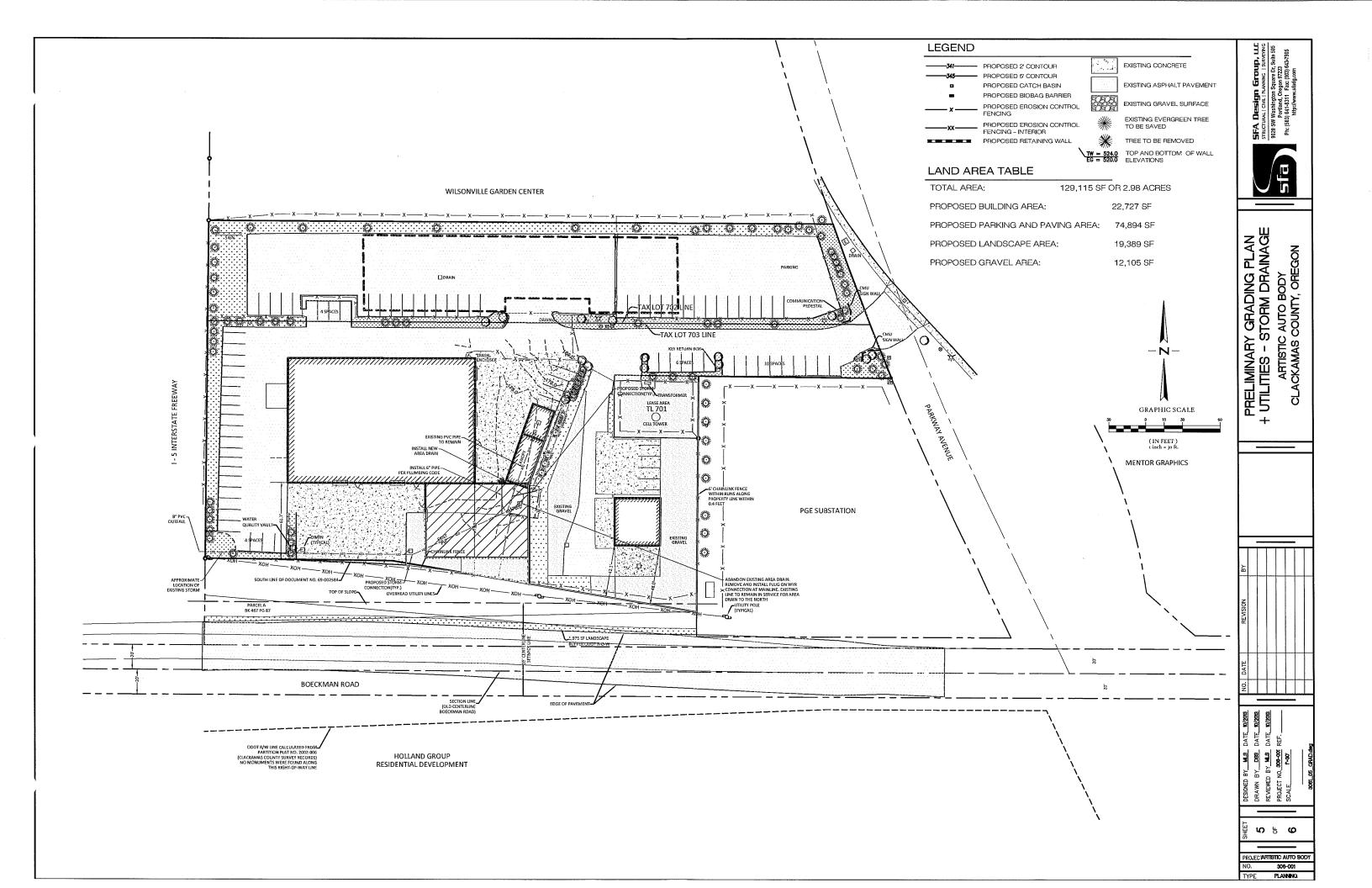


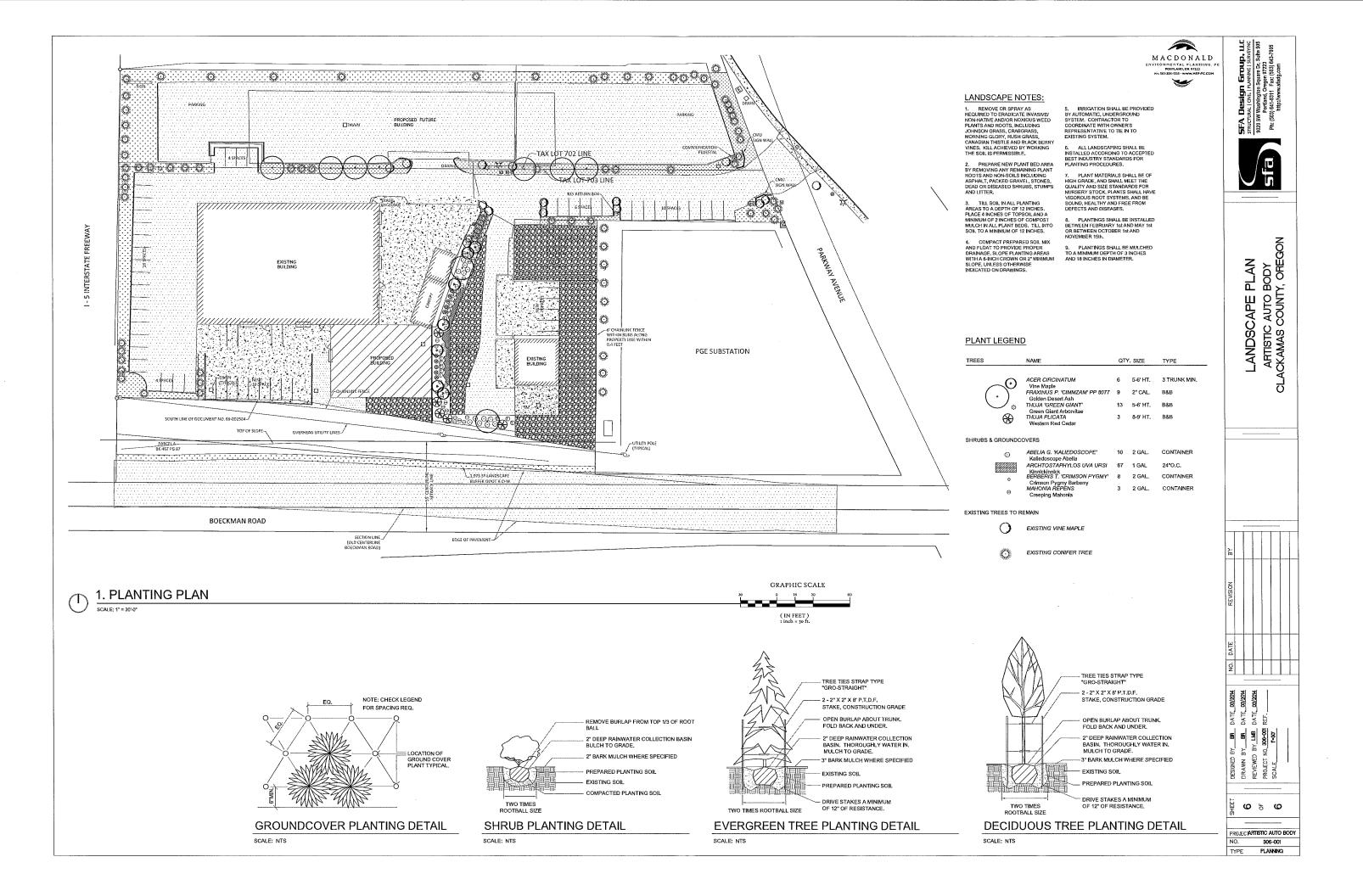
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<u> </u>	 STIC AL	7000

SITI ARTIST CLACKAMA

က ္မ ဖ 306-001 PLANNING









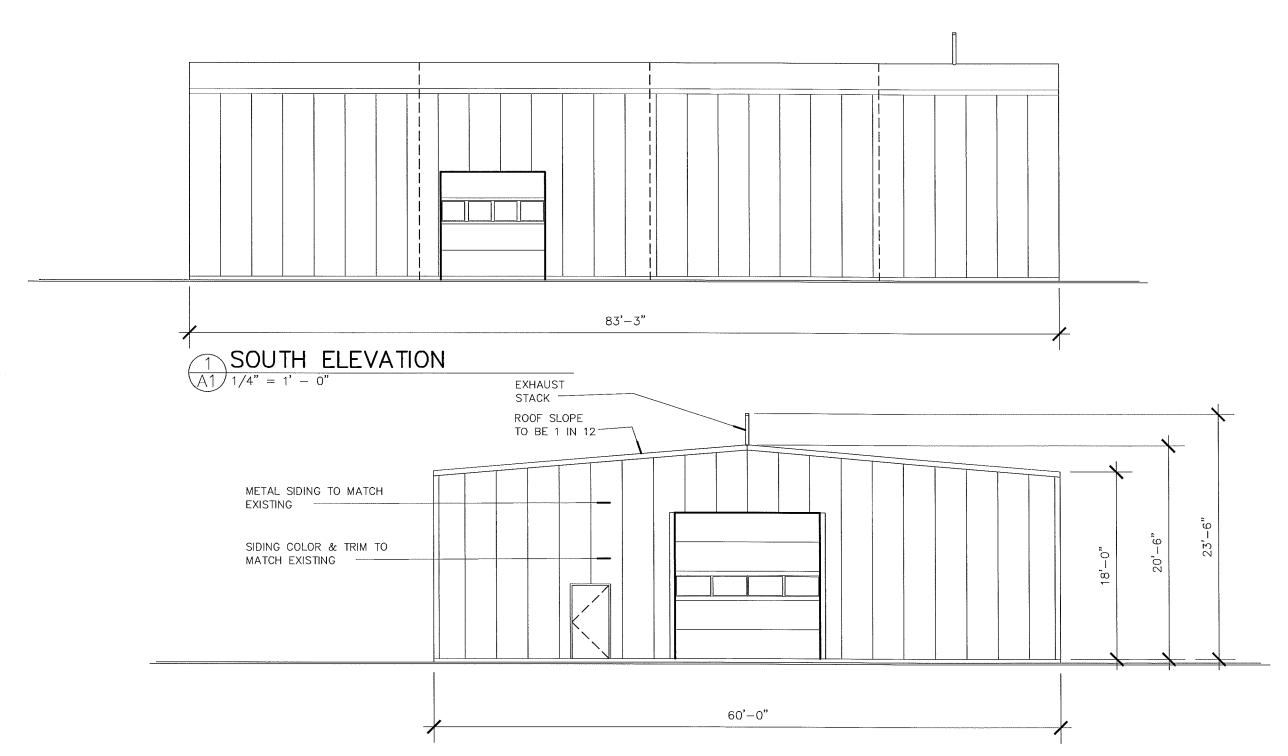
DTLA ARCHITECTURE & PLANNING 0106 SW GIBBS ST. PORTLAND, OR 97239 503.224.6767

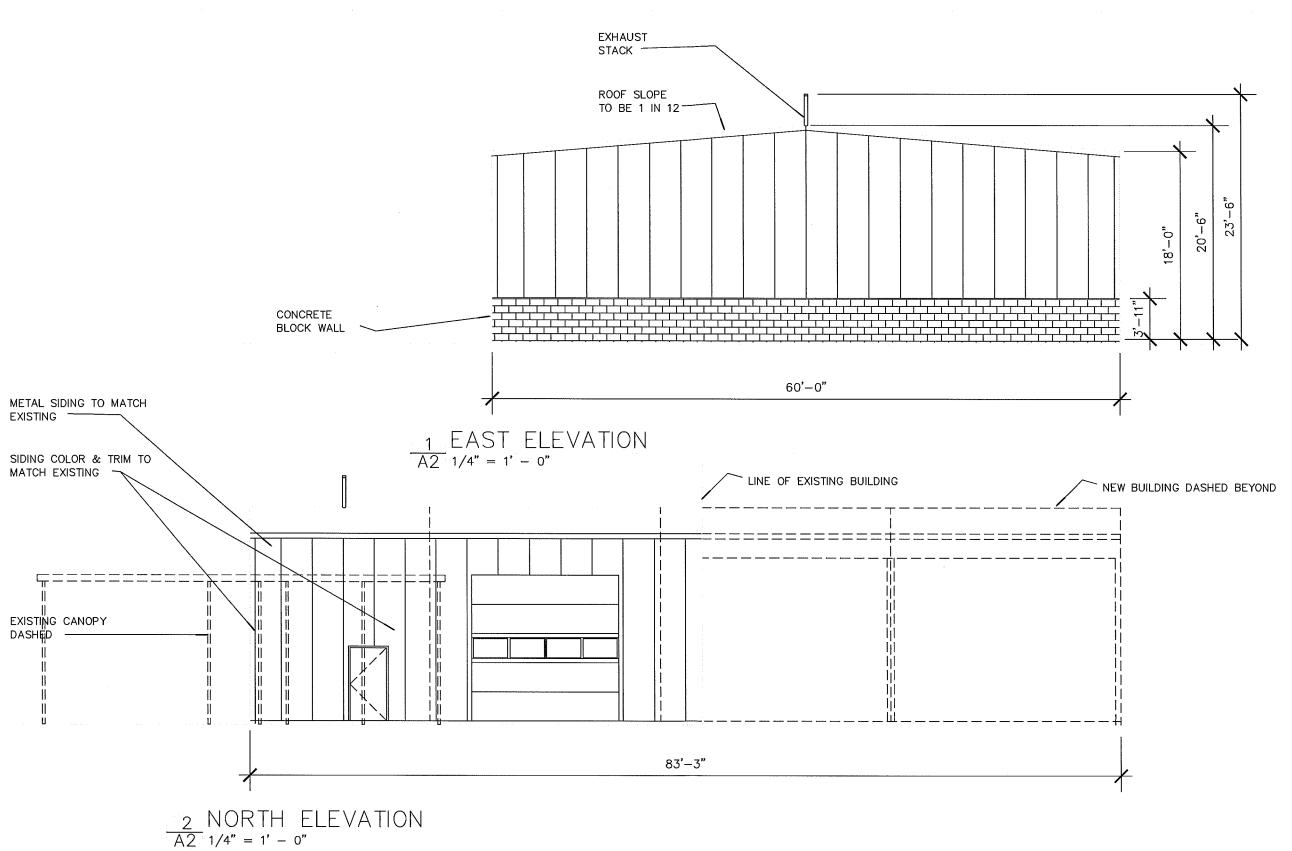
ARTISTIC AUTO DY-WILSONVILLE 27975 SW Parkway Avenue Wilsonville, Oregon 97070



DATE/REVISION: FEBRUARY 19, 2014

2 WEST ELEVATION
A1 1/4" = 1' - 0"





architecture and planning

DTLA ARCHITECTURE & PLANNING 0106 SW GIBBS ST. PORTLAND, OR 97239 503.224.6767

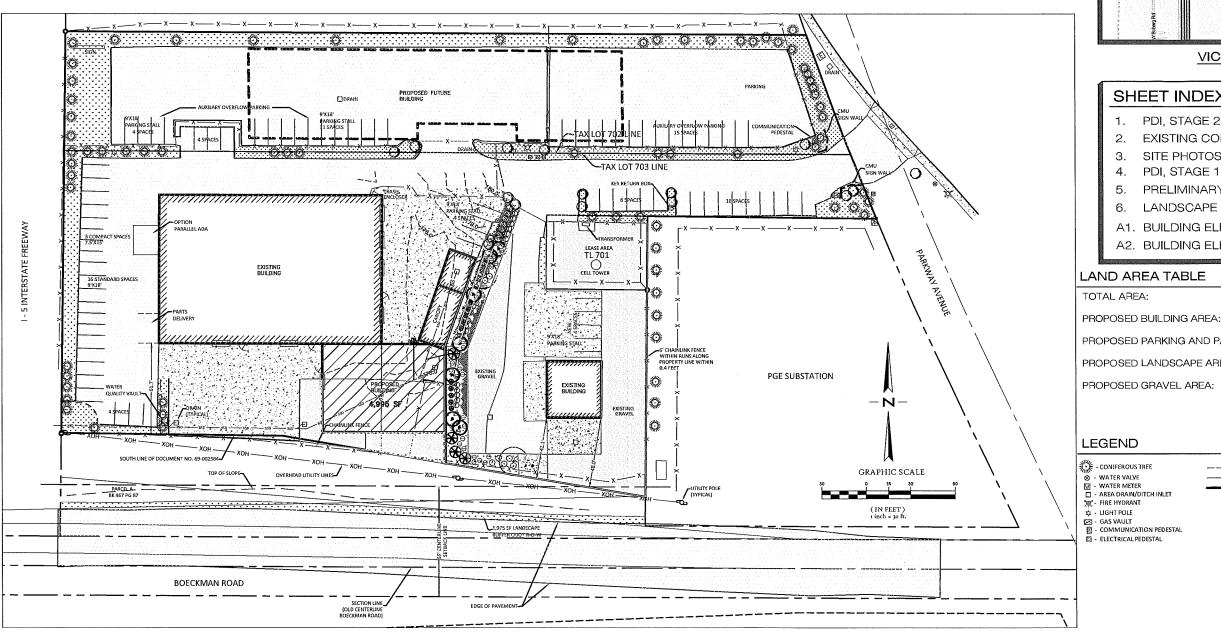
ARTISTIC AUTO BODY-WILSONVILLE 27975 SW Parkway Avenue Wilsonville, Oregon 97070

ATTINES HUTO BOOY

DATE/REVISION: FEBRUARY 19, 2014

ARTISTIC AUTO BODY

PROJECT ON TAX LOTS 701, 702, AND 703 MAP 3S 1 11



APPLICANT/OWNER

TERRY MOSTUL 5785 SW HUNZIKER, ST. TIAGARD, OR 97223 PHONE (503) 639-9200 CONTACT: TERRY MOSTUL

DESIGN TEAM

SFA DESIGN GROUP, LLC 9020 WASHINGTON SQ DR, SUITE 350 PORTLAND, OR 97223 PHONE (503) 641-8311 / FAX (503) 643-7905 CONTACT: BEN ALTMAN

MACDONALD ENVIRONMENTAL PLANNING 9020 WASHINGTON SQ DR, SUITE 410 PORTLAND, OR 97223 PHONE (503) 224-1225 CONTACT: LAUREL MACDONALD

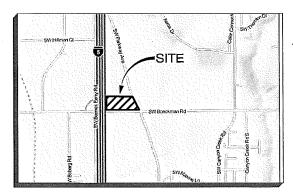
BUILDING DESIGN

ERRECTORS, INC. 2020 SE HANNA HARVESTER DRIVE MILWAUKIE, OR 97222 PHONE (503) 722-8994 CONTACT: STEVE DORN

SITE INFORMATION

TOTAL AREA: LOCATION: TAX LOTS:

2.98 ACRES T3S R1 SEC 11 701, 702, AND 703



VICINITY MAP

SHEET INDEX

- 1. PDI, STAGE 2 DEVELOPMENT PLAN
- **EXISTING CONDITIONS**
- SITE PHOTOS
- PDI, STAGE 1 MASTER PLAN
- PRELIMINARY GRADING/UTILITIES
- LANDSCAPE PLAN
- A1. BUILDING ELEVATIONS
- A2. BUILDING ELEVATIONS

LAND AREA TABLE

TOTAL AREA: 129,115 SF OR 2.98 ACRES

PROPOSED PARKING AND PAVING AREA: 74,488 SF

PROPOSED LANDSCAPE AREA: 19,389 SF

City of Wilsonville EXHIBIT B2 DB14-0017 et al

ARTISTIC AUTO BODY CLACKAMAS COUNTY, OREGON

 \sim

STAGE

12,511 SF

22,727 SF

LEGEND

CONIFEROUS TREE ® - WATER VALVE

₩ - WATER METER

- AREA DRAIN/DITCH INLE

th - LIGHT POLE ☑ - GAS VAULT - COMMUNICATION PEDESTAL FASEMENT LINE RIGHT-OF-WAY LINE BOUNDARY LINE OF SUBJECT PARCE

> EXISTING ASPHALT PAVEMENT EXISTING GRAVEL SURFACE

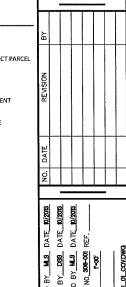
PROPOSED LANDSCAP

VERTICAL DATUM

DATUM: NGVD 29

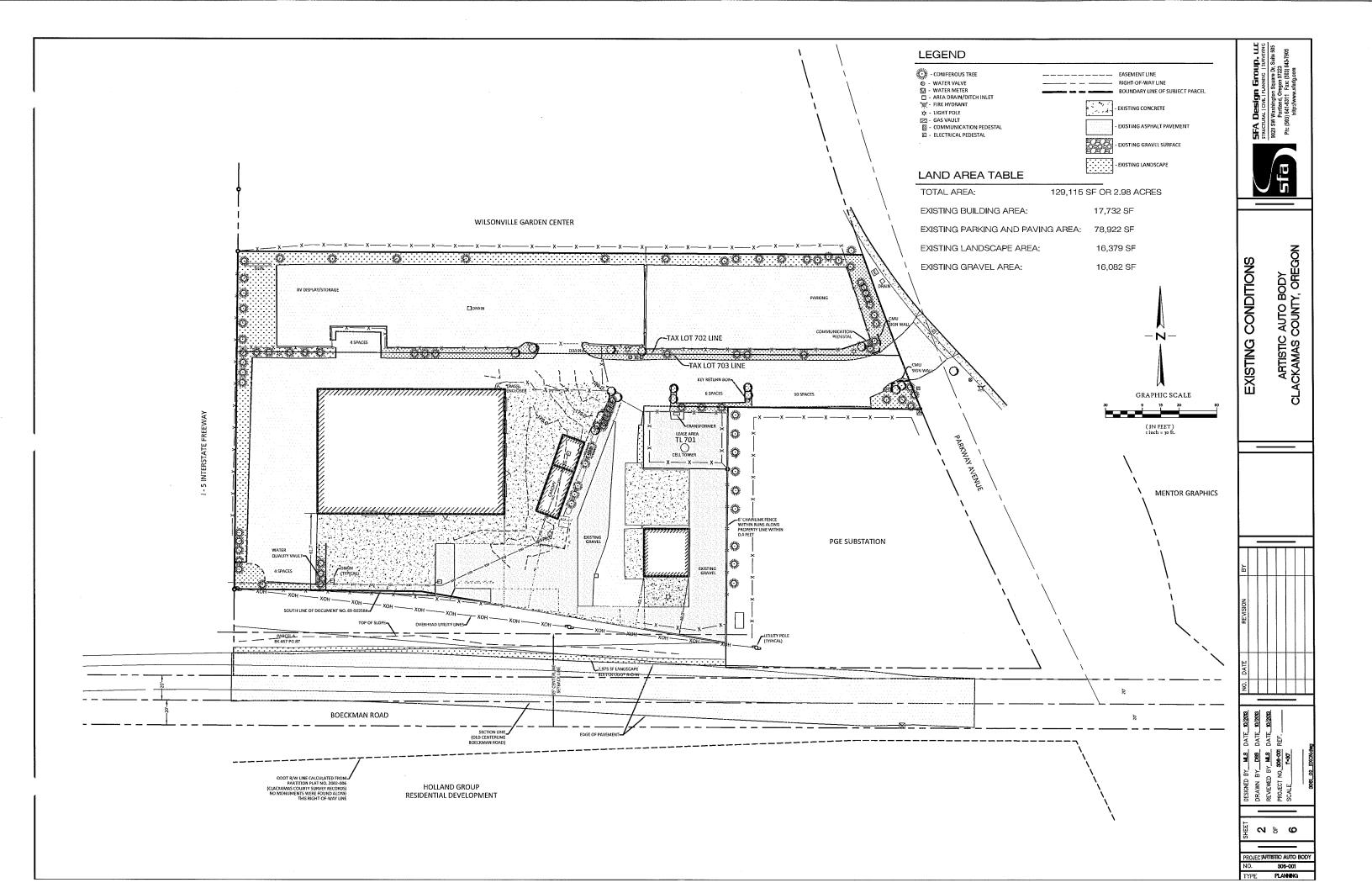
ELEVATION: 170.033 FT.

ELEVATIONS SHOWN ON THIS MAP ARE GPS DERIVED AND BASED ON PS 25,218 (CLACKAMAS CO. SURVEY RECORDS) DATA FOR THE NORTH 1/4 CORNER OF SECTION 14. THIS CORNER IS LOCATED IN THE CENTER OF BOECKMAN ROAD JUST WEST OF 95TH AVENUE AND HAS AN ELEVATION OF 170.033' (NGVD 29) PER SAID SURVEY.



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POJECTARTISTIC AUTO BOD 306-001

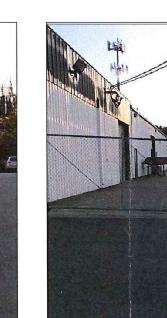
















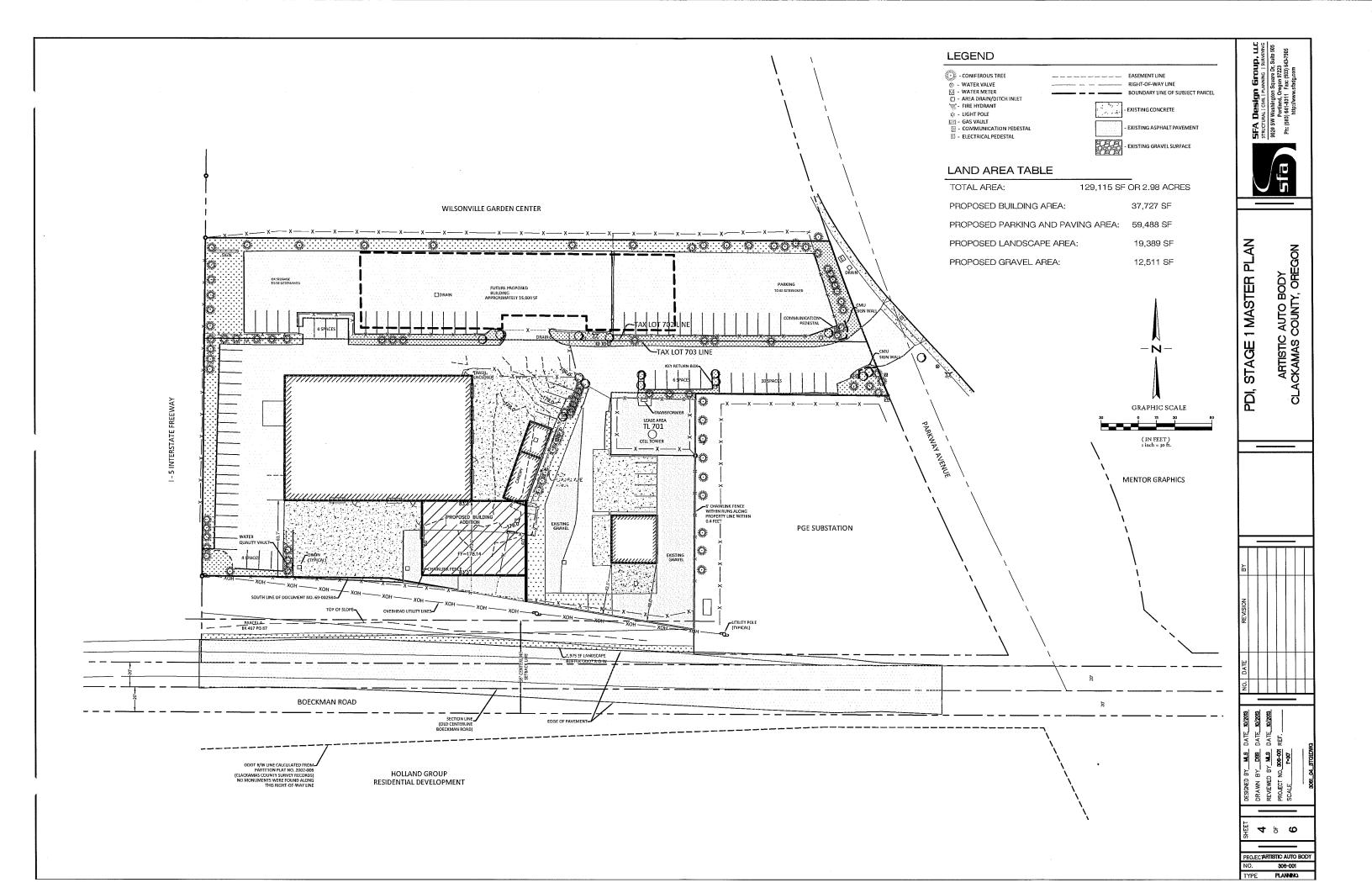


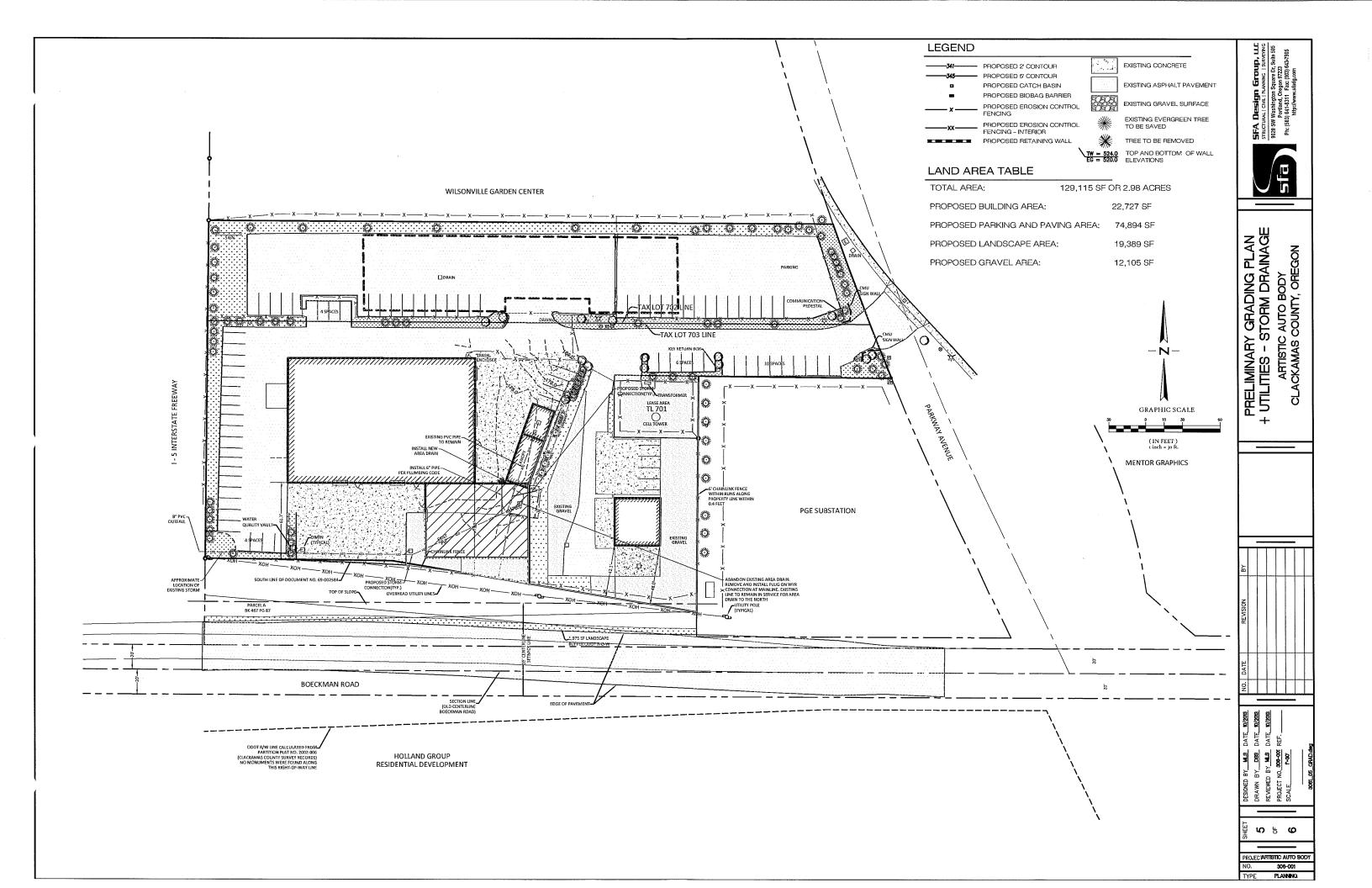


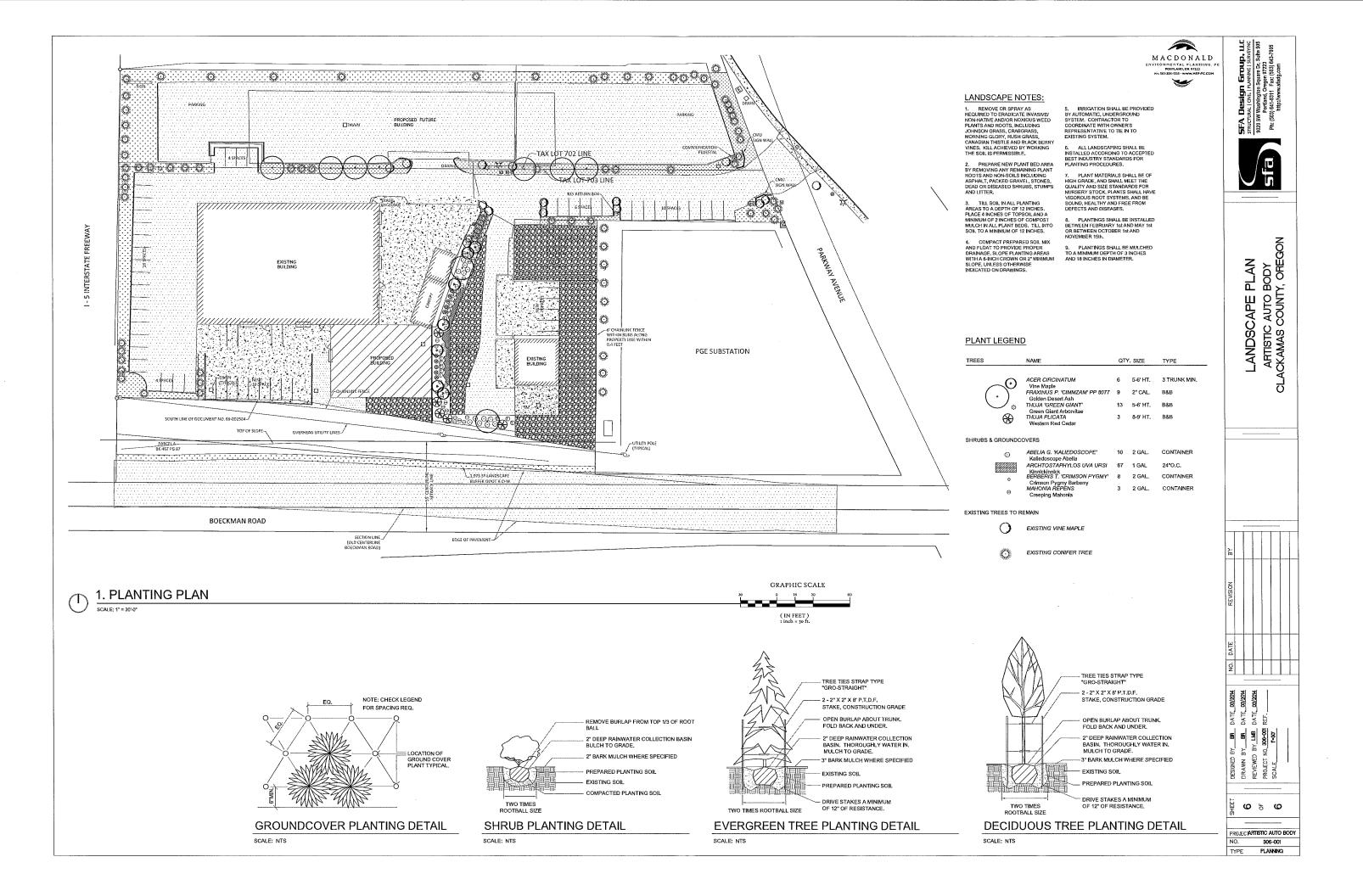
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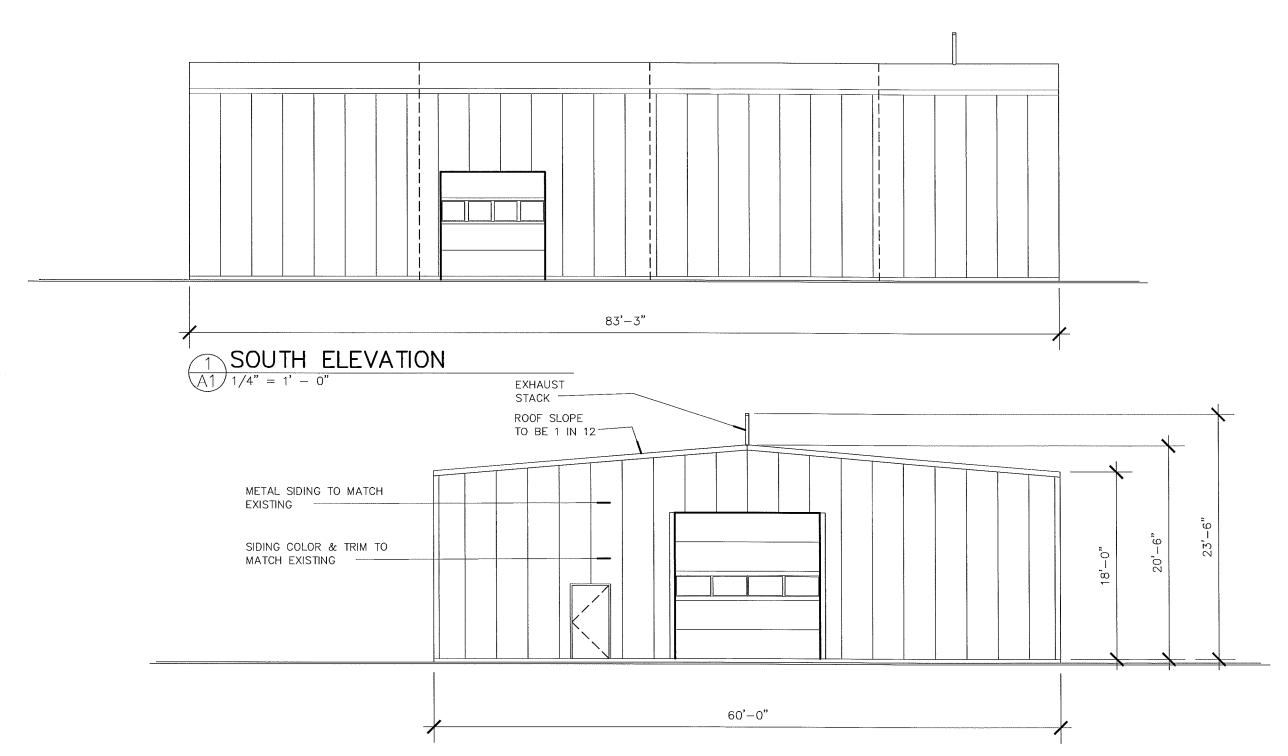
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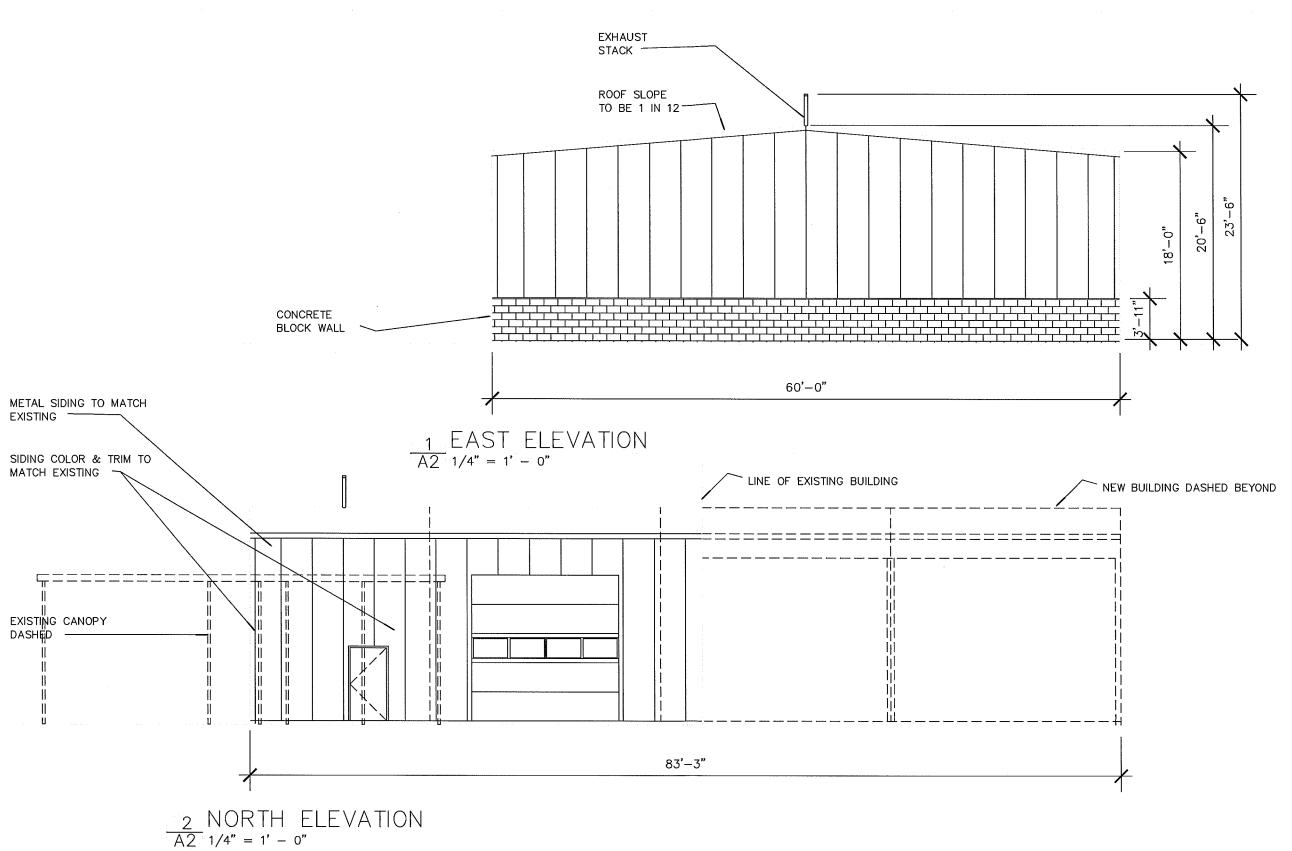
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ATTINES HUTO BOOY

DATE/REVISION: FEBRUARY 19, 2014

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 9, 2014 6:30 PM

VII. Public Hearing:

A. Resolution No. 282. Chrylser, Dodge, Jeep and Ram Dealership: Findlay Automotive Group – applicant. The applicant is requesting approval of a Modified Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan and Master Sign Plan Revision for a Chrysler Dodge Jeep Ram Dealership within an existing building including related site improvements. The site is located at 25600 SW Parkway Center Drive on Tax Lots 1507 and 1508 of Section 1, T3S, R1W, Washington County, Oregon. Staff: Blaise Edmonds

Case Files: DB14-0036 – Revised Stage I Preliminary Plan

DB14-0037 – Stage II Final Plan

DB14-0038 – Site Design Review

DB14-0039 – Master Sign Plan Revision

DB14-0040 – Type C Tree Plan

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 282

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL APPROVING A MODIFIED STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE 'C' TREE PLAN AND MASTER SIGN PLAN REVISION FOR A CHRYSLER DODGE JEEP RAM DEALERSHIP WITHIN AN EXISTING BUILDING INCLUDING RELATED SITE IMPROVEMENTS. THE SITE IS LOCATED AT 25600 SW PARKWAY CENTER DRIVE ON TAX LOTS 1507 AND 1508, SECTION 1; T3S R1W; WASHINGTON COUNTY, OREGON; FINDLAY AUTOMOTIVE GROUP, APPLICANT.

RECITALS

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated June 2, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on June 9, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the amended staff report dated June 9, 2014, as amended, attached hereto as Exhibit A, with findings and recommendations contained therein, and authorizes the Planning Director to issue a site development permit consistent with said recommendations for:

DB14-0036 Revised Stage I Preliminary Plan

DB14-0037 Stage II Final Plan

DB14-0038 Site Design Review

DB14-0039 Master Sign Plan Revision

DB14-0040 Type 'C' Tree Plan

	relopment Review Board of the City of Wilsonville at a regular f June, 2014 and filed with the Planning Project Coordinator or
•	ution is final on the 15th calendar day after the postmarked date of
	per $WC Sec 4.022(.09)$ unless appealed per $WC Sec 4.022(.02)$ or
called up for review by the cou	uncil in accordance with WC Sec 4.022(.03).
	,
	Mary Fierros Bower, Chair, Panel A
	Wilsonville Development Review Board
Attest:	
OL II. WILL	
Shelley White	

Exhibit 'A1'

WILSONVILLE PLANNING DIVISION STAFF REPORT

DEVELOPMENT REVIEW BOARD PANEL 'A'
QUASI-JUDICIAL PUBLIC HEARING

Public Hearing Date: June 9, 2014 Date of Report: June 2, 2014

Request A: DB14-0036 Revised Stage I Preliminary Plan

Request B: DB14-0037 Stage II Final Plan Request C: DB14-0038 Site Design Review

Request D: DB14-0039 Master Sign Plan Revision

Request E: DB14-0040 Type 'C' Tree Plan

Property Owner: Weston Investment Co., LLC

PO Box 12127

Portland, OR 97212

Applicant: Findlay Family Properties Limited Partnership

Mr. Tyler Corder

310 N. Gibson Road

Henderson, NV 89014

Applicant's

Representative:

Request: Mr. Tyler Corder, acting as Applicant for Findlay Properties Limited Partnership, is seeking approval for a revised Stage I – Preliminary Plan, Stage II – Final Plan, Site Design

Review, Master Sign Plan revision, and Type 'C' Tree Plan.

Applicant: "The first request is modify the Stage I – Preliminary Plan by retaining the use areas, but modifying their locations as well as revisions to the site. The building uses and area for the original Smith's Furniture was for furniture store retail (22,032sf), office (22,032sf), and warehouse (70,200sf + 75,466sf expansion); then Hollywood Entertainment leased it for office and warehouse. It is proposed to retain these uses and areas as some are currently nonconforming under the current code. Retail will incorporate the showroom, retail repair shop, and service/parts waiting area. The office use will include administrative and financial offices. The remaining, warehouse use, will include the service reception staging, fleet vehicle repairs, detail, support for servicing, parts storage and inventory warehouse, which are allowed uses. In order to abide by with warehouse categorization, employees are allowed to enter the inventory warehouse and then shuttle specific inventory into an enclosed staging area adjacent the showroom for inspection. This will allow the customer to inspect the vehicle. No sales or transactions will take place in either of these two locations, and will take place in the showroom, finance & insurance offices, or service advisors room."

"Site plan modification include connection the two existing lots with a new pervious paving drive, widening the existing access drives at Elligsen and the southern SW Parkway Center Drive to bring them into conformance, and provide new showroom access via grass pavers."

"Tree C Plan is being requested to remove some trees to allow for the new connection drive and for the addition of the wall along SW Parkway Center Drive. This also provides a desired visual access to the signs on the building. This will alleviate the need for additional signs. A few directional signs and a small monument sign at the main access drive will be provided. There is an inventory on the existing trees along with an arborist report to illustrate the current condition of the trees. There will be additional new trees added to other areas of the site to mitigate the tree removals. There is also significant tree credits available based on the number of large trees than we are proposing to retain with those calculations being illustrated on the Landscape Plans."

"A new Stage II Final Site Plan Review and Site Design Review are proposed for the renovation of the site and building. Site impervious surface being disturbance will be kept to a minimum and under 5000sf. New pervious paving and other elements will be utilized to mitigate impacts. Non-conforming site upgrade are also being incorporated into this package, but requested to be exclude them from the 5000sf threshold. The existing North screening wall will be removed and replaced with three foot high landscaping, including required trees, for screening of required parking. The Building area will actually be reduced by removing some interior components. A parts racking mezzanine will be installed, but not included in area as it's categorized as systems equipment. The North façade will remain the same with the exception of the dock overhead doors being replaced with storefront glazing, overhead glazed doors to the service reception staging area, painting and building signs. The West facade will be retained with the addition of new glazing, a new portal entry wall, side wall wings, and building signs. Additional parking spaces are being provided and a portion of the existing impervious pavement is being removed and replaced with new pervious pavement. Exterior service storage will be screened with a combination of 6' high landscape, gate or fencing. A new exterior enclosed refuse and recycle area is being proposed on the east side of the building. Tenant B will retain its refuse and recycling on the interior of the building. Site lighting has been modified, with a new row of lighting along the SW Parkways Center Drive frontage, which complies with Wilsonville's code, and shown on the lighting site plans. Cut sheets of the light products are included in the support documentation. A revision to the Master Sign plan is requested to maintain the allowable area approved along SW Parkway Center Drive in order to provide tenant flexibility. This previous approved amount will not be exceeded. The original case 84PC15 approved 439sf in area and height to be less than 10' above roof line. The case 89PC08 had an area for the west façade sign at 271sf. The proposed signs, with dimensions and areas as shown architectural exterior elevation sheets, will not exceed these areas."

VICINITY MAP



Staff Recommendation: Approve Requests A through E with conditions of approval beginning on page 6.

Project Location: The subject property is located at 25600 SW Parkway Center Drive which is more specifically described as Tax Lots 1507 and 1508, in Section 1; Township 3S, Range 1W; Washington County; Wilsonville, Oregon.

Comprehensive Plan Designation: Industrial

Zone Map Designation: Planned Development Industrial (PDI)

Applicable Review Criteria: Planning and Land Development Ordinance:

Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement

Section 4.117	Standards Applying to Industrial Development in All Zones	
Section 4.118	Standards Applying to Planned Development Zones	
Section 4.135	Planned Development Industrial Zone (PDI)	
Section 4.140	Planned Development Regulations	
Section 4.155	Parking, Loading, and Bicycle Parking	
Section 4.156	Sign Regulations	
Section 4.167	Access, Ingress, and Egress	
Section 4.175	Public Safety and Crime Prevention	
Section 4.176	Landscaping, Screening, and Buffering	
Section 4.178	Sidewalk and Pathway Standards	
Section 4.179	Mixed Solid Waste and Recyclables Storage	
Sections 4.199.20 through 4.199.60	Outdoor Lighting	
Sections 4.300 through 4.320	Underground Utilities	
Sections 4.400 through 4.440	Site Design Review	
Sections 4.610.10, 4.610.40, 4.620.0 - 4.620.20	Tree Protection and Removal	

Other Planning Documents: Comprehensive Plan; Storm Water Master Plan

Staff Reviewers: Keith Liden, Planning Consultant, Blaise Edmonds, Manager of Current Planning; Don Walters, Plans Examiner and Steve Adams, Development Engineering Manager.

SUMMARY

Request A – Revised Stage 1 Preliminary Plan: As demonstrated in findings A1 through A46, the proposed Stage I Preliminary Plan meets the City criteria in Sections 4. 140(.07)

Request B – Stage II Final Plan: As demonstrated in findings B1 through B29, the proposed Stage II Final Plan meets the City criteria the City criteria in Subsections 4.116, and 4.135 - Zoning. The proposed Stage II Final Plan meets the City criteria in Subsection 4.140.09(J)(1) - Land Use.

The proposed project meets the City criteria in Subsection 4.140.09(J)(2) – Traffic. The City of Wilsonville operates under the system of concurrency. To be more specific, the City of Wilsonville requires 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 of Service (LOS) D, as defined in the Highway Capacity manual published by the National Highway Research Board. Traffic generated from this development will be dispersed to the SW Stafford Road/Interstate 5 #286 interchange. Staff is recommending that the site development permit for the project be issued.

Public Utilities: The proposed revised project with Engineering Division conditions of approval referenced therein, meets the City criteria in Subsection 4.140.09(J)(3) - Public Utilities for streets, water, sanitary sewer and storm drainage.

Request C – Site Design Review: As demonstrated in findings C1 through C32, the proposed revised Site Design Plans (architecture and landscaping) meets the City criteria in Sections 4.400 - 4.450.

Request D – **Revised Master Sign Plan:** As demonstrated in findings D1 through D28, the proposed revised Master Sign Plan meets the City criteria in Sections 4.156.

Request E – Type C Tree Removal and Preservation Plan: As demonstrated in findings E1 through E7, the proposed Type C Tree Removal and Preservation Plan meets the City criteria in Sections 4.160.40.

PROPOSED CONDITIONS OF APPROVAL FOR REQUESTS 'A - E':

The applications and supporting documents are hereby adopted for approval with the following conditions:

PD	=	Planning Division Conditions	Request A: DB14-0036 Revised Stage I Preliminary Plan
BD	=	Building Division Conditions	Request B: DB14-0037 Stage II Final Plan
PF	=	Engineering Conditions	Request C: DB14-0038 Site Design Review
NR	=	Natural Resources Conditions	Request D: DB14-0039 Master Sign Plan Revision
FD	=	Tualatin Valley Fire and	Request E: DB14-0040 Type 'C' Tree Plan
	=	Rescue Conditions	Request 2. DD14-0040 Type C Tree I fan

Request A - DB14-0036: Revised Stage I Preliminary Plan

PDA1. The Applicant/Owner shall provide the general contractor for the proposed project with a copy of the approved plans and conditions of approval adopted by the City.

Request B- DB14-0037: Stage II Final Plan

- **PDB1.** The Applicant/Owner shall provide the general contractor for the proposed project with a copy of the approved plans and conditions of approval adopted by the City.
- **PDB2.** All construction workers' vehicles and job shacks associated with this project shall be parked and located on site or on other private property with the permission of that property owner.
- **PDB3.** The Applicant/Owner shall waive the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site. Before the start of construction, a waiver of right to remonstrance shall be submitted to the City Attorney.
- **PDB4.** The Applicant/Owner shall submit an action plan to the Public Works Department on how the Applicant/Owner will plan to deal with detailing and washing of vehicles.
- **PDB5.** Tenant B is not approved for retail, service or recreational commercial uses. Office use shall be supportive of an industrial tenant use.
- **PDB6.** Exterior bicycle parking spaces shall meet the spacing, space size, and anchoring requirements in Subsection 4.155 (.04) B. which include:
 - Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.
 - An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
 - When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly.
 - Bicycle lockers or racks, when provided, shall be securely anchored. See Finding B12.
- **PDB7.** At least seven (7) of the standard sized spaces near the west side of the building nearest the ADA spaces shall be reserved for carpool and vanpool parking. The spaces shall be clearly marked "Reserved-Carpool/Vanpool Only" See Finding B16.

Building Division Conditions:

- BD 1. CODE SUMMARY. A code summary will be required as part of the building permit submittal. It is important to note that the definitions of certain terms, such as retail space, warehouse space, and so on, in the Building Code may differ substantially from the definitions in the Planning Code. Plans submitted for a building permit shall use the terms as defined in the Building Code.
- BD 2. ACCESSIBLE PARKING cannot be fully reviewed at this time. Accessible parking will be fully reviewed as part of the plan review of the building permit plans. The additional information available at plan review may require changes to the number and location of accessible parking spaces shown on these preliminary plans. Parking spaces used for vehicle inventory, repair shop staging, truck parking, fleet vehicles and similar uses shall be clearly shown on the plans. Such spaces are not considered when calculating the required number of ADA parking spaces.
- BD 3. THE FIRE PUMP. As part of the Tenant Improvement building permit submittal, and because of the proposed change of use, please provide an evaluation of the fire pump with respect to compliance with today's code.
- BD 4. HYDRANT CLEAR SPACE. A 3' clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. [Low growing ground covers that do not create a trip hazard are acceptable when approved by the fire marshal.] (OFC 508.5.5) Please confirm that the proposed planting plan respects the required 3' clearance.
- BD 5. FDC CLEAR SPACE. A working space of not less than 36" in width, 36" in depth, and 78" in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the fire chief. (912.3.2) Please confirm that the proposed planting plan respects the required clear space.

Natural Resources Conditions: No conditions of approval were proposed.

Medical Expense (any one person)

Business Automobile Liability Insurance

Engineering Division Conditions of Approvai.			
Standard	Comments:		
PFA 1.	All construction or improvements to public works f to the City of Wilsonville Public Works Standards.	acilities shall be in conformance	
PFA 2.	PFA 2. For issuance of the Public Works Permit the Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:		
	Coverage (Aggregate, accept where noted) Limit Commercial General Liability		
	General Aggregate (per project) \$ 2,000,000		
	Fire Damage (any one fire)	\$ 50,000	

Engineering Division Conditions of Approval-

\$

10,000

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	Each Occurrence	\$ 1,000,000
	Aggregate Workers Componentian Insurance	\$ 2,000,000 \$ 500,000
	Workers Compensation Insurance	\$ 500,000
PFA 3.	A 3. No construction of, or connection to, any existing or proposed publication utility/improvements will be permitted until all plans are approved by Staff, all fe have been paid, all necessary permits, right-of-way and easements have be obtained and Staff is notified a minimum of 24 hours in advance.	
PFA 4.	A 4. All public utility/improvement plans submitted for review shall be based upon 22"x 34" format and shall be prepared in accordance with the City of Wilsonvil Public Work's Standards.	
PFA 5.	The applicant shall install, operate and maint in conformance with the standards adopted No. 482 during the construction of any improvements until such time as approved been installed.	by the City of Wilsonville Ordinance public/private utility and building
PFA 6.	Applicant shall work with City's Natural Reson the respective site. If 5 or more acres of the obtain a 1200-C permit from the Oregon Dep 1 to less than 5 acres of the site will be disturb Wilsonville is required.	he site will be disturbed applicant shall partment of Environmental Quality. If
PFA 7.	All survey monuments on the subject site, within the construction area, or the construct be adequately referenced and protected prior activity. If the survey monuments are disturb result of any construction, the project shall registered professional land surveyor in monument to its original condition and file Oregon State law. A copy of any recorded su	ion of any off-site improvements shall to commencement of any construction bed, moved, relocated or destroyed as a l, at its cost, retain the services of a the State of Oregon to restore the the necessary surveys as required by
PFA 8.	Sidewalks, crosswalks and pedestrian linkage compliance with the requirements of the U.S.	
PFA 9.	All required pavement markings, in conform Plan and the Bike and Pedestrian Master Pl with any conditioned street improvements.	¥ •
PFA 10.	The applicant shall provide adequate sight driveway placement or vegetation control. Sapproved by the City Engineer.	1 0
PFA 11.	Access requirements, including sight distribution Transportation Systems Plan (TSP) or a Landscaping plantings shall be low enough to street intersections and alley/street intersection	s approved by the City Engineer. o provide adequate sight distance at all
PFA 12.	The applicant shall provide the City with a Easement (on City approved forms) for Cit storm system to be privately maintained. So may be located within the public right-of-way Applicant shall maintain all LID storm water	ty inspection of those portions of the Stormwater or rainwater LID facilities by upon approval of the City Engineer.

storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.

PFA 13. Mylar Record Drawings:

At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.

Specific Comments:

PFA 14. At the request of Staff, DKS Associates completed a Trip Generation memo dated April 18, 2014. The current proposed use was determined to generate fewer traffic trips and less impact to City streets than historical uses of the site generated. The project is hereby limited to no more than the following impacts.

Estimated New PM Peak Hour Trips 146

Estimated Weekday PM Peak Hour Trips 102

Through Elligsen Road Interchange Area

Estimated Weekday PM Peak Hour Trips 0

Through Wilsonville Road Interchange Area

PFA 15. Driveway access spacing along Parkway Center Drive is not in compliance with the TSP, which specifies a minimum spacing of 1,000 feet and a desired spacing of 1,320 feet for a Major Arterial. However, roadway improvements to Parkway Center Drive were completed with the Argyle Square project and the length of property frontage does not allow the applicant to meet spacing requirements. The southern existing driveway is allowed to remain as a full access driveway and be widened to allow an additional exit lane as shown in plans dated 04/25/14.

For safety issues the northern driveway shall be limited to a right-in/right-out driveway by placement of signage and markings at the driveway exit. In addition the applicant shall construct a Concrete Traffic Separator on Parkway Center Drive (minimum 100 feet long centered on the driveway) to prevent left turn movement when entering or exiting the site at this driveway.

PFA 16. Driveway access spacing along Elligsen Road is not in compliance with the TSP, with a minimum spacing of 600 feet and a desired spacing of 1,000 feet for a Minor Arterial. However, due to steep topography east of the existing driveway this nonconforming driveway is allowed to remain as a full access driveway, at this time, and be widened as shown in plans dated 04/25/14. Improvements to Elligsen Road are listed in the 2013 Transportation Systems Plan as an Additional Planned Project, however the project is not listed as a Higher Priority project due to estimated costs and funding limitations and it is not known when improvements would occur.

PFA 17. Should the proposed development establish or increase the impervious surface area

- by more than 5,000 square feet, storm water detention shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.
- PFA 18. Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, water quality facilities shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.

 If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.

Request C - DB14-0038: Site Design Review-

- **PDC1.** The Applicant/Owner shall develop the project in substantial compliance with the Site Design Review Plans approved by the Development Review Board (DRB), unless altered with DRB approval, or minor revisions are approved by the Planning Director under a Class I administrative review process.
- **PDC2.** All roof mounted and ground mounted HVAC equipment shall be inconspicuous and designed to be screened from off-site view. This includes, to the greatest extent possible, private utilities such as natural gas and electricity. The City reserves the right to require further screening of the equipment and utilities if they should be visible from off-site after occupancy is granted. See finding C5.
- **PDC3.** The non-masonry exterior walls of the entire building (Tenants A and B) shall be painted to appear as one unified facility with the primary color used on Tenant A. See Finding C1.
- PDC3. All landscaping required and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant.
- **PDC4.** All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville's Development Code.

- **PDC5.** The following requirements for planting of shrubs and ground cover shall be met:
 - All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.
 - Shrubs shall reach their designed size for screening within three (3) years of planting.
 - Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum.
 - No bare root planting shall be permitted.
 - Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.
 - Appropriate native plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
- **PDC6.** Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- **PDC7.** The Applicant/Owner shall install an automatic device to initiate outdoor lighting at dusk and extinguish the lighting one hour after close or 10 p.m.
- **PDC8.** Prior to site development the Applicant/Owner shall submit an application for Class II Administrative review for a Type 'C' tree removal permit. The Applicant/Owner shall install 6 foot high chain link tree protection fencing at the drip line of the trees for the entire duration of the site development.
- **Advisory:** Electric vehicle charging stations are not proposed. Being that the proposed dealership will market electric vehicles staff recommends that an electric vehicle charging station be installed for customer use. See Finding B27.

Request D – DB14-0039: Revised Master Sign Plan

This action approves the requested major adjustment to the approved revised Master Sign Plan for the Tenant A building space and approves a sign permit for the proposed signs.

- **PDD1.** The Applicant/Owner of the property shall ensure that the approved signs are installed in substantial compliance with the plans reviewed and approved by the Development Review Board found on Plan Sheet Az2.01.
- **PDD2.** The Applicant/Owner of the property shall obtain all necessary building and electrical permits for the approved and relocated signs, prior to their installation, and shall ensure that the signs are maintained in a commonly-accepted, professional manner.

Request E – DB14-0040: Type 'C' Tree Plan

This approval is for tree removal for twenty-four (24) trees listed on Plan Sheet L1.01.

PDE1. Replacement trees shall be state Department of Agriculture Nursery Grade No. 1 or

- better. The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
- **PDE2.** All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade. Tree shall be approximately two inch (2") caliper.
- **PDE3.** All tree removal shall be done in a manner which prevents any negative impact within the drip line of remaining trees. This includes any action that could compact the soil or cause mechanical damage.

MASTER EXHIBITS LIST

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the Master Exhibits List that includes exhibits in the Planning Case Files:

Staff Report:

- A1. Staff Report, Findings of Fact and Conclusionary Findings for Requests A E.
- **A2**. Staff PowerPoint Presentation

Applicant's Written and Graphic Materials:

- **B1**. Application, Stormwater Report, DKS Traffic Report, Tree Survey and Arborist Report, Landscape materials and Exterior Lighting Cut Sheets/Specifications. Dated April 10, 2014. (*Under separate cover*)
- **B2**. LRS Architects Project Narrative and Response Findings to the City Land and Development Code. Dated April 22, 2014. (*Under separate cover*)

Plan Sheets (Full size drawings and on CD):

B3. Drawings (Full size and on CD)

Sheet Title:	
CSO	Main Cover Sheet
1 of 1	Topographic Survey
CO	Existing Conditions and Demo Plan
C1	Grading Plan
C1	Grading and Erosion Control Details
C2	Utility Plan
C3	Public Details
L1.1	Proposed Landscape Plan
L2.1	Tree Plan
E100PH	Photometric Site Light (Vertical & horizontal burn)
E100PH	Photometric Site Light (Fixture Types)
Az1.02	Site Plan - Proposed
Az1.03	Trash Enclosure Details
Az1.06	Proposed Building Uses and Areas
Az2.00	West Exterior Elevations
Az2.01	North Exterior Elevations with Proposed Site and Building Signs.

B4. Exterior Colors and Materials Samples

Development Review Team

- **C1.** Engineering Division Conditions, Dated May 21, 2014. Also included in this staff report in the Conditions of Approval.
- **C2.** Building Division Conditions, Dated May 9, 2014. Also included in this staff report in the Conditions of Approval.

Public Comments:

In Favor: No comments. **Neutral:** No comments. **Opposed:** No comments

FINDINGS OF FACT

1. Adjacent land uses:

Compass Direction	Zone:	Existing Use:
North:	EFU	Agriculture/campground (Washington Co.)
East:	PDI	Industrial
South:	PDI	Industrial
West:	PDC	Commercial

- **2. Comprehensive Plan and Zone Maps:** The site has a Comprehensive Plan designation of Industrial and is zoned Planned Development Industrial (PDI).
- **3. Natural Characteristics:** The project site is developed with the existing retail/industrial building, surface parking, truck loading area, and landscaping.
- 4. Streets: The subject property fronts SW Parkway Center Drive and SW Elligsen Road.
- **5. Review Procedures:** The required public notices have been sent and all proper notification procedures have been satisfied.
- **6.** Previous public hearing land use approvals: None.
- **7. Note:** The statutory 120-day time limit applies to this application. The application was received on April 14, 2014. One letter of incompleteness was sent on April 17, 2014. New application materials were submitted on April 25, 2014. The application was deemed complete on April 25, 2014. The City must render a final decision, including any appeals, for this application by August 23, 2014.

REQUEST A REVISED STAGE 1 PRELIMINARY PLAN

The applicant has provided compliance findings to the applicable criteria (See B1 in Exhibit B1). Staff concurs with these findings except where otherwise noted.

A1. In 1984, the City Planning Commission approved the Stage I Preliminary Plan. The existing building and site improvements (formally known as the SMITH'S Home Furnishings and then the Hollywood Video warehouse and distribution building) occupy the site, located on the southeast corner of SW Elligsen Road and SW Parkway Center Drive. The Smith's Home Furnishings uses included retail for furniture sales (22,032 sq. ft.), office (22,032 sq. ft.), and warehouse 70,200 sq. ft. (plus 75,466 sq. ft. expansion). The applicant proposes to retain this basic mix of uses with a vehicle showroom, office, retail repair shop, and service/parts and waiting area. The remaining area is proposed for warehouse uses including service reception staging, fleet vehicle repairs, detail, support for servicing, parts storage, and inventory warehouse.

The applicant is requesting approval to revise the Stage I Preliminary Plan (Master Plan) depicted on Plan Sheets Az1.02 of the application notebook (Exhibit B3). The overall master planned area of approximately 10.37 acres SW Parkway Center Drive and SW Elligsen Road. (See the Vicinity Map in the introductory section of this staff report). The proposed revised Stage I Preliminary Plan is being submitted concurrently with applications for a Stage II Final Plan, Site Design Review, Type 'C' Tree Plan and revised Master Sign Plan. The elements of the proposed revised Stage I Preliminary Plan can be made to meet all applicable development standards through required conditions of approval.

A2. The consolidated applications include Preliminary Grading Plan + Utilities – Storm Drainage (Plan Sheets C1 and C2) meeting code.

Proposed Revised Stage I Preliminary Development Plan:

A3. The proposed revised Stage I Preliminary Plan includes the following:

Modify Stage I Master Plan (89PC08) to retain the previous mix of commercial and industrial uses with a vehicle showroom, office, retail repair shop, and service/parts and waiting area. The remaining area is proposed for warehouse uses including service reception staging, fleet vehicle repairs, detail, support for servicing, parts storage, and inventory warehouse. The applicant's table found on Plan Sheet Az1.06 <u>Proposed Building Uses and Areas</u> best illustrates the current approval for building uses compared to the proposed building uses and areas. See below:

BUILDING USE AREAS						
1998 USE AREAS - 89PC8						
WAREHOUSE	145,666 sf					
OFFICE	11,613 sf					
RETAIL	22,032 sf					
TOTAL	179,311 sf					
TENANT "A" CURRENT A	PPLICATION					
WAREHOUSE & SUPPORT	70,966 sf					
OFFICE	10,854 sf					
RETAIL	21,773 sf					
TOTAL	103,593 sf					
1017.2						
TENANT "B" - FUTURE (No Work)						
WAREHOUSE & SUPPORT	75,718 sf					
TOTAL BUILDING	179,311 sf					
	-					

Staff notes that the proposed 70,966 sq. ft. in vehicle inventory is industrial/warehouse storage. Prior Development Review Board approvals for the Chevrolet, Nissan, Audi, Toyota and Scion dealerships determined that storage of new vehicles is industrial storage. On the basis of the above table the applicant has met the burden of proof to demonstrate that the proposed building and uses will not exceed the building and uses approved in 89PC08.

Section 4.140. Planned Development Regulations.

(.01) Purpose

- A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.
- **A4.** Staff finds the proposed revised Stage I Preliminary Plan is consistent with the stated purpose in this section of the Planned Development Regulations.
 - B. It is the further purpose of the following Section:
 - 1. To take advantage of advances in technology, architectural design, and functional land use design:
- **A5.** The proposed re-use of the property will retain the general appearance and function of the site as it was previously approved by the City. In addition, amendments will be made that will bring the existing development of the site into compliance with the City's current regulations.

- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
- **A6.** Historically the uses of the property included "Smith's Home Furnishing" with a retail showroom, offices and warehouse, and "Hollywood Entertainment" with offices, warehouse and processing. The proposed use of the property includes a blend of vehicle retail and service commercial and industrial activity on the site, which is consistent with this criterion.
 - 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
- A7. The integrated design for the proposed revised Stage I Preliminary Development Plan, which includes minor adjustments and improvements to the previously approved site plan, assures an overall cohesive character and will result in a comprehensive development that is equal to or better than that resulting from individual lot land use development.
 - 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
- A8. The proposed revised Stage I Preliminary Plan is responsive to site characteristics such as topography, access and visibility and natural resources. As noted above, only minor site amendments and improvements are proposed. These improvements will bring the site into conformity with the City's current regulations. Problems of flood hazard, severe soil limitations, or other hazards are not characteristics of the property.
 - 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
- **A9.** This criterion is not applicable.
 - 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- **A10.** The proposed development will not place unusual demands on public water, sanitary sewer, storm sewer facilities and streets because the site modifications will be minimal because the proposed use of the property will be comparable to what was previously approved (Smith's and Hollywood Video). All public facilities and services are available to the site in compliance with City of Wilsonville standards. The City Engineering

Division has reviewed the revised Stage II Final Plan and has determined that adequate services and facilities are available.

7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.

A11. See finding A3.

- 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.
- **A12.** The proposed revised Stage I Preliminary Plan responds to the economic changes by creating a new commercial/industrial use within an existing building featuring auto sales and related warehousing and related industrial activities.

(.02) Lot Qualification.

- A. Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.
- B. Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code.
- **A13.** With proposed conditions of approval the project can be made consistent with the purposes and objectives of Section 4.140. The proposed revised Stage I Preliminary Plan comprising 10.37 acres is designated on the Comprehensive Plan Map as 'Industrial' and is zoned PDI.

(.03) Ownership.

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.
- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.
- **A14.** The subject property is currently owned by Weston Investment Co., LLC, which has authority to make land use and development applications meeting code.

(.04) Professional Design.

- A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.
- B. Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:
 - 1. An architect licensed by the State of Oregon;
 - 2. A landscape architect registered by the State of Oregon;
 - 3. An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review Board, Planning Commission, or City Council; or
 - 4. A registered engineer or a land surveyor licensed by the State of Oregon.
- C. One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.
- D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.
- **A15.** All of the professional disciplines as required by (.04) above were used to prepare the plans and narrative for the consolidated land use applications. Individual firms are listed on the inside cover of the application and represent the following disciplines:
 - Licensed architect (LRS Architects/Richard Youngblood)
 - Surveying (Northwest Surveying, Inc.)
 - Registered landscape architect (Michael O'Brien)
 - Land use planner (LRS Architects)
 - Registered engineers (AAI Engineering/Interface Engineering)
 - Arborist (Applied Horticultural Consulting, Inc.)

Mr. John Costello from Pinnell Bush has taken a lead role in conferring with staff with respect to the concept and details of the plans.

(.05) Planned Development Permit Process.

- A. All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
 - 1. Be zoned for planned development;
 - 2. Obtain a planned development permit; and
 - 3. Obtain Development Review Board, or, on appeal, City Council approval.
- **A16.** The subject property is designated 'Industrial' on the Wilsonville Comprehensive Plan Map. Stage II Final Plan approval for the project as well as Site Design Review are also being sought in the applicant's consolidated application.

- D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:
 - 1. Pre-application conference with Planning Department;
 - 2. Preliminary (Stage I) review by the Development Review Board. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval to the Board; and
 - 3. Final (Stage II) review by the Development Review Board
 - 4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan.
- **A17.** A formal pre-application conference was held for the proposed development. The applicant has elected to combine five separate land use applications as allowed by the Wilsonville Code.
- **A18.** The Stage II Final Plan application outlines the improvements included in the more detailed Site Design plans addressed in the narrative and plans sheets for the consolidated application.
- (.06)(B) The applicant may proceed to apply for Stage I Preliminary Approval upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.
- **A19.** See Finding A3. The proposed commercial/industrial use contemplated with this request is consistent with the approved Stage I Preliminary Plan in Resolution 89PC08, which allowed a similar use mix, the PDI Zone, and the Comprehensive Plan Map designation of Industrial.
- (.07) Preliminary Approval (Stage One):
 - A. Applications for preliminary approval for planned developments shall:
 - 1. Be made by the owner of all affected property or the owner's authorized agent; and
- **A20.** As described in the findings addressing (.03) Ownership, the Stage I application was authorized by the property owner.
 - 2. Be filed on a form prescribed by the City Planning Department and filed with said Department.
- **A21.** On April 14, 2014, the applicant submitted the required application forms and the required fees were received by the City.
 - 3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above.
- **A22.** The professional design team is described in Finding A15 addressing (.04) above.
 - 4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.

- **A23.** The application narrative and the revised Stage I Preliminary Plan application describe and illustrate the land uses, the amount of land area devoted to the use, and its location. See Sheet Az1.02 of the application for the complete site analysis.
 - B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:
- **A24.** Staff has reviewed the application and has determined that it includes conceptual and quantitatively accurate representations of the entire Stage I Preliminary Plan sufficient to judge the scope, size, and impact of the development on the community.
 - 1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.
- **A25.** The applicant has provided a boundary survey as an element of the Topographic Survey provided on Sheets 1 of 1 and C1.0 in the application. This requirement is met.
 - 2. Topographic information as set forth in Section 4.035
- **A26.** Topographic information is shown on in the consolidated application (Sheet 1 of 1 Topographic Survey). This requirement is met.
 - 3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
- **A27.** The proposed land uses on the site are presented in the application narrative and on Sheet Az1.06. Residential development is not involved in this application. This requirement is met.
 - 4. A staged development schedule demonstrating that the developer intended receive Stage II approval within 2 years of receiving Stage I approval., and to commence construction within 2 years after the approval of the final development plan, and will proceed diligently to completion.
- **A28.** In Request B, the applicant is seeking approval of a Stage II Final Plan for the parking and site improvements concurrently with the request for proposed revised Stage I Preliminary Plan. The applicant intends to proceed diligently to complete the improvements identified in the Stage II Final Plan and Site Design Review.
 - 5. 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.
- **A29.** Capital improvements were initiated in the construction of SW Parkway Center Drive including sidewalks. Proposed Engineering Division conditions PFA19 and PFA20 are requiring the following:

- PFA 19. Driveway access spacing along Parkway Center Drive is not in compliance with the TSP, which specifies a minimum spacing of 1,000 feet and a desired spacing of 1,320 feet for a Major Arterial. However, roadway improvements to Parkway Center Drive were completed with the Argyle Square project and the length of property frontage does not allow the applicant to meet spacing requirements. The southern existing driveway is allowed to remain as a full access driveway and be widened to allow an additional exit lane as shown in plans dated 04/25/14.
 - For safety issues the northern driveway shall be limited to a right-in/right-out driveway by placement of signage and markings at the driveway exit. In addition the applicant shall construct a Concrete Traffic Separator on Parkway Center Drive (minimum 100 feet long centered on the driveway) to prevent left turn movement when entering or exiting the site at this driveway.
- **PFA 20.** Driveway access spacing along Elligsen Road is not in compliance with the TSP, with a minimum spacing of 600 feet and a desired spacing of 1,000 feet for a Minor Arterial. However, due to steep topography east of the existing driveway this nonconforming driveway is allowed to remain as a full access driveway, at this time, and be widened as shown in plans dated 04/25/14. Improvements to Elligsen Road are listed in the 2013 Transportation Systems Plan as an Additional Planned Project, however the project is not listed as a Higher Priority project due to estimated costs and funding limitations and it is not known when improvements would occur.
 - 6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.
- **A30.** Final development plans will be executed in 1 stage for proposed tenant, parking lot and site improvements meeting code.
 - 7. Statement of anticipated waivers from any of the applicable site development standards.
- **A31.** Waivers are not proposed.

Section 4.135. Building Setbacks, building height.

- **A32.** (.06)C and D: The front, side and rear yard setback of the underlying PDI zones is 30 feet, measured from property line. The existing building meets minimum setbacks.
- **A33. Special Setback:** An examination of the proposed revised Stage I Preliminary Plan indicates that the current site should not infringe upon the 55 foot special setback from SW Elligsen Road. 50'7" is provided.

Section 4.118(.01) Height Guidelines: The Development Review Board may regulate heights as follows:

A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.

- B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.
- C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.
- **A34.** TVFR has reviewed the proposed plans and can provide fire protection and emergency services to the project. The project has been designed to comply with these criteria. The proposed building addition will not interfere with scenic vistas of Mt. Hood.
- **A35.** Properties in the PDI zone are not subject to a maximum building height due to adjacent residential uses because the abutting properties to the east and south are also zoned PDI.

Off Street Parking: Off-street parking shall be provided as specified in Section 4.155.

A36. Parking is provided at grade. See Requests B and C for the detailed parking analysis.

Corner Vision: Vision clearance shall be provided as specified in Section 4.177, or such additional requirements as specified by the City Engineer.

A37. The existing building and site improvements appear to comply with vision clearance standards and confirmation shall be required by the City Engineer.

Subsection 4.140 (.07)B.: The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:

- **A38.** The applicant has submitted a boundary survey including topographic information completed by a licensed surveyor meeting code requirements.
- **A39.** The applicant has submitted a tabulation of the proposed land use (See Sheet Az1.02). A more detailed analysis of the proposed development is a part of the Stage II Final Plan (Request B) application. The applicant is proposing a Chrysler, Jeep, Dodge and Ram dealership, which is allowed in the current Stage I Preliminary Plan. Also see Finding A3.
- **A40.** The applicant is seeking Stage II Final Plan approval for parking and site improvements concurrent with the request for a Stage I Preliminary Plan meeting code requirements.

Section 4.118. Standards applying to all Planned Development Zones:

- (.01) Height Guidelines: In "S" overlay zones...
- **A41.** The project site is not within an "S" overlay zone; therefore, this provision does not apply.

- (.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.
- **A42.** Public Utilities were installed as part of SW Parkway Center Drive. Thus, the applicant proposes to utilize existing utilities within the street. No utilities will be located above ground.
 - (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140 and based on findings of fact supported by the record may:
 - A. Waive the following typical development standards: 3. Height and yard requirements;
- **A43.** See Finding A33.

Section 4.167. General Regulations - Access, Ingress and Egress.

A44. See Finding A29 for driveway access control. Approved for the site is a single access drive at SW Parkway Center Drive and one at SW Elligsen Road.

Section 4.171. General Regulations – Protection of Natural Features and Other Resources.

- **A45.** All grading, filling and excavating on the project site will be done in accordance with the Uniform Building Code.
- **A46.** 114 regulated trees will be retained on the property. 24 regulated trees are proposed for removal. See Request E for the detailed analysis of the proposed Type 'C' Tree Removal and Preservation Plan.

REQUEST B STAGE II FINAL PLAN

B1. The applicant proposes the following development of the site. As noted above, the amounts of building floor area, paved areas, and landscaping are proposed to remain fundamentally the same as the existing condition.

Proposed Site Development - Stage II Final Plan					
Area	Size	% of Total Site			
Building area footprint	169,909 SF	37.6			
Parking, drive lanes, walkways	Existing				
Landscape area	Existing				
	451,717 SF				
Total site area:	10.37 acres				

Proposed Uses - Stage II Final Plan						
Building Uses	Floor Area	% of Total				
Warehouse	70,966 SF	39.6				
Office	10,854 SF	6.1				
Retail	21,773 SF	12.1				
Warehouse/Support (future)	75,718 SF	42.2				
Total building floor area	179,311 SF	100%				

ZONING, Sections 4.100-4.141

Subsection 4.140.09(J): A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the planned development regulations in Section 4.140.

Additionally, Subsection 4.140.09(J)(1) states: 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.

Zoning and Comprehensive Plan Designations: Planned Development Industrial Zone

B2. See Finding A3. The subject property is zoned Planned Development Industrial (PDI) with a corresponding Industrial Comprehensive Plan designation. The proposed auto dealership is in compliance with the Comprehensive Plan because it represents a blend of retail and industrial uses that are allowed in the PDI Zone. Proposed commercial and office complexes are allowed but are limited by Subsection 4.135(.03) O (1,2 and 3). This code criterion is met.

Subsection 4.118.03(A): Waivers.

B3. Waivers are not proposed.

Section 4.117: Standards applying to industrial developments in any zone

- **B4.** Some staging of vehicles for customers previewing vehicles may occur outside but overall the applicant is not proposing outdoor sales, display, or retailing. All business would be conducted wholly within the completely enclosed building except for off-street parking and off-street loading and other exemptions in Subsection 4.116.05(D). In addition, the dealership is not expected to generate any vibration, emissions, evening operation impacts, heat or glare, noise, electrical disturbances, discharge of pollutants. Dangerous substances will not be present on the site.
- **B5.** The property owner is responsible to seek approval from the Planning Division for the City of Wilsonville to mitigate the loss of performance of the project.
- **B6.** The existing building is located outside of the right-of-way of SW Parkway Center Drive and SW Elligsen Road consistent with code requirements.
- **B7.** The existing building meets the minimum thirty (30) foot setbacks in the PDI Zone. The project site does not abut a more restrictive residential zoning district.

Subsection 4.135.03(A): Uses that are typically permitted

B8. See Finding A3. Per subsections 4.135(.03)(A and D), "warehouses" and "manufacturing" are identified as typical permitted uses in the PDI Zone. Per subsections 4.135(.01)O(1, 2 and 3) the proposed Office Complex and commercial uses are also permitted but have square footage limitations.

Subsections 4.140.09(C-F): Stage II Final Plan

B9. The subject property is in the PDI Zone and is therefore subject to the Planned Development Regulations including 4.140.09(J). Staff has reviewed the applicant's submitted plans to determine compliance with the Planned Development Regulations. The applicant's submittal documents provide sufficient detail to review the requirements of Section 4.140.09(C) & (D). These criteria are met.

Subsection 4.171.02: General Terrain Preparation

B10. Plan Sheet C1.0 is the preliminary grading plan meeting this code criterion.

Subsection 4.171.04(B): Trees and Wooded Areas

B11. There are 24 trees with a DBH of 6 inches or greater, which are proposed for removal. The majority is located in the northwestern portion of the site, and they were planted as part of the original landscaping. They need to be removed for a new driveway connection between the parking lot facing SW Parkway Center Drive and the parking/loading area facing SW Elligsen Road. Other trees will be removed along what will be the car showroom. The majority of the existing landscaping (and remaining trees) are proposed to be protected during construction and retained as noted in the landscape plan (Sheets L1.01 and L2.01) and the arborist's report The criteria of this section will be satisfied.

PARKING:

Section 4.155 of the Wilsonville Code sets forth the minimum parking standards for off-street parking.

Subsection 4.155.03(B)(8) and Table 5: Parking Standards.

B12. The applicant proposes to provide a total of 129 parking spaces to serving the proposed dealership. Sheet Az1.02 shows parking for customers (36 spaces), employees (41 spaces), ADA (6 spaces), and storage (46 spaces). The southern portion of the building is intended for a future industrial uses (Tenant B), and 180 spaces are available.

Per table 5, Minimum Parking Requirement (building at 103,593 sq. ft. for Tenant A)):

Office: 2.7/1,000 SF x 10,854 SF = 29.3 spaces or 30 spaces.Retail: 4.1/1,000 x 21,773 SF = 89.3 spaces or 90 spaces.Warehouse: 0.3/1,000 x 70,966 SF = 21.3 spaces or 22 spaces.

Total minimum parking space requirement is 142 spaces

The applicant is proposing a total of 129 standard parking spaces including 6 parking spaces for the disabled persons to support the car dealership (Tenant A). An additional 180 standard spaces (including 2 ADA spaces) are proposed to be retained for the southern portion of the building (Tenant B). Because the commercial and office "allotment" allowed in the PDI Zone is used for this application, the remaining 75,718 square feet of building area for Tenant B is expected to be either warehousing or manufacturing (1.6/1,000). This would yield a range in required parking of 23 to 122 parking spaces. Therefore, with a total of 309 parking spaces and a total minimum requirement between 165 (proposed dealership + warehousing) and 251 (dealership + manufacturing), the City's parking standards will be met.

For bicycle parking, the following requirements apply:

Per table 5, Minimum Parking Requirement (building at 103,593 sq. ft. for Tenant A)):

Office: 1/5,000 SF x 10,854 SF = 2.3 spaces or 3 spaces.Retail: 1/4,000 x 21,773 SF = 5.4 spaces or 6 spaces.Warehouse: 1/20,000 x 70,966 SF = 3.5 spaces or 4 spaces.

Total minimum parking space requirement is 13 spaces

A total of 18 bicycle parking spaces, 9 short-term and 9 long-term (located in the building) are proposed, meeting the standards.

B13. Plan Sheet Az1.02indicates that compact parking is not proposed. Compact parking is optional and it is not required by the parking code

Subsection 4.155.03(B)(4): Parking for ADA

B14. The Building Division will determine the number and adequacy of the parking spaces proposed to be accessible under the American's with Disabilities Act (ADA). Six ADA spaces (including 1 for a van) are proposed, with 4 located near the front building entrance and 2 located at the rear building entrance.

Subsection 4.155.03(A)(1-3, 5): Minimum off-street loading requirements. Shall provide off street loading berths on the basis of minimum requirements as follows:

This Subsection states that "every building that is erected or structurally altered to increase the floor area, and which require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths". Larger tractor-trailer trucks will not be required for the office users of the building. Rather, panel type vans used by primarily by parcel delivery companies will be used for deliveries. While a delivery area is not designated on the site plan, the turn-around in front of the entry rotunda and cover (approx. 16' clearance) provides could serve as the delivery area.

Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following tables:

B15. The existing building the dealership is 103,593 sq. ft. Therefore, it requires 3 loading berths. There are 2 loading areas proposed in the northeastern portion of the site, and building portion occupied by the dealership and existing numerous loading berths to serve Tenant B meeting code.

Subsection 4.155 (.06) Carpool and Vanpool Parking Requirements

B16. The proposed development does not involve 142 or more parking spaces, therefore carpool or vanpool parking is required pursuant to this subsection. Five percent (5%) of the 142 parking spaces is 7.1. A condition of approval therefore requires at least seven (7) parking stalls be marked for exclusive use for vanpool/carpool and meet the location standard of this subsection. This criterion will be satisfied by Condition of Approval PDB 7.

Subsection 4.140.09(J)(2): Traffic Concurrency.

"That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as 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. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of

occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5."

- a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used

intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.

- b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three (3) new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.
- c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
- d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
- e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
- (3). That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
- B17. Street improvements are not expected as part of this project. However, the City Engineering Division in PFA15 states for SW Parkway Center Drive: "For safety issues the northern driveway shall be limited to a right-in/right-out driveway by placement of signage and markings at the driveway exit. In addition the applicant shall construct a Concrete Traffic Separator on Parkway Center Drive (minimum 100 feet long centered on the driveway) to prevent left turn movement when entering or exiting the site at this driveway."
- **B18.** The DKS Associates Traffic Impact Analysis estimated that 70% of the 102 estimated PM

peak hour trips would be pass through the Stafford/Interstate 5 interchange.

Furthermore, the City operates under the system of concurrency. To be more specific, the City requires 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 of Service (LOS) D, as defined in the Highway Capacity manual published by the National Highway Research Board. The greater portion of the traffic generated from this development will be dispersed to the Stafford interchange. The traffic study did estimate that the prosed use would generate slightly fewer trips than the previous uses on the site.

Subsection 4.140.09(J)(3): Public Facilities stipulates, "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."

- **B19.** The applicant has provided sufficient information in the Utility Plan-Sheets (C series sheets), meeting code requirements.
- **B20.** The City Engineering Division has reviewed the applicant's plans but has proposed that no construction of such utility improvements occur until all plans are approved by the Engineering Division. This initial review of design drawings by the City's Engineering Division, and assurance that a permit will not be issued until staff approves all plans, is sufficient to insure that adequate public facilities are available to serve this project.
- **B21.** The Development Engineering Manager is requiring detention. See conditions PFA21 and PFA22listed below:
- **PFA 21.** Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, storm water detention shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.
- PFA 22. Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, water quality facilities shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.

 If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
- **B22.** The project can connect to the existing water main at the west side of the property at SW Parkway Center Drive.
- **B23.** The Development Engineering Manager is requiring the project to connect to the existing sanitary sewer line stubbed in the Phase 1 site.

Section 4.167: Access, Ingress, and Egress and Subsection 4.177.01(H): Access Drives and Lanes

B24. The location of the existing building will have separate driveways at SW Parkway Center Drive and SW Elligsen Road. Service parking and loading is provided primarily at the north side of the building.

Subsection 4.177.01(B): Sidewalk Requirements

B25. There is existing 5' wide concrete sidewalk in SW Parkway Center Drive and SW Elligsen Road. An ADA walkway is proposed to connect the sidewalk in SW Parkway Center Drive with the main building entrance meeting code. Pedestrian sidewalks are provided at the proposed building, with a striped walkway connecting the two. Concrete walkways and asphalt driveways delineate separate circulation paths and patterns.

Subsection 4.154 (.01) B. 2. Safe, Direct, and Convenient Pathways

"Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:

- a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.
- b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.
- c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.
- d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.)."

B26.

- All proposed pathways are of smooth and consistent concrete and no hazards are evident on the site plan.
- The proposed ADA path at the southwest corner of the proposed Tenant A space is a considerable distance from the main building entrance to Parkway Center Drive.
- The north side of the subject Tenant A space does not have sidewalk connection to the sidewalk at SW Elligsen Road.
- Where required, pathways meet ADA requirements or will be required to by the building code.
- The parking lot improvement area is not larger than 3 acres in size.
- There is existing painted crosswalk from the Tenant A and B building midway at SW Parkway Center Drive. Staff observed higher speed driving is an issue. More important, the painted crosswalk isn't visible to northbound motorists until drivers are very close because of the street grade. So drivers see a pedestrian crossing as they approach in a car, they may have a first impression that the person is jaywalking, rather than being in a marked crosswalk. There's a sign marking the crosswalk.

With proposed condition PDB8 it will ensure better pedestrian connectivity.

Subsection 4.155 (.03) H. Electric Vehicle Charging:

"Electrical Vehicle Charging Stations:

- 1. Parking spaces designed to accommodate and provide one or more electric vehicle charging stations on site may be counted towards meeting the minimum off-street parking standards.
- 2. Modification of existing parking spaces to accommodate electric vehicle charging stations on site is allowed outright."
- **B27.** No electric vehicle charging stations are proposed. Being that the proposed dealership will market electric vehicles staff recommends that an electric vehicle charging station be installed for customer use.

Sections 4.300-4.320: Underground Utilities

B28. The applicant's Utility Plan – Plan Sheet _ indicates all utilities will be placed underground meeting these code criteria. All subsequent utility service to the proposed project will need to meet the requirements of this code section.

Section 4.800: Wireless communications facilities:

B29. A conditional use permit is required for any wireless communications pursuant to Section 4.184 of the Wilsonville Code. No such facilities are currently proposed.

REQUEST C SITE DESIGN REVIEW

ARCHITECTURE

- C1. The existing building is 2-stories of approximately 30'-0" high. Proposed is a major exterior remodel of the west building elevation and partially the north building elevation of the Tenant A space to reflect the corporate architecture of a Chrysler, Jeep, Dodge and Ram dealership. The modern architecture will have larger storefront windows combined with gray tone exterior finish materials. It will have a 21st century appearance of what otherwise is a 1980's architectural vernacular. The proposed building remodel for Tenant A will have strong visual appeal. However, the non-masonry exterior walls of the entire building (Tenants A and B) should be painted to appear as one unified facility to satisfy Subsections 4.400.02(A to J): Purposes and Objectives of Site Design Review and Sections 4.421.01(A-G): Criteria and Application of Design Standards.
- **C2.** The final surface water drainage plan will be reviewed by the Engineering Division and the Natural Resources Manager through a Public Works permit. Proposed is a water quality swale along the west side of the project site which would be connected to the water quality swale in Phase 1. See conditions PF20 and PF21.

LANDSCAPING

Subsection 4.176.02(D): Low Screen Landscape Standard

C3. The proposed revised parking areas are required to be screened to the Low Screen Landscape Standard. See Plan Sheet L1.0 (Planting Plan). The proposal includes a combination of a low to middle height shrubs and trees. At maturity, the combination of plantings, trees and the narrow buffers are sufficient to screen the parking areas. The planting plan elsewhere on the site (which does not require the Low Screen Landscape Standard) provides good combination trees and shrubs to screen/soften the perimeter of the site and add visual interest to the project. The proposed landscape plan meets this criterion.

Section 4.176.03: Landscape Area.

C4. The "Site Summary" information on Plan Sheet L1.0 exceeds the 15% code minimum.

Subsection 4.176.04(C&D): Buffering and Screening

- **C5.** Parapet walls currently screen HVAC. However, the City reserves the right to require further screening of the new HVAC equipment should it becomes visible from off-site, ground level view meeting code. With proposed condition PDC2 this can be accomplished.
- **C6.** The applicant is not proposing any outdoor storage other than screening solid waste and recyclables. The trash container is proposed at the northeast corner of the project site and will be screened with 6' high concrete wall panels with fence/gates. The applicant is providing a covered waste and recycling enclosure meets code. See Plan Sheets Az1.03 and L1.1.

Subsection 4.155.03(B)(1 and 2): Parking Area Landscaping

- **C7.** The site and planting plans indicates that existing and proposed parking lots exceed 10% of the parking area.
- **C8.** Subsection 4.155.03(B)(2) requires that landscape tree planting areas "be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount". The planting plan (Sheet L1.1) shows the equivalent aggregated amount option for the existing parking lot landscaping.

Subsection 4.155.03(B)(3)(d): View of Parking Areas Screened from Public Right of Way, 126 buffer. And;

Subsection 4.155(.02)(O) requires "Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

C9. The applicant proposes additional landscape screening next to the parking areas along SW Parkway Drive and SW Elligsen Road with low and medium height shrubs. (See Plan Sheet L1.1). The proposed shrubs will be sufficient, at maturity, to screen the parking area from off-site views from adjacent right of ways meeting code.

Subsection 4.176.06(A-E): Plant Materials.

- **C10.** The applicant's planting plan (Sheet L1.1) depicts, tree, shrub, and ground cover types of a size and spacing sufficient to meet the criteria of 4.176(.06)A(1-2). and B. All proposed shrubs are 2 to 3 gallon size meeting code.
- **C11.** The proposed specifications for secondary and accent trees meet code criterion for caliper size and/or height. This code criterion is met.
- C12. The existing street trees will be retained along SW Parkway Center Drive and SW Elligsen Road Road fronting the project site will remain. This code criterion is met.

Subsection 4.176.07(A-D): Installation and Maintenance.

C13. Plant materials, once approved by the DRB, shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless the City approves appropriate substitute species. Failure to maintain landscaping as required in this subsection shall constitute a violation of the City Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.

Section 4.176.08: Landscaping on Corners

C14. The Public Works Standards requires that the applicant/owner provide adequate sight distance at all project driveways. Should the review of the proposed planting plan at the

time of the public works permit require modifications to the proposed planting plan to meet sight distance requirements, the Planning Director will determine if the changes would require DRB approval or can be processed through an administrative review process.

Section 4.176.10: Completion of Landscaping.

C15. The applicant's submittal documents do not specify whether a deferment of the installation of the proposed planting plan is requested. The applicant/owner will be required to post a bond or other security acceptable to the Community Development Director for the installation of the approved landscaping, should the approved landscaping not be installed at the time of final occupancy of the proposed building.

Section 4.175: Public Safety and Crime Prevention

C16. The proposed lighting plan is sufficient to discourage on-site criminal activity after dark.

Section 4.199 Outdoor Lighting Section 4.199.20. Applicability.

(.01) This Ordinance is applicable to:

- A. Installation of new exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.
- B. Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas.
- **C17.** The exterior lighting photometric plan is shown on Plan Sheets E100 and E100PH. These plans includes any lighting sources attached to the proposed building (wall-packs, etc.) and parking lot lighting.

Section 4.199.30 Outdoor Lighting Zones: The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance.

C18. The project site is within LZ2 and the proposed outdoor lighting systems are being reviewed under the standards of this lighting zone. The applicant has submitted lighting cut sheets to demonstrate proposed lighting (See Exhibit B1). This criterion is satisfied.

Subsection 4.199.50 Submittal Requirements: Applicants shall submit the following information as part of DRB review or administrative review of new commercial, industrial, multi-family or public facility projects:

- A. A statement regarding which of the lighting methods will be utilized, prescriptive or performance, and a map depicting the lighting zone(s) for the property.
- B. A site lighting plan that clearly indicates intended lighting by type and location. For adjustable luminaires, the aiming angles or coordinates shall be shown.
- C. For each luminaire type, D drawings, cut sheets or other documents containing specifications for the intended lighting including but not limited to, luminaire description, mounting, mounting height, lamp type and manufacturer, lamp watts, ballast, optical system/distribution, and accessories such as shields.

- D. Calculations demonstrating compliance with Oregon Energy Efficiency Specialty Code, Exterior Lighting, as modified by Section 4.199.40(.01)(B.)(2.) [Amended by Ord. 688, 11/15/10]
- E. Lighting plans shall be coordinated with landscaping plans so that pole lights and trees are not placed in conflict with one another. The location of lights shall be shown on the landscape plan. Generally, pole lights should not be placed within one pole length of landscape and parking lot trees.
- F. Applicants shall identify the hours of lighting curfew.
- C19. The applicant has submitted the information necessary to review the proposed exterior lighting design found on pages 18 through 20. These criteria are satisfied. The project proposes new building lighting while the existing site lighting to remain. This exterior lighting code is therefore applicable.

Subsection 4.199.40 (.01) A. Alternative Methods of Outdoor Lighting Compliance: All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option.

C20. The applicant has submitted information to comply with the Performance Option. This criterion is satisfied.

Section 4.421. Criteria and Application of Design Standards.

(.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)

A. Preservation of Landscape.

C21. Staff finds that the subject site is part of the approved Stage I Preliminary Plan. The existing site extensively landscaped, most of it will be preserved and enhanced with new planting materials as shown on Plan Sheet L1.1.

B. Relation of Proposed Buildings to Environment.

C22. The subject building and property is not within a Significant Resource Overlay Zone (SROZ). From a pedestrian perspective the building elevations of the existing and proposed remodel will have an inviting storefront.

C. Drives, Parking and Circulation.

C23. Section 4.155, starting on Plan Sheet Az1.02, provides a detailed information regarding drives, parking and circulation meeting code.

D. Surface Water Drainage.

C24. See Finding B21.

E. Utility Service.

C25. All utilities already exist in SW Parkway Drive and SW Elligsen Road and the proposed project will be connecting into the existing utilities. Engineering review of construction documents will ensure compliance with this provision.

F. Advertising Features.

C26. See Request D for a detailed review of the proposed revised master sign plan.

G. Special Features.

- C27. There will be no exposed machinery installations or utility buildings associated with the project. All surface areas and truck loading areas will meet setback and screening requirements. All garbage and recycling that will be generated at this proposed location will be dealt with and stored internal or external to the building.
 - (.02) The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.
- **C28.** The applicant is not proposing accessory building, structures or other site features. This provision is therefore not applicable.

Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas

C29. See Findings C30 through C32 and the applicant's finding on page 22 of Exhibit B1.

Section 4.17. Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings.

(.06) Specific Requirements for Storage Areas

C30. Subsection 4.179(.06)(B) requires a minimum of ten (10) square feet of storage area plus ten square feet per 1,000 SF of gross floor area (GFA) for retail. The applicant is proposing 1,141 sq. ft. meeting code.

Section 4.430 Design of Trash and Recycling Enclosures: The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code. Listed (.02) A. through (.04) C.

C31. Subsection .02 requires that solid waste areas be located convenient for users as well as for collection vehicles. The proposed solid waste enclosure is accessible at the northeast corner of the site, which provides convenient access and ensures that collection vehicles can approach them without blocking on-site or off-site traffic. Subsection .03 requires a six-foot high sight obscuring enclosure with a gate at least ten feet in width. The proposed

enclosures are constructed of 6' high concrete panels with a gate opening of over ten feet in width. Staff adds that Republic Services has approved the enclosures. These criteria are satisfied.

Subsections 4.179(.03): Pursuant to Section 4.179(.03) the storage area requirement shall be based on the predominant use(s) of the building. If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the areas of each use.

Subsections 4.179(.06-.07) and 4.430(.01-.04): Location, Design and Access Standards for mixed Solid Waste and Recycling Areas.

C32. The applicant is providing a covered waste and recycling enclosure meeting code. See Plan Sheets Az1.02 and Az1.03. The applicant estimates the following which meets code:

Area Use	TE PROPOSED (4.17 Building Area (sf)	Calculation	Required (sf)	Proposed (sf)
Minimum Storage Area			10	
Tenant A (CDJR)				
Office	10,854	4sf:1000sf GFA	43	
Retail	21,773	10sf:1000sf GFA	218	
Warehouse	70,966	6sf: 1000sf GFA	426	
Other	TBD	4sf:1000sf GFA	TBD	
Total Tenant A			687	362 exterior / 325 Interior
Tenant B (Future)				
Warehouse	75,718	6sf: 1000sf GFA	454	Internal to building
Total Building Area	179,311		1,141	22.5

REQUEST D REVISED MASTER SIGN PLAN

BACKGROUND:

D1. The subject property was developed in the 1980s. The applicant proposes to modify the Master Sign Plan for the dealership use. A discussion of each of these signs and the type of review required and applicable criteria are below. The location of signs can be seen on Sheets Az2.00/2.01.

Subsection 4.156.01(.01) Sign Regulations Purpose and Objectives Subsection 4.156.01(.01) Objective of the Sign Regulations - Generally

<u>Purpose</u>. The general purpose of the sign regulations are to provide one of the principal means of implementing the Wilsonville Comprehensive Plan by fostering an aesthetically pleasing, functional, and economically vital community, as well as promoting public health, safety, and well-being. The sign regulations strive to accomplish the above general purpose by meeting the needs of sign owners while maintaining consistency with the development and design standards elsewhere in Chapter 4. This code regulates the design, variety, number, size, location, and type of signs, as well as the processes required to permit various types of signs. Sign regulations have one or more of the following specific objectives:

D2. This subsection states that the purpose of provisions regarding signs is intended to "...foster...an aesthetically pleasing, functional, and economically vital community...", among other objectives. The applicant's proposed adjustment to the approved Master Sign Plan is intended to enable recognition of the new tenant of the subject property in a manner that differs from the approved Master Sign Plan. The applicant's submitted findings and materials will be examined below, to determine whether this purpose is achieved by the application.

Subsection 4.031 (.01) M. and Subsection 4.156.02 (.03) Review Process

D3. These subsections establish that Master Sign Plans are reviewed by the Development Review Board. The application modifies a Master Sign Plan beyond what is considered a Class II major adjustment it is therefore being reviewed by the Development Review Board. Portions of the request would qualify for a Class II major adjustment, but the applicant has chosen to have all modifications of the Master Sign Plan reviewed concurrently by the DRB. These criteria are satisfied.

Subsection 4.156.02 (.07) Master Sign Plans Generally

- "A Master Sign Plan is required for non-residential developments with three (3) or more tenants. In creating a Master Sign Plan thought should be given to needs of initial tenants as well as the potential needs of future tenants."
- **D4.** The property is part of a large master plan area, the Parkway Center Master Plan, which includes a number of properties, buildings, and tenants. These criteria are satisfied.

Subsection 4.156.02 (.07) A. Master Sign Plan Submission Requirements

D5. This subsection identifies submission requirements for Master Sign Plans, which includes the submission requirements for Class II and Class III sign permits plus additional requirements specific to Master Sign Plans. As indicated in the table below the Applicant has either satisfied the submission requirements, or has been granted a waiver under Subsection 4.156.02 (.10). These criteria are satisfied

Requirement				of		S
	Submitted	Waiver Granted		Condition Approval	Not Applicable	Additional findings/notes
		Info Already Available to City	Info Not Necessary for Review			
Completed Application Form	\boxtimes					
Sign Drawings or Descriptions	\boxtimes					
Documentation of Building/Tenant Space Lengths						
Drawings of Sign Placement of Building Facades	\boxtimes					
Project Narrative	\boxtimes					
Information on Any Requested Waivers or Variances						
Written Explanation of the Flexibility of the Master Sign Plan for Different Potential Tenant Space Configurations	\boxtimes					
Written Explanation of the Extent to which Different Sign Designs are Allowed						
Written Explanation of How Sign Plan Provides for Consistent and Compatible Sign Design Throughout the Development					\boxtimes	

Subsection 4.156.02 (.07) B. Master Sign Plan Review Criteria

Subsections 4.156.02 (.07) B. and (.05) E.- Class II Sign Permit Review Criteria also Applicable to Master Sign Plans

Subsection 4.156.02 (.05) E. Class II Sign Permit Review Criteria: Generally and Site Design Review "Class II Sign Permits shall satisfy the sign regulations for the applicable zoning district and the Site Design Review Criteria in Sections 4.400 through 4.421,"

D6. As indicated in Findings D7 through D28 these criteria are met.

Subsection 4.156.02 (.05) E. 1. Class II Sign Permit Review Criteria: Compatibility with Zone "The proposed signage is compatible with developments or uses permitted in the zone in terms of design, materials used, color schemes, proportionality, and location, so that it does not interfere with or detract from the visual appearance of surrounding development;"

D7. The subject property has a use that is unique in the PDI zone and Wilsonville. With this uniqueness in mind a balance needs to be achieved between signs typical of the PDI zone and signs that reflect the architecture and use of the subject building. The building signs are backlight channel signs typical of commercial uses in the PDI zone including other automobile dealerships and monument signs are typical of the type of sign permitted in the PDI Zone. These criteria are satisfied.

Subsection 4.156.02 (.05) E. 2. Class II Sign Permit Review Criteria: Nuisance and Impact on Surrounding Properties. "The proposed signage will not create a nuisance or result in a significant reduction in the value or usefulness of surrounding development;"

D8. There is no evidence and no testimony has been received that the subject signs would create a nuisance or negatively impact the value of surrounding properties. These criteria are satisfied.

Subsection 4.156.02 (.05) E. 3. Class II Sign Permit Review Criteria: Items for Special Attention. "Special attention is paid to the interface between signs and other site elements including building architecture and landscaping, including trees."

D9. The proposed building signs are placed appropriately on the architecture creating identifiable sign band. Monument signs are appropriately placed within landscape areas. No sign-tree conflicts have been noted. These criteria are satisfied.

Subsection 4.156.02 (.07) B. 1. Consistent and Compatible Design. "The Master Sign Plan provides for consistent and compatible design of signs throughout the development;"

D10. For the subject site the proposed signs will create consistent branding throughout the site and reflect the architecture and auto dealership use. These criteria are satisfied.

Subsection 4.156.02 (.07) B. 2. Future Needs. "The Master Sign Plan considers future needs, including potential different configurations of tenant spaces and different sign designs, if allowed."

D11. It is understood the signs shown for the dealership would allow for different future signs at the same location within a rectangle drawn around each individual sign. Monument signs could be replaced with signs of the same size of a different design and/or copy. No

signage is shown for the unused southern industrial portion of the building. A future review will need to address signage for this tenant space.

Section 4.156.03 Sign Measurement

Subsection 4.156.03 (.01) C. Measurement of Round and Three Dimensional Signs. "The area of a round or three-dimensional sign shall be the maximum surface area visible from any one location on the ground measured the same as A. above except if the maximum surface area is an irregular shape the signs perimeter shall be measured the same as an individual element sign under B. above." B. reads, "The area for signs constructed of individual elements (letters, figures, etc.) attached to a building wall or similar surface or structure shall be the summed area of up to three squares, rectangles, circles, or triangles drawn around all sign elements."

D12. No round or three-dimensional signs are proposed. The signs were measured consistent with this subsection. These criteria are satisfied.

Subsection 4.156.03 (.02) A. Measurement of Sign Height Above Ground. "The height above ground of a freestanding or ground-mounted sign is measured from the average grade directly below the sign to the highest point of the sign or sign structure except as follows:" Listed 1.-2.

D13. The proposed signs have been measured consistent with this subsection. These criteria are satisfied.

Subsection 4.156.03 (.03) A.-B. Measurement of Sign Height and Length. "Height of a sign is the vertical distance between the lowest and highest points of the sign. Length of a sign is the horizontal distance between the furthest left and right points of the sign."

D14. The proposed signs have been measured consistent with this subsection. These criteria are satisfied.

Subsection 4.156.08 Sign Allowances in the PDC, PDI, and PF Zones

Subsection 4.156.08 (.01) A. Freestanding and Ground Mounted Signs in the PDC, PDI, and PF Zone. This subsection establishes the standards for freestanding and ground mounted signs in various zones, including the PDI Zone.

D15. The dealership is allowed to have monuments signs on both the Parkway Center Drive and SW Elligsen Road not to exceed 64 sf in sign area or 8 feet in height. On SW Elligsen Road a 12 square foot sign standing four (4) feet tall is proposed. On SW Parkway Center Drive a 33.9 square foot sign standing eight (8) feet tall is proposed. Both signs are well within the allowance for the dealership.

Subsection 4.156.08 (.02) A. Building Sign Eligible Facades

"Building signs are allowed on a facade of a tenant space or single tenant building when one or more of the following criteria are met:

- 1. The facade has one or more entrances open to the general public;
- 2. The facade faces a lot line with frontage on a street or private drive with a cross section similar to a public street, and no other buildings on the same lot obstruct the view of the building facade from the street or private drive; or
- 3. The facade is adjacent to the primary parking area for the building or tenant."

Pursuant to this subsection the north and west facades are sign eligible. Signs are proposed on the north and west facades. These criteria are satisfied.

Subsection 4.156.08 (.02) B. Building Sign Area Allowed

This subsection includes a table identifying the sign area allowed for facades based on the linear length of the façade. Exception are listed 2. through 5. Exception 2 reads "The sign area allowed for facades with a primary public entrance or with a frontage along a public street dominated by windows or glazing may be increased by transferring to the façade up to one half (1/2) the sign area allowed for adjacent facades up to fifty (50) square feet. In no case shall the allowed sign area exceed an area equal to the linear length of the façade."

D16. North façade: Linear Length 340 feet

Base allowance for facades greater than 72 linear feet: 36 sf + 12 sf for each 24 linear feet of portion thereof greater than 72 sf (340-72=268/24=11.16 rounded up to 12)12*12=144 Total Sign Area Allowed on North Façade=180 square feet

Proposed sign area on North Façade=141.4 square feet

Unused North Façade allowance=38.6 square feet

West Façade: Linear Length 208 feet

Base allowance for facades greater than 72 linear feet: 36 sf

+ 12 sf for each 24 linear feet of portion thereof greater than 72 sf

(208-72=136/24=5.66 rounded up to 6) 6*12=72: 72 sf

Sign Area Allowed on West Façade without transfers=108 square feet

+Allowed transfer of up to 50 square feet unused on adjacent façade (transfer of unused

North Façade allowance=38.6 square feet

Total Sign Area Allowed on West Façade=146.6 square feet

Sign area proposed on West Façade=136.4 square feet, which is less than the allowed amount. The proposed signs are within the allowed building sign area.

Subsection 4.156.08 (.02) B. 6. Calculating Linear Length to Determine Sign Area Allowed. "For facades of a single tenant building the length the facade measured at the building line, except as noted in a. and b. below. For multi-tenant buildings the width of the façade of the tenant space shall be measured from the centerline of the party walls or the outer extent of the exterior wall at the building line, as applicable, except as noted in a. and b. below. Applicants shall provide the dimensions needed to calculate the length. Each tenant space or single occupant building shall not be considered to have more than five (5) total facades."

D17. The applicant has supplied the required measurements used to determine linear lengths according to this subsection. These criteria are satisfied.

Subsection 4.156.08 (.02) C. Building Sign Length Allowed. "The length of individual tenant signs shall not exceed seventy-five (75) percent of the length of the facade of the tenant space."

D18. The proposed building sign revisions to the Master Sign Plan do not allow proposed building signs exceeding 75% of the length of the building or tenant space. This criterion is satisfied.

Subsection 4.156.08 (.02) D. Building Sign Height Allowed. "The height of building signs shall be within a definable sign band, fascia, or architectural feature and allow a definable space between the sign and the top and bottom of the sign band, fascia, or architectural feature."

D19. The proposed Master Sign Plan modification for the north and west façade will allow for signs within a definable architectural feature and a recognizable space above and below the sign area, creating a definable sign band. These criteria are satisfied.

Subsection 4.156.08 (.02) E. Building Sign Types Allowed. "Types of signs permitted on buildings include wall flat, fascia, projecting, blade, marquee and awning signs. Roof-top signs are prohibited."

D20. All the proposed buildings signs are wall flat, which is an allowable type. This criterion is satisfied.

Subsection 4.156.08 (.03) A. Additional Signs: Directional Signs. "Notwithstanding the signs allowed based on the site in (.01) and (.02) above, the following signs may be permitted, subject to standards and conditions in this Code:" "In addition to exempt directional signs allowed under Subsection 4.156.05 (.02) C. freestanding or ground mounted directional signs six (6) square feet or less in area and four (4) feet or less in height:

- 1. The signs shall be designed to match or complement the architectural design of buildings on the site;
- 2. The signs shall only be placed at the intersection of internal circulation drives; and
- 3.No more than one (1) sign shall be placed per intersection corner with no more than two (2) signs per intersection."
- **D21.** No additional signs are proposed pursuant to this subsection.

Site Design Review

Subsections 4.400 (.01) and 4.421 (.03) Excessive Uniformity, Inappropriateness of Design, Etc.

"The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor."

D22. Excessive Uniformity: A variety of unique signs are proposed which prevent excessive uniformity within the development or surrounding area.

Inappropriate or Poor Design of Signs: Signs have been professionally designed specific to this project and reflect the high quality and level of design being incorporated into the project as a whole.

Lack of Proper Attention to Site Development: The appropriate professional services have been used to design the signs and their interaction with the site. Much thought has been given to sign placement.

Lack of Proper Attention to Landscaping: A professional landscape plan has been developed for the project, which acknowledges the placement of the sculpture monument sign within the planting bed at the same location a monument sign current stands. No sign-tree conflicts have been identified. These criteria are satisfied.

Subsections 4.400 (.02) and 4.421 (.03) Purposes of Objectives of Site Design Review

"The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:" Listed A through J. including D. which reads "Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;"

D23. It is staff's professional opinion that the signs comply with the purposes and objectives of site design review, especially objective D. which specifically mentions signs. The proposed signs are of a scale and design appropriately related to the subject site and the appropriate amount of attention has been given to visual appearance. These criteria are satisfied.

Subsection 4.421 (.01) Site Design Review-Design Standards. This subsection lists the design standards for Site Design Review. Listed A through G. Only F. is applicable to this application, which reads, "Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties."

D24. There is no indication that the size, location, design, color, texture, lighting or material of the proposed signs would detract from the design of the building and the surrounding properties. These criteria are satisfied.

Subsection 4.421 (.02) Applicability of Design Standards to Signs. "The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures."

D25. Design standards have been applied to exterior signs, as applicable, see Finding D24 above. These criteria are satisfied.

Subsection 4.421 (.05) Site Design Review-Conditions of Approval. "The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code."

D26. No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development. This criterion is satisfied.

Subsection 4.421 (.06) Color or Materials Requirements. "The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City."

D27. Staff does not recommend any additional requirements for materials or colors for the proposed signs. This criterion is satisfied.

Section 4.440 Site Design Review-Procedures. "A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:" Listed A through F.

D28. The applicant has submitted a sign plan as required by this section. These criteria are satisfied.

REQUEST E TYPE 'C' TREE PLAN

Subsection 4.610.40 (.02) and Subsection 4.610.30 (.02) Submittal Requirements

E1. The Arborist Report was prepared by Mr. Don Richards, ISA PN-5536A. As indicated in the table below the applicant has either submitted the required documentation under Subsection 4.610.40 (02). The requirements of these subsections are thus satisfied.

Requirement				of		v
	Submitted	Waiver Granted		Condition Approval	Not Applicable	Additional findings/notes
		Info Already Available to City	Info Not Necessary for Review			
Statement why removal is necessary						
Description of trees (common name, d.b.h.)						
Name of person removing (if known)						
Time of removal (if known)						
Map showing location of tree(s)						
Arborist's Report (health and condition, species, common name, d.b.h.)						
Tree protection information						
Replacement tree description (species, size, number, cost)						

This application has been reviewed according the standards and processes referenced in this subsection. This provision is satisfied.

Section 4.620.00 Tree Relocation, Mitigation, or Replacement Subsection 4.620.00 (.01) Tree Replacement Required within One Year This subsection requires a Type C Tree Removal Permit grantee to replace or relocate each removed tree having six inches (6") or greater d.b.h. within one year of removal. Twenty-four (24) regulated trees are proposed for removal. See Plan Sheet L1.01 of the Arborist Report

Subsection 4.620.00 (.02) Basis for Determining Replacement

E2. This subsection requires that removed trees be replaced on a basis of one (1) tree replanted for each tree removed. It also requires all replacement trees measure two inches (2") caliper. One (1) tree is being replaced for each tree removed, all of which will be two inch (2") caliper. The provisions of this subsection will be satisfied through PDD2.

Subsection 4.620.00 (.03) A. Replacement Tree Requirements-Comparable Characteristics

E3. This subsection identifies the requirements for replacement trees including: having characteristics similar to removed trees; being appropriately chosen for the site from an approved tree species list provided by the City, and being of state Department of Agriculture Nursery Grade No. 1 or better. The applicant proposes mitigating with trees that will be more appropriate for the site, featuring shorter mature heights and reduced areas for roots.

Subsections 4.620.00 (.03) B. and C. Replacement Tree Requirements-Tree Care and Guarantee

E4. These subsections require replacement trees be staked, fertilized and mulched, and be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) year period is required to be replaced. A condition of approval ensures the requirements of these subsections are met.

Subsection 4.620.00 (.3) D. Replacement Tree Requirements- Encouragement of Diversity of Species

E5. This subsection encourages a diversity of tree species to be planted. A variety of trees are being removed and a variety is being planted, maintaining substantially similar diversity of species on the property. See condition PDE1.

Subsection 4.620.00 (.04) Additional Requirements for Replacement Trees

E6. This subsection requires replacement trees consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade. Condition PDE2 ensures the requirements of these subsections are met.

Subsection 4.620.00 (.05) Replacement Tree Location- Review Required

E7. See Finding E2.

EXHIBIT A PLANNING DIVISION STAFF REPORT

WILSONVILLE CHRYSLER

DEVELOPMENT REVIEW BOARD PANEL '___' QUASI JUDICIAL HEARING

Public Hearing Date:

Date of Report:

Application Numbers: Request B: DB14-0037

Property

Owners/Applicants:

PD = **Planning Division conditions**

BD – Building Division Conditions

PF = Engineering Conditions.

NR = **Natural Resources Conditions**

TR = **SMART/Transit Conditions**

FD = Tualatin Valley Fire and Rescue Conditions



Standard	Comments:				
PFA 1.	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.				
PFA 2.	For issuance of the Public Works Permit the Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:				
	Coverage (Aggregate, accept where noted) Commercial General Liability	Limit			
	General Aggregate (per project)	\$ 2,000,000			
	Fire Damage (any one fire)	\$ 50,000			
	Medical Expense (any one person)	\$ 10,000			
	Business Automobile Liability Insurance				
	Each Occurrence	\$ 1,000,000			
	Aggregate	\$ 2,000,000			
	Workers Compensation Insurance	\$ 500,000			
PFA 3.	No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.				
PFA 4.	All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.				
PFA 5.	The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.				
PFA 6.	Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.				
PFA 7.	All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.				
PFA 8.	Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.				
PFA 9.	All required pavement markings, in conformance wi	th the Transportation			

	Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.		
PFA 10.	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs shall be submitted and approved by the City Engineer.		
PFA 11.	Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.		
PFA 12.	The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.		
PFA 13.	Mylar Record Drawings:		
	At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.		
Specific C	omments:		
PFA 14.	At the request of Staff, DKS Associates completed a Trip Generation memo dated April 18, 2014. The current proposed use was determined to generate fewer traffic trips and less impact to City streets than historical uses of the site generated. The project is hereby limited to no more than the following impacts.		
	Estimated New PM Peak Hour Trips 146		
	Estimated Weekday PM Peak Hour Trips Through Elligsen Road Interchange Area		
	Estimated Weekday PM Peak Hour Trips 0 Through Wilsonville Road Interchange Area		
PFA 15.	Driveway access spacing along Parkway Center Drive is not in compliance with the TSP, which specifies a minimum spacing of 1,000 feet and a		

desired spacing of 1,320 feet for a Major Arterial. However, roadway improvements to Parkway Center Drive were completed with the Argyle Square project and the length of property frontage does not allow the applicant to meet spacing requirements. The southern existing driveway is allowed to remain as a full access driveway and be widened to allow an additional exit lane as shown in plans dated 04/25/14.

For safety issues the northern driveway shall be limited to a right-in/right-out driveway by placement of signage and markings at the driveway exit. In addition the applicant shall construct a Concrete Traffic Separator on Parkway Center Drive (minimum 100 feet long centered on the driveway) to prevent left turn movement when entering or exiting the site at this driveway.

- PFA 16. Driveway access spacing along Elligsen Road is not in compliance with the TSP, with a minimum spacing of 600 feet and a desired spacing of 1,000 feet for a Minor Arterial. However, due to steep topography east of the existing driveway this non-conforming driveway is allowed to remain as a full access driveway, at this time, and be widened as shown in plans dated 04/25/14. Improvements to Elligsen Road are listed in the 2013 Transportation Systems Plan as an Additional Planned Project, however the project is not listed as a Higher Priority project due to estimated costs and funding limitations and it is not known when improvements would occur.
- **PFA 17.** Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, storm water detention shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.
- PFA 18. Should the proposed development establish or increase the impervious surface area by more than 5,000 square feet, water quality facilities shall be required and shall be in conformance with the Public Works Standards. Development includes new development, redevelopment, and/or partial redevelopment.

If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.

Development Review Template

DATE: 5/9/14

TO: BLAISE EDMONDS, MANAGER OF CURRENT PLANNING

FROM: DON WALTERS

SUBJECT: DEVELOPMENT REVIEW # DB14-0036 THROUGH -39 WILSONVILLE

CHRYSLER DODGE JEEP RAM

WORK DESCRIPTION: CHANGING OLD SMITHS FURNITURE / HOLLYWOOD VIDEO STORE INTO AUTOMOTIVE DEALERSHIP.

Building Division Conditions:

- BD 1. CODE SUMMARY. A code summary will be required as part of the building permit submittal. It is important to note that the definitions of certain terms, such as retail space, warehouse space, and so on, in the Building Code may differ substantially from the definitions in the Planning Code. Plans submitted for a building permit shall use the terms as defined in the Building Code.
- BD 2. ACCESSIBLE PARKING cannot be fully reviewed at this time. Accessible parking will be fully reviewed as part of the plan review of the building permit plans. The additional information available at plan review may require changes to the number and location of accessible parking spaces shown on these preliminary plans. Parking spaces used for vehicle inventory, repair shop staging, truck parking, fleet vehicles and similar uses shall be clearly shown on the plans. Such spaces are not considered when calculating the required number of ADA parking spaces.
- BD 3. THE FIRE PUMP. As part of the Tenant Improvement building permit submittal, and because of the proposed change of use, please provide an evaluation of the fire pump with respect to compliance with today's code.
- BD 4. HYDRANT CLEAR SPACE. A 3' clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. [Low growing ground covers that do not create a trip hazard are acceptable when approved by the fire marshal.] (OFC 508.5.5) Please confirm that the proposed planting plan respects the required 3' clearance.
- BD 5. FDC CLEAR SPACE. A working space of not less than 36" in width, 36" in depth, and 78" in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the fire chief. (912.3.2) Please confirm that the proposed planting plan respects the required clear space.





MEMORANDUM

DATE: April 10, 2014

BY: Craig Harris, PE

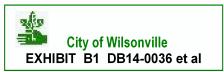
SUBJECT: Stormwater Memo

PROJECT: Wilsonville Chrysler – Wilsonville, OR

PROJECT NO.: A14030.11

This memorandum is to outline the Stormwater requirements for the proposed Wilsonville Chrysler project at 25600 SW Parkway Center Dr. in Wilsonville OR. The total site area is 10.37 acres which has an existing building with a foot print of 169,909SF. The site is fully developed with paved vehicle maneuvering and parking areas, pedestrian access, and all utilities. This project will have minimal impact on the site as we are proposing to upgrade/relocate ADA parking stalls (along with pedestrian connections and ADA ramps), widen and improve 2 driveways and construct a new facade along the northern portion of the west side of the building. We are also proposing to construct a porous concrete pavement section at the northwest corner of the site that would link the existing parking lots at the north and west of the building (4,975SF). Once we have infiltration rates for this area we will calculate a drain rock section adequate to retain the runoff as it percolates into the native soils. This project will improve/add less than 4,500SF of impervious areas thus it does not trigger an upgrade to the existing WQ facilities. With the minimal (approximately 1%) disturbance of the site, the existing storm conveyance system should not imposed with any adverse effects from the proposed site upgrades. Prior to construction, maintenance on the existing storm system should be preformed, and it should be verified that the storm system is functioning properly

cc: File



MEMORANDUM

DATE:

April 18, 2014

TO:

Steve Adams, P.E., City of Wilsonville

FROM:

Brad Coy, P.E. 🕊

Joseph Reid, E.I.T.

SUBJECT:

Chrysler Dealership Conversion Trip Generation

B5649

B5

EXPIRES: 12/31/2015



117 Commercial Street NE Suite 310 Salem, OR 97301 503.391.8773 www.dksassociates.com

P14006-010

This memorandum documents a trip generation comparison and site plan review for the proposed Chrysler dealership conversion located at 25600 SW Parkway Center Drive on the southwest corner of the SW Elligsen Road/SW Parkway Center Drive intersection in Wilsonville, Oregon. The existing building on the site is currently vacant and was previously a Hollywood Video distribution center.

The sections of this memorandum document historical trip generation estimates (warehouse/distribution center), new trip generation estimates (auto dealership), a site plan review, project trips through the City's interchange areas, and summary.

Historical Trip Generation (Warehouse/Distribution Center)

Because historical counts are not available for the existing site, p.m. peak hour trip generation estimates were performed for the existing building based on trip rates provided by the Institute of Transportation Engineers (ITE)¹ and are shown in Table 1 below. These values are based on the historical land uses of the warehouse/distribution center, including both the section that is being repurposed at this time (108,896 square feet) as well as the future growth area (72,935 square feet). This analysis shows that the total existing warehouse is expected to have historically generated 196 (25 in, 171 out) p.m. peak hour trips.

Table 1: Historical Trip Generation for Project Site

Land Use (ITE Code)	Square	P.M. Peak Hour Trip	P.M. Peak Hour Trips		
	Footage	Rate (Trips/KSF)	In	Out	Total
Gen Light Industrial (110)	156 KSF*	0.97	18	133	151
Single Tenant Office Building (715)	26 KSF*	1.74	7	38	45
		Total Estimated Historical Trips	25	171	196

^{*}KSF = Thousand Square Feet

¹ Trip Generation, 9th Edition, Institute of Transportation Engineers, 2012.



New Trip Generation (Auto Dealership)

A portion of the existing building is currently being proposed as a new auto dealership that would include a significant amount of indoor vehicle storage. The total building area used would be 108,257 total square feet, of which 52,544 square feet would be for indoor vehicle warehousing and 55,714 square feet would be used for vehicle display, offices, the service garage, and other related dealership uses. This differs from the typical automobile dealership that showcases its vehicles outside in a parking lot. Typically the trip generation is calculated using the square footage of the building, and vehicle storage space (which would be outside) would not be included in the calculation. Therefore, the indoor vehicle storage space for the proposed Chrysler dealership was not included in the trip generation calculation to gain a more accurate estimate of the traffic the new dealership is expected to generate.

Table 2 lists the p.m. peak hour trip generation estimates for a 55,714 square-foot auto dealership based on automobile sales trip rate provided by the Institute of Transportation Engineers (ITE). As shown, the proposed Chrysler Dealership is expected to generate approximately 146 (58 in, 88 out) p.m. peak hour trips. This is 50 trips less than the previous historical use of the site; therefore, the proposed uses do not require any additional transportation impact analysis and the future growth area can accommodate land uses that generate 50 or fewer p.m. peak hour trips while still remaining within estimated historical trip levels.

Table 2: Estimated Trip Generation for Proposed Chrysler Dealership

Land Use (ITE Code) Square		P.M. Peak Hour Trip	P.M. Peak Hour Trips		
Land Ose (TE Code)	Footage	Rate (Trips/KSF)	In	Out	Total
Automobile Sales (841)	55.7 KSF*	2.62	58	88	146

^{*}KSF = Thousand Square Feet

Site Plan Review

The updated site plan (dated March 20, 2014) was reviewed to evaluate site access and multimodal connectivity. A copy of the site plan is provided in the appendix.

Site Access

Access to the site is provided by three driveways, two on the west side of the complex onto Parkway Center Drive and one on the north side onto Elligsen Road. None of the driveways meet City of Wilsonville minimum access spacing standards, which are 1,000 feet for Major Arterials and 600 feet for Minor Arterials. Therefore, it is recommended that the northern driveway onto Parkway Center Drive be converted to right-in/right-out operation via the installation of a center median on Parkway Center Drive. As the southern of the two driveways is aligned with existing access on the west side of the road, it is the preferred location to provide full access to the site and will need a variance. While the driveway on Elligsen Road also does not meet access spacing standards, the topography and nearby grove of trees make it difficult to relocate farther to the east. Therefore, a variance is also needed for this driveway.

² See Table 3-2 of *Wilsonville Transportation System Plan*, Adopted by Council (Ordinance 718), June 17, 2013.

Chrysler Dealership Conversion Trip Generation April 18, 2014 Page 3 of 3



Multimodal Connectivity

The site features sidewalks along the entire Elligsen Road and Parkway Center Avenue frontages. However, no defined pedestrian access to the site exists. It is recommended that designated walkways be created between the front door, customer parking areas, and the sidewalks along site frontage. This improvement will accommodate the safe travel of employees and patrons within the site as well as to/from the site via walking, biking, or transit. It will also reduce conflicts between pedestrians, bikes, and vehicle traffic. There is also an existing bus pullout on Parkway Center Avenue, which is an important transit feature that will benefit the entire site. Three bus routes operate from this stop.

Project Trips through City of Wilsonville Interchange Areas

Project trips were estimated through the two City of Wilsonville I-5 interchange areas (i.e., at Wilsonville Road³ and Elligsen Road) to gain a better understanding of the site's contribution to traffic at the interchange areas. It is expected that 70% of the project traffic would travel through the I-5/ Elligsen Road interchange area. This results in 102 p.m. peak hour trips (out of the 146 total trips). This estimate was based on previous traffic counts and a previous transportation impact study completed in the project area.⁴ It is not expected that any trips will pass through the I-5/Wilsonville Road interchange area.

Summary

Key trip generation findings for the proposed active adult apartment complex are as follows:

- The conversion of the existing warehouse space into the new Chrysler dealership is expected to generate 146 (58 in, 88 out) p.m. peak hour trips. This is less than the 196 (25 in, 171 out) p.m. peak hour trips the site's historical uses are expected to have generated. Therefore, the proposed uses do not require any additional transportation impact analysis.
- The existing driveways on the site do not meet City of Wilsonville access standards. It is recommended that the northern driveway on Parkway Center Drive be converted to right-in/right-out operation via the installation of a center median on Parkway Center Drive, while retaining full access at the southern driveway due to the fact it is line with existing access on the western side.
- It is recommended that a defined walkway be added to the facility between the sidewalk and front door of the facility.

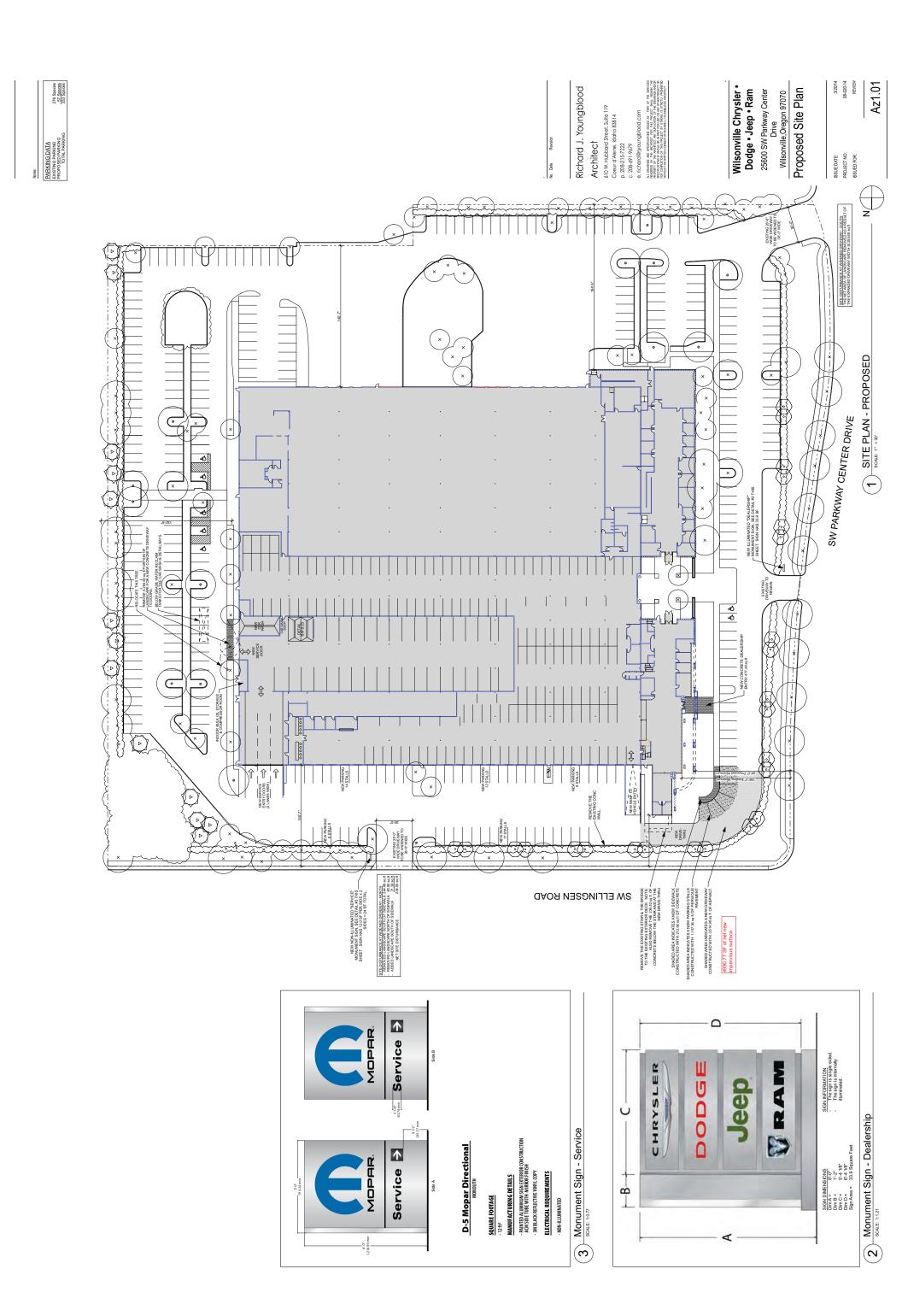
Please let us know if you have any questions.

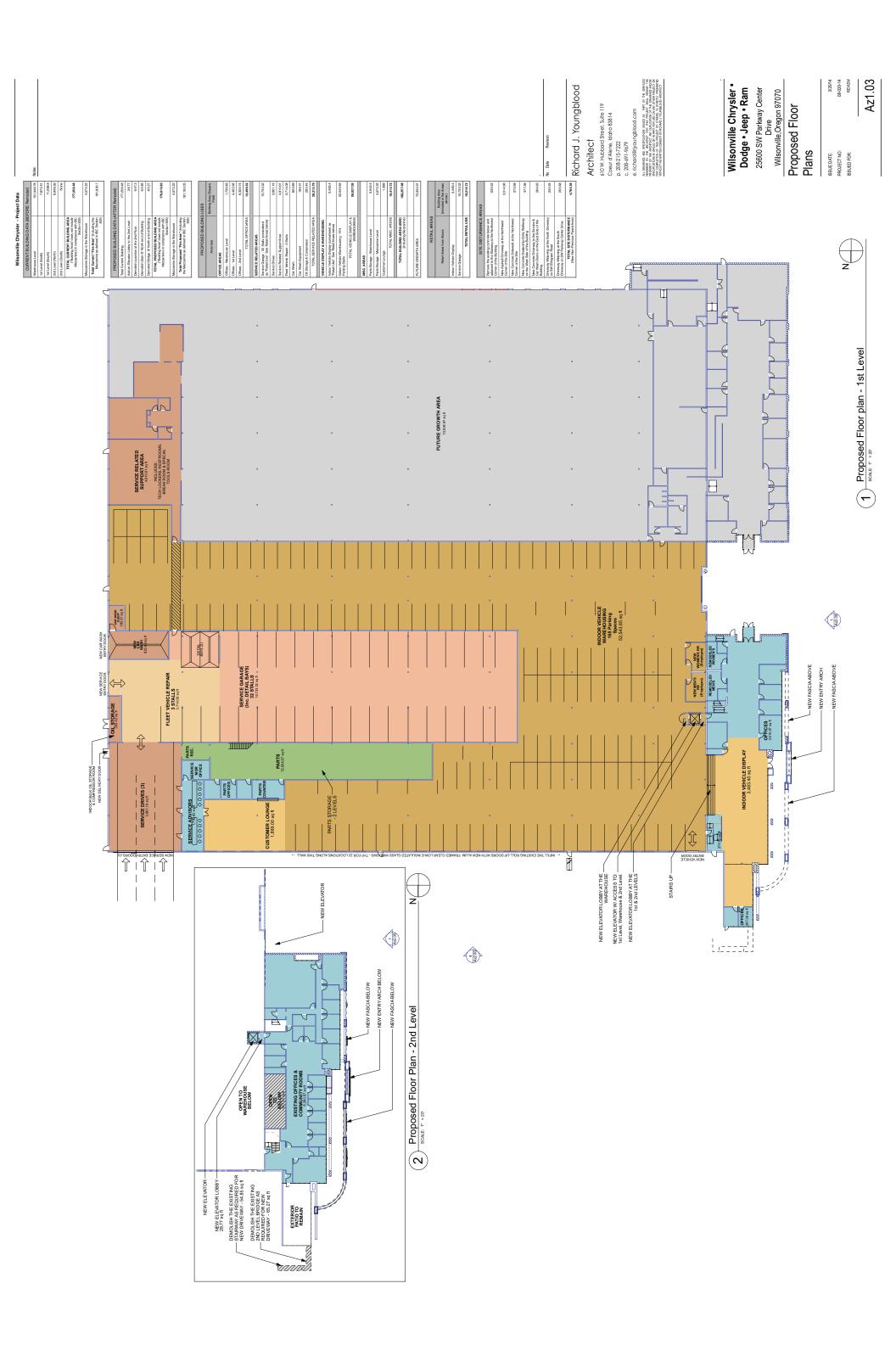
³ The I-5/Wilsonville Road interchange area includes the Wilsonville Road/Boones Ferry Road and Wilsonville Road/Town Center Loop West intersections.

⁴ Sysco Transportation Impact Analysis, DKS Associates, June 2007



Appendix







♦ TREE SURVEY AND REPORT

Wilsonville Chrysler 25600 SW Parkway Center Drive Wilsonville, Oregon 97070

♦ PREPARED FOR

Findlay Auto Mr. Tyler Corder 310 North Gibson Henderson, Nevada 89014

♦ PREPARED BY

Don Richards, President Applied Horticultural Consulting, Inc. P.O. Box 2355 Lake Oswego, Oregon 97035

♦ EVALUATION DATES

On-Site Evaluation Dates: April 16 and 17, 2014

♦ REPORT DATE

April 18, 2014

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ARBORIST'S REPORT

Existing Conditions Survey and Recommendations and Specifications for Pre-Construction Protection, Post-Construction Maintenance, Retention and Removal of Trees Related to Construction and Soil Excavation

For

Wilsonville Chrysler in the City of Wilsonville, Oregon

By

Applied Horticultural Consulting, Inc.
P.O. Box 2355

Lake Oswego, Oregon 97035

Don Richards, President
ISA Certified Arborist Number PN-5536A

ASHS Certified Professional Horticulturist Number

Date

April 18, 2014

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ASSIGNMENT AND EXISTING CONDITIONS

1.0 Scope and Limitation of Work

1.1 General

- 1.1.1 A request was made by Mr. Tyler Corder, on behalf of Findlay Auto, for a consulting arborist's report containing a tree survey of existing tree species, an opinion on specifications for existing tree protection and post-construction care on this site in Wilsonville, Oregon. Fidelity Auto plans to develop this site in to Wilsonville Chrysler. This scope of work shall include all applicable tree-related requirements for the site as outlined by the City of Wilsonville's Tree Preservation and Protection Code Sections 4.6000-4.640.20.
- 1.1.2 A pre-construction tree inventory was conducted on April 16 and 17, 2014 and includes the location of each 6 inch DBH¹ or greater tree on the site, the genus and species of each tree, the current height and spread of each tree, the relative health and condition of each tree, and all other pertinent, special tree information associated with this project.
- 1.1.3 It has been determined that trees must be removed as a function of land clearing associated with activities necessary for development. Therefore, a Type C tree removal permit application must be filed with the City of Wilsonville before any tree removal is to occur.
- 1.1.4 It has been determined that no Significant Resource Overlay Zone (SROZ) or any Heritage trees exist on this property.

2.0 Qualifications, Assumptions and Limiting Conditions

2.1 Oualifications

2.1.1 Mr. Richards is a consulting arborist under certification with ASCA, American Society of Consulting Arborists and the ISA, International Society of Arboriculture with certification number PN5536-A, and a Certified Professional Horticulturist under certification with the American Society for Horticultural Science with License number 25543, he is licensed by the State of Oregon as a contractor under license number 143325 and by METRO under license number 6409. Mr. Richards is a member in good standing with all of these organizations and is therefore qualified to perform this consultation.

1

¹ DBH is diameter at breast height measured approximately 4.5 feet above mean ground level. Wilsonville Chrysler

2.0 Qualifications, Assumptions and Limiting Conditions (continued)

2.2 Assumptions

- 2.2.1 Any legal descriptions provided to the consultant are assumed to be correct. Any titles and/or ownerships to any property or services are assumed to be true and accurate. No responsibility is assumed for matters legal in character.
- 2.2.2 It is assumed that the property is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations.
- 2.2.3 Care has been taken to obtain all information from reliable and up to date sources. All data has been verified insofar as possible; however, as the consultant, Mr. Richards can neither guarantee nor be responsible for the accuracy of information provided by others. Information provided by the client in association with this consultation is assumed to be correct and accurate to the best of their knowledge.

2.3 Limiting Conditions

- 2.3.1 The limited use of this report is to offer an existing conditions analysis in regards to the trees on the site and best management practices for existing tree protection and post construction maintenance by the client in performing their tasks in relation to development of this property.
- 2.3.2 As the consultant, Mr. Richards has not been asked to render any opinions legal in character.
- 2.3.3 Mr. Richards is not an attorney. This report is not intended as, and does not represent legal advice and should not be relied upon to take the place of such advice. Although every effort has been made to assure the accuracy of the information included in this report as of the date which it was issued, laws, court, and arbitration decisions and governmental regulations in the United States and Oregon are all subject to frequent change. Current information is to be included in all the standards and duties of evaluation, investigations, interpretations, methodology and contradictions in determining the failure for claims and litigation.
- 2.3.4 As the consultant, Mr. Richards may be asked to give testimony or to attend meetings with the City's Development Review or Planning Commission by reason of this report for an additional fee.
- 2.3.5 Loss or alteration of any part of this report or its attachments may invalidate the entire report.

2.0 Qualifications, Assumptions and Limiting Conditions (continued)

- 2.3 Limiting Conditions (continued)
 - 2.3.6 Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed without prior written or verbal consent from the consultant.
 - 2.3.7 Neither all nor part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior, expressed, written or verbal consent of the consultant particularly as to conclusions, identity of the consultant, or any reference to a professional society or institute or to any initialed designation conferred upon the consultant as stated in the qualifications listed.
 - 2.3.8 This report and any information expressed herein represents the opinion of the consultant, and is in no way contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

3.0 Standards

- 3.1 General
 - 3.1.1 Documentation for this report and the attachments consists of:
 - 1) A measurement of trees 6 inch DBH or greater identified on the site;
 - 2) A measurement of trees less than 6 inch DBH, but greater than 2 inch DBH identified on the site;
 - 3) An identification of trees 6 inch DBH or greater on the site by both common and botanical names;
 - 4) A visual inspection of all trees for quality and general health prior to construction;
 - 5) A review of applicable tree protection specifications, all sections and subsections from the City of Wilsonville's Tree Preservation and Protection Codes 4.6000-4.640.20;
 - 6) Recommendations for pre-construction tree preservation; and
 - 7) Recommendations for post-construction tree care.

3.0 Standards (continued)

3.2 Reference Standards and Guidelines

- 3.2.1 Measurements for this report are based on the American Standard for Nursery Stock, revision ANSI Z60.1-2004 and the National Arborist Association Standards for Tree Measurements, ninth edition.
- 3.2.2 Common and Botanical names referred to in this report are based on vernacular currently used to describe similar goods or products in the national nursery industry and correspond to plant names and listings found in *Hortus III*, Fourth Edition, 2004.
- 3.2.3 Plant protection criteria used in this report are based on best management practices adopted for use by the American Society of Consulting Arborists and the International Society of Arboriculture as found in Trees and Development, A Technical Guide To Preservation Of Trees During Land Development, 1998.
- 3.2.4 The reporting format used to present the findings in this document follows the current guidelines found in *Guide To Report Writing For Consulting Arborists*, 1995.

3.3 Specifications

- 3.3.1 Specifications for existing tree protection and retention are based on information gathered during the site evaluation conducted on April 16 and 17, 2014.
- 3.3.2 Additional specifications used for tree protection will be developed from information contained in the reference *Trees and Building Sites*, 1995.
- 3.3.3 Tree Retention: Observations of quality were made during the site inspection and most of the trees on the site are of sufficient quality to warrant protection, although many trees would benefit from adequate pruning and removal of invasive, competitive plants species such as English ivy and Himalayan blackberries. A total of (114) 6 inch DBH or larger trees are scheduled for retention on-site and (11) trees less than 6 inch DBH are scheduled for retention on-site.
- 3.3.4 <u>Tree Removal</u>: The recommendations for tree removal and tree retention are based on the development plan drawings submitted as part of the permit application. A total of (24) 6 inch DBH or larger trees are scheduled for removal on-site based on the current construction design.

3.0 Standards (continued)

- 3.3 Specifications (continued)
 - 3.3.5 The consulting arborist should be contacted 48 hours in advance of any excavation in this area. The consulting arborist should be on site/on call during any major excavation (more than 6 inches in depth) planned for construction or remodeling of the structures and any excavation for the utilities and should direct the construction crew on root saving techniques, including but not limited to, root sleeving, alternative root avoidance supports or minor root cutting based on actual events.

4.0 Existing Tree Inventory

- 4.1 Identification of existing trees <u>Tree Retention</u>: Observations of quality were made during the site inspections and many of the trees on the site are of sufficient quality to warrant protection, although many trees would benefit from adequate pruning and removal of invasive, competitive plants species such as Himalayan blackberries.
 - 4.1.1 The existing tree inventory with sizes identified for retention is as follows...
 - 1) Each tree is identified using aluminum tree tags with numbers that correspond to the tree survey or have been lettered and identified on the Tree ID (Appendix A). Each tree recommended for retention in Appendix A is marked with a YES indicating they are to be retained.
- 4.2 Identification of existing trees <u>Tree Removal</u>: Observations were made during the site inspections and some of the trees on the site are in the proposed development area in locations where vision clearance or remodeling activities will necessitate their removal.

The existing (114) individual 6 inch DBH or larger tree inventory is as follows...

- 4.2.1 Each tree is identified using aluminum tree tags with numbers that correspond to the tree survey and each tree recommended for removal in Appendix A is marked with a NO indicating they are to be removed.
- 4.2.2 Ten street trees along SW Parkway Center Drive should be limbed higher to accommodate the current construction design, vision clearance and traffic clearance.
- 4.2.3 One hundred and fourteen nursery-grown, native and federally protected endangered species trees may be retained based on the current construction design.

CONCLUSIONS

5.0 Recommendations for Tree Retention and Protection

- 5.1 "Critical Root Zone" Protection
 - 5.1.1 Delineation of the "Critical Root Zone" shall be established as a minimum distance equal to the same area affected by existing development or up to 15-feet or less from each tree as defined by the drip line determined during initial observations made on April 16 and 17, 2014 and identified in this report dated April 18, 2012. This "Critical Root Zone" shall be marked using a minimum 6-foot high, chain link fence secured by steel posts on 8-foot centers or other, adequate tree protection fencing approved by the City of Wilsonville, around all trees to remain within 15-feet of the proposed development area, and shall be installed prior to commencement of construction and shall remain in place until completion. A note that clearly informs all site contractors about the necessity of preventing damage to the trees, including the bark, the branches and the roots shall be affixed to the fence and incorporated on all final construction plan drawings. Other notations may include, but not be limited to items 4.1.1 through 5.2.1 inclusive.
 - 5.1.2 The "Critical Root Zone" shall be protected at all times from chemicals and contaminants, which may be injurious to the root systems of trees.
 - 5.1.3 The "Critical Root Zone" shall be protected at all times from excess water, mud or debris as a result of construction and soil excavation.
 - 5.1.4 The "Critical Root Zone" shall be protected at all times from erosion or sediment depositing as a result of construction and soil excavation.
 - 5.1.5 The "Critical Root Zone" shall be protected at all times from compaction and mechanical tamping as a result of construction and soil excavation.
 - 5.1.6 Based on the growth habit of the existing tree species, it may be common to encounter large surface roots outside the "Critical Root Zone" defined under this section. It will be important to avoid damaging any large surface roots (in excess of 3-inch diameter) during excavation as well as those defined within the "Critical Root Zone".

5.0 Recommendations for Tree Retention and Protection (continued)

5.2 Compaction Protection

- 5.2.1 No machinery will be allowed in the "Critical Root Zone" of the trees to be retained during excavation, unless approved by the consulting arborist. Soil excavation outside the "Critical Root Zone" is expected to be accomplished mechanically. Any roots that may be exposed outside the "Critical Root Zone" should be uncovered by hand and removed using a saw with a clean cut at an angle perpendicular with the growth of the root by a qualified tree care company or under direct supervision by the consulting arborist. No roots within 10-feet of the "Critical Root Zone" shall be removed using excavation or general construction equipment.
- 5.2.2 If machinery is required to enter the "Critical Root Zone" during construction or excavation, a protective pad must be established over the soil surface prior to entry for purposes of weight distribution and compaction prevention. The options for soil surface covers are...
 - 1) Installation of steel plating over the soil surface adequate for weight distribution of the equipment to be used; or
 - 2) Installation of steel grating over the soil surface adequate for weight distribution of the equipment to be used.
 - 3) Machinery operating within 10-feet of the "Critical Root Zone" shall proceed back and forth at a radius to the tree trunk no abrupt wheel or track turns shall occur within the drip line of the trees.

5.3 On Site and Post-Construction Care and Maintenance

- 5.3.1 The consulting arborist is required to be on site/on call with 48-hours notice during the excavation and construction phase of the project to insure compliance with the specifications outlined in this report. The project consulting arborist shall retain a log of all visits to the site.
- 5.3.2 Post-excavation and construction care of the trees to be retained shall include; but not be limited to; pruning of limbs and branches that appear to have been impacted as a result of excavation or construction activities for a period of 2-years after completion of the project and occupancy of the buildings. Fertilization and irrigation adequate for the proper health and maintenance of the trees equal to or greater than that, which existed prior to excavation and construction shall be maintained for 2-years after completion of the project and; pest management if trees show serious pest infestation resulting from excavation or construction activities for a period of 2-years after completion of the project.

5.0 Recommendations for Tree Retention and Protection (continued)

- 5.3 On Site and Post-Construction Care and Maintenance (continued)
 - 5.3.3 Pre-construction and/or post-construction general pruning on many of the indigenous tree species is recommended. Removal of dead tree parts, hanging branches in the canopy and broken lateral branches may be required.
 - 5.3.4 The client may be required to provide a surety bond or irrevocable letter of credit in an amount determined necessary by the City to ensure compliance with tree removal permit conditions.
 - 5.3.5 No topping of any tree to be retained shall be permitted.
 - 5.3.6 The 10 London Planetrees (*Platanus acerifolia*) located along the right-of-way by Parkway Center Drive should be limbed to the next highest set of scaffold branches allowing for improved vision clearance and traffic clearance. These very large-stature trees lend themselves to limbing higher than their existing limb height since they attain a mature height in excess of 90 feet.

6.0 Mitigation

- 6.1 Replacement of trees to be removed
 - 6.1.1 Replacement of the trees scheduled for removal based on the current construction design due to development, remodeling, vision clearance and/or other reasons should be planted with appropriate tree species and quantities to offset the environmental and visual impact caused by removal of the existing trees and in accordance with all code requirements from the City of Wilsonville, OR. Refer to the landscape plan submitted as part of the permit application.
 - 6.1.2 Replacement of trees removed must measure 2 inch caliper or more in size if deciduous and 6-8 foot in height if coniferous. They should be #1 grade as defined by the American Standard for Nursery Stock, revision ANSI Z60.1-2004 and they should offer shade potential or characteristics comparable to the removed trees. The replacement trees should be appropriately chosen for the site from an approved tree species list supplied by the City of Wilsonville, OR.
 - 6.1.3 Replacement trees should be staked and irrigated as required for survival during the 2-year post construction guarantee period. All invasive species that might hinder their growth during establishment should be eliminated and maintained. Stakes and guying should be removed at the completion of the 2-year post construction guarantee period to promote healthy trunk development and to avoid damaging the trees as they grow.

6.0 Mitigation (continued)

- 6.1 Replacement of trees to be removed (continued)
 - 6.1.4 Replacement trees should be fertilized approximately 1 year from the date of planting using a balanced fertilizer blend such as 16-16-16 or similar per labeled instructions. Additional fertilization should be part of an integrated management plan as required.
 - 6.1.5 Replacement trees should be treated for injurious abiotic symptoms and insect and disease pests only as needed. Pesticide treatments should be applied as part of an integrated management plan and only as required. All labeled instructions must be followed for any pesticide.

CERTIFICATION OF ARBORIST'S REPORT

CERTIFICATION OF REPORT

We certify that, to the best of our knowledge and belief:

- The statements of facts contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no bias with respect to the parties involved with this assignment.
- Our engagement in this assignment is not contingent upon delivering or reporting predetermined results.
- ♦ The compensation for completing this assignment is not contingent upon the development or reporting of a predetermined direction that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this report.
- The analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the International Society of Arboriculture's *Guidelines for Tree Protection* and all applicable tree codes outlined by The City of Wilsonville, Oregon in the Planning and Land Development section Chapter 4 sections 4.6000-4.640.20 inclusive.
- The use of this report is subject to the requirements of the International Society of Arboriculture and the American Society of Consulting Arborists and subject to review by their respective, duly authorized representatives.
- ♦ <u>Don Richards, President, AHC, Inc.</u>

 Arborist's Name and Title
- ◆ Don Richards PN-5536A
 Arborist's Signature & ISA Cert. No.

April 16 and 17, 2014 Date of Site Observations ◆ April 18, 2014 Date of Final Report



April 2014 - Wilsonville Chrysler Site - Tree Types Surveyed



Trees less than 2" caliper not assigned a number – White Ash



Trees less than 2" up to 5.75" caliper assigned a number, but not accountable to municipal code – Amur Maple



Endangered and federally protected species – Pacific Madrone



Endangered and federally protected species – Oregon White Oak



Native species – Western Red Cedar



Native species – Douglas Fir



Native species – Scouler's Willow



Native species – Red Alder



Nursery-grown species – Sweetgum





Nursery-grown species – White Ash



Nursery-grown species (street tree) – Red Oak



Nursery-grown species – Flowering Crabapple



Nursery-grown species – Flowering Pear



Nursery-grown species – European Mt. Ash



Nursery-grown species – Jacquemontii Birch



Nursery-grown species – Hinoki Cypress



Nursery-grown species – Honeylocust



Nursery-grown species – Norway Maple



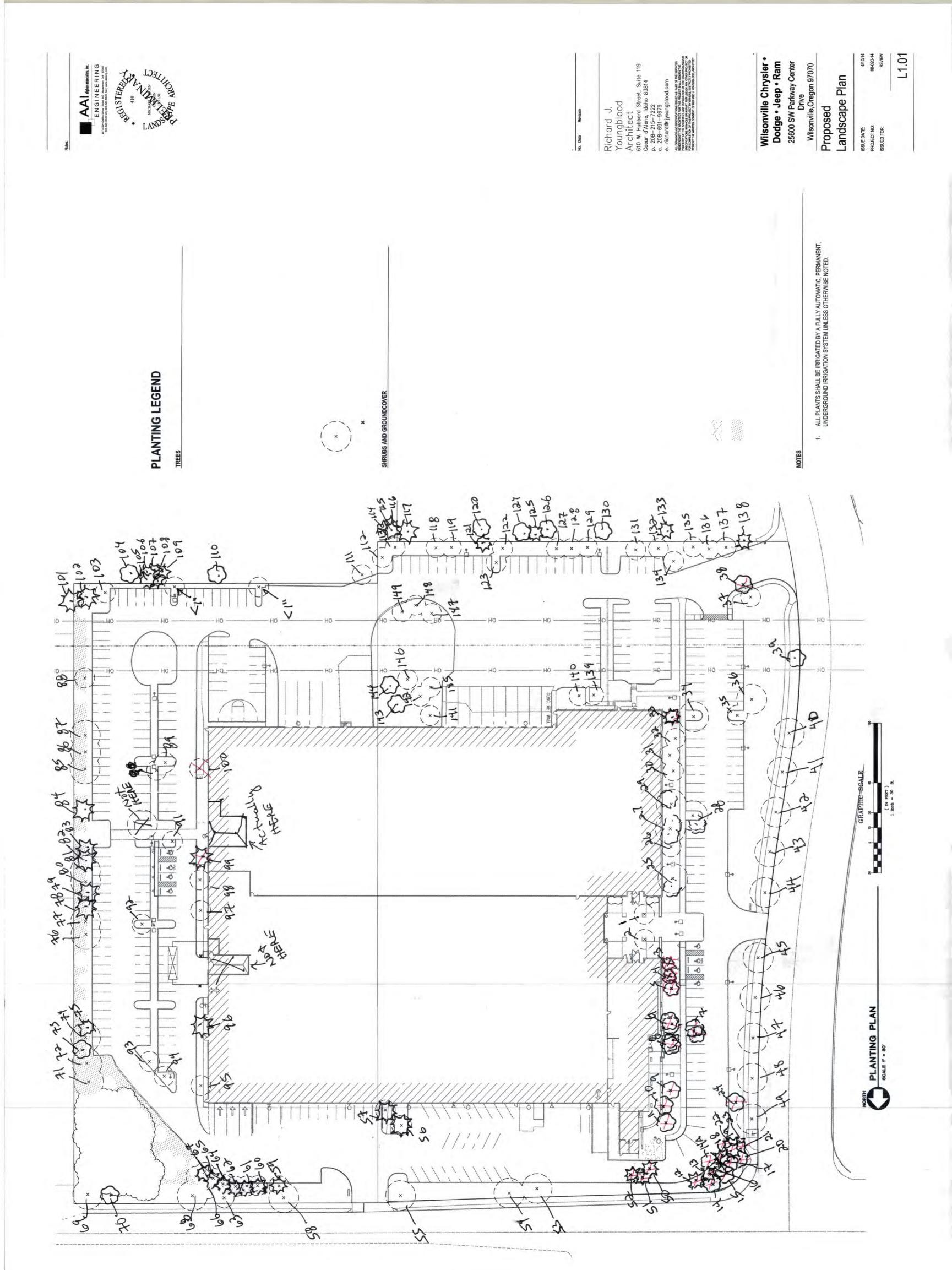
Nursery-grown species (street tree) – London Planetree

CREANS STREET WARTEN SATE	TREE	TREE TYPE	TREE	CURRENT HEIGHT, SPREAD, CONDITION, LOCATION	CONDITION	PRESERVATION	NATIVE (N)	HERITAGE	PROPOSED FOR
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Channel popular brings Symposium Sym	1	Gelditsia triacanthos inermis - Honeylocust	.6	Located at West entrance to bldg Good condition - 40' x 20'	3	3	NG	ON	YES
Chammapparise boutes - Historic Oppress 8.5 Located at Wheel Bids, Require - Fail condition - 39 x 10 2 2 0 0 0 0	2	Gelditsia triacanthos inermis - Honeylocust	<u>.</u> 6	Located at West entrance to bldg Good condition - 40' x 20'	3	3	NG	ON.	YES
Christing Option State 1962 Content at Wheel Bigile Regide Fell's condition 38 x 30 x	ო	Chaemacyparis obtusa - Hinoki Cypress	8.5"	Located at West bldg. façade - Fair condition - 30' x 10'	2	2	NG	Q.	2
Mailera Sph. Flowaring Catalogue 1147 Located at Wheel bold, incidence - 28 or 3	4	Chaemacyparis obtusa - Hinoki Cypress	8.5"	Located at West bldg. façade - Fair condition - 30' x 10'	2	2	NG	NO	ON
Betala utilis - Linequementil Birch 19-17-17 Located at Water Bodg Face Code Condition - 25 km 67 x 37 3 3 NG NG	2	Malus spp Flowering Crabapple	14"	Located at West bldg. façade - Fair condition - 35' x 20'	2	2	NG	9	ON
Belluta utilité - L'acquemential Birth 77+127 L'ocanada a' West blog, packer 54 tours de 19 10 10 10 10 10 10 10	9	Betula utilis - Jacquemontii Birch	13"+17"	Located at West bldg. façade - Good condition - 2-Stem 45' x 25'	3	3	NG	NO	NO
Return tight - Langer and the control of the cont	7	Betula utilis - Jacquemontii Birch	7"+12"	Located at West bldg. façade - Good condition - 2-Stem 45' x 25'	3	3	NG	9	ON N
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Phina signa - Austrian Prine 167 Cocated at MW corner of property - Poor condition - 38 Y x 2 2 2 NG NG	11	Malus spp Flowering Crabapple	10"	Located at West bldg. façade - Fair condition - 25' x 15'	2	2	NG	ON N	ON N
Pytrus calegorana - Flowering Pear 11* Located at NW corner of property - Poor condition - 30 x 10 1 No No Pytrus calegorana - Flowering Pear 7* Located at NW corner of property - Poor condition - 30 x 10 1 1 NO NO Pytrus calegorana - Flowering Pear 7* Located at NW corner of property - Poor condition - 30 x 10 1 1 NO NO Pytrus calegorana - Flowering Pear 4* Located at NW corner of property - Poor condition - 30 x 10 1 1 NO NO Pytrus calleryana - Flowering Pear 1* Located at NW corner of property - Poor condition - 30 x 10 1 1 NO NO Pytrus calleryana - Flowering Pear 1* Located at NW corner of property - Poor condition - 30 x 10 1 NO NO Pytrus calleryana - Flowering Pear 1* Located at NW corner of property - Poor condition - 30 x 10 1 NO NO Pytrus calleryana - Flowering Pear 1* Located at NW corner of property - Poor condition - 30 x 20 1 NO NO Pytrus calleryana - Flowering Pear 1* Located at NW corner of property - Poor condition - 30 x	12	Pinus nigra - Austrian Pine	16"	Located at NW corner of property - Fair condition - 35' x 20'	2	2	ŊĊ	Q.	ON N
Prints callegram - Texture Repeat T. Located at 1W Corner of property - Poor condition - 30 x 10 1 1 NO NO Prints callegram - Everweining Beart 77 Located at 1W Corner of property - Poor condition - 30 x 10 1 1 NO NO Pytrus callegram - Everweining Beart 77 Located at 1W Corner of property - Poor condition - 30 x 12 1 NO NO Pytrus callegram - Everweining Beart 117 Located at 1W Corner of property - Poor condition - 35 x 12 1 NO NO Pytrus callegram - Everweining Beart 17 Located at 1W Corner of property - Poor condition - 35 x 12 1 NO NO Pytrus callegram - Everweining Beart 17 Located at 1W Corner of property - Poor condition - 35 x 12 1 NO NO Pytrus callegram - Everweining Beart 17 Located West of parting - 50 x 25 2 NO NO Pytrus callegram - Everweining Beart 17 Located West of parting - 50 x 25 2 NO NO Pytrus callegram - Everweining Beart 11 Located West of parting - 50 x 25 2 NO NO Sorbus acucuparia -	13	Pinus nigra - Austrian Pine	11.	Located at NW corner of property - Poor condition - 30' x 10'	-	-	NG	9	ON.
Prints sillayana - Flowering Pear 8° Located at NW corner of property - Poor condition - 30 x 80 x 80 1 1 No NO Phrist salieyana - Flowering Pear 7° Located at NW corner of property - Poor condition - 50 x 18° 1 1 NO NO Phrist salieyana - Flowering Pear 11° Located at NW corner of property - Poor condition - 50 x 18° 1 1 NO NO Prints sileyana - Flowering Pear 11° Located at NW corner of property - Poor condition - 50 x 18° 1 1 NO NO Prints sileyana - Flowering Pear 11° Located at NW corner of property - Poor condition - 50 x 18° 1 NO NO Prints sileyana - Flowering Pear 13° Located purposes of the condition - 50 x 18° 2 0 NO NO Prints sileyana - Flowering Cachegolie 13° Located TW corner of property - Poor condition - 50 x 18° 2 2 NO NO Robins inglar - Austrian Plea 13° Located TW corner of property - Poor condition - 50 x 18° 2 NO NO Robins inglar - Austrian Plea 11° Located TW corner of property - Foor condition - 50 x 1	14	Pyrus calleryana - Flowering Pear	1	Located at NW corner of property - Poor condition - 30' x 8'	-	-	NG	9	ON.
Pytuss calleryana + Flowering Pear 7* Located at NW corner of property. Poor condition -38 x 18 1 1 NO NO Pytus calleryana + Flowering Pear 4* Located at NW corner of property. Poor condition -38 x 18 1 1 NO NO Privats calleryana + Flowering Pear 11* Located at NW corner of property. Poor condition -35 x 12 1 NO NO Privats calleryana + Flowering Pear 5* Located at WW corner of property. Poor condition -35 x 12 1 NO NO Privat signa- Austrian Pine 11* Located at WW corner of property. Poor condition -35 x 22 1 1 NO NO Privat signa- Austrian Pine 13* Located at WW corner of property. Poor condition -45 x 22 2 NO NO NO Sorbus sucuparia - European M. Ach 14* Located Wast of parking - Febr condition -25 x 22 2 NO NO Beatula utilis - Lacquemontii Birch 1************************************	14A	Pinus nigra - Austrian Pine	8	Located at NW corner of property - Poor condition - 30' x 10'	-	-	NG	Q.	ON.
Pyrus calleryana - Flowering Pear 4" Located at Will corner of property - Poor condition - 35 x 12 1 No No Pyrus calleryana - Flowering Pear 11" Located at Will corner of property - Poor condition - 35 x 12 1 No No Prints rigga - Australian Pine 11" Located at Will corner of property - Poor condition - 25 x 4 1 No No Prints rigga - Australian Pine 13" Located at Will corner of property - Poor condition - 25 x 4 1 No No Prints rigga - Australian Pine 13" Located at Will corner of property - Fact condition - 25 x 4 1 No No Prints rigga - Australian Pine 13" Located at Will corner of property - Fact condition - 25 x 4 1 No No Pents rigga - Australian Pine 13" Located Will corner of property - Fact condition - 25 x 4 2 No No Pents rigga - Australian Pine 14" Located Will will condition - 25 w 45 x 5 2 No No Betula utilis - Jacquenoriii Birch 10" - 1" - 1" - 1" - 1" - 1" - 1" - 1" -	15	Pyrus calleryana - Flowering Pear	1.1	Located at NW corner of property - Poor condition - 30' x 8'	-	-	NG	Q.	2
Print alleryans - Flowering Pear	16	Pyrus calleryana - Flowering Pear	"4	Located at NW corner of property - Poor condition - 15' x 4'	-	-	ŊĊ	Q.	9
Pintus niga - Austrian Pine	17	Pyrus calleryana - Flowering Pear	11"	Located at NW corner of property - Fair condition - 30' x 18'	2	2	NG	Q.	9
Priva niga - Austrian Pine	18	Pinus nigra - Austrian Pine	11"	Located at NW corner of property - Poor condition - 35' x 12'	-	-	NG	Q.	2
Pyrus callengrams - Flowering Pear 5° Located at NW corner of property - Foot condition - 45° x 30 1 1 NG NO NO	19	Pinus nigra - Austrian Pine	11.	Located at NW corner of property - Poor condition - 35' x 12'	-	-	NG	Q.	2
Prints nigar - Austrian Pine 13" Located at NW corner of property - Fair condition - 55 x 25" 2 2 NG NO	20	Pyrus calleryana - Flowering Pear	2	Located at NW corner of property - Poor condition - 25' x 4'	-	-	NG	9	2
Phius niga - Austrian Pine 13° Located at NW Corner of property - Fair condition - 50′ x 25′ 2 2 NG NO NO	21	Pinus nigra - Austrian Pine	13"	Located at NW corner of property - Poor condition - 45' x 20'	-	-	NG	9	2
Sorbus aucuparia - European Mt. Ash 14" Located West of parking - Fair condition - 25' x 19" 2 2 NG NO	22	Pinus nigra - Austrian Pine	13"	Located at NW corner of property - Fair condition - 50' x 25'	2	2	NG	9	2
Sorbus autoparia - European NH. Ash 14** Located West of parking - Fair condition - 25*ra 45*x 25* 2 NG NO Betula utilis - Jacquemontii Birch 1"41** Located West of parking - Fair condition - 25*m 45*x 25* 2 2 NG NO Malus spp Flowering Cabapple 1"4**1* Located West of parking - Fair condition - 25*m 45*x 25* 2 2 NG NO Betula utilis - Jacquemontii Birch 1"4**1* Located West of parking - Fair condition - 25*m 40*x 30* 3 3 NG NO Malus spp Flowering Cabapple 11* Located West of parking - Fair condition - 20*x 15* 2 2 NG NO Malus spp Flowering Cabapple 11* Located West of parking - Fair condition - 20*x 15* 2 NG NO Malus spp Flowering Cabapple 11* Located West of parking - Fair condition - 20*x 15* 2 NG NO Malus spp Flowering Cabapple 11* Located West of parking - Fair condition - 20*x 15* 2 NG NO Malus spp Flowering Cabapple 11* Located West of parking - Fair condition - 20*x 15* 2 2	23	Pinus nigra - Austrian Pine	13"	Located at NW corner of property - Fair condition - 50' x 25'	2	2	NG	9	9
Betula utilis - Lacquemontii Birch 11*+11" Located West of parking - Fair condition - 15 x 12" 3 NG NO Betula utilis - Lacquemontii Birch 7"+11" Located West of parking - Fair condition - 15 x 12" 2 NG NO Betula utilis - Lacquemontii Birch 7"+11" Located West of parking - Good condition - 20 x 15" 3 NG NO Malus spp Flowering Chabapple 11" Located West of parking - Fair condition - 20 x 15" 2 NG NO Malus spp Flowering Chabapple 11" Located West of parking - Fair condition - 20 x 15" 2 NG NO Malus spp Flowering Chabapple 11" Located West of parking - Fair condition - 20 x 15" 2 NG NO Malus spp Flowering Chabapple 11" Located West of parking - Fair condition - 20 x 15" 2 NG NO Pinus nigar - Austrian Pine 14" Located West of parking - Fair condition - 20 x 15" 2 NG NO Sorbus aucuparia - European ML, Ash 11" Located West of parking - Fair condition - 20 x 15" 2 NG NG Acer ginanicales - Norway Malpe <t< td=""><td>24</td><td>Sorbus aucuparia - European Mt. Ash</td><td>14"</td><td>Located West of parking - Fair condition - 25' x 18'</td><td>7</td><td>2</td><td>NG</td><td>ON ON</td><td>9</td></t<>	24	Sorbus aucuparia - European Mt. Ash	14"	Located West of parking - Fair condition - 25' x 18'	7	2	NG	ON ON	9
Malus spp Flowering Crabapple 3° Located West of parking - Fair condition - 2-Stem 45 x 2° 2 2 NG NO	25	Betula utilis - Jacquemontii Birch	11"+11"	Located West of parking - Good condition - 2-Stem 45' x 25'	3	3	NG	NO	YES
Betula utilis - Jacquemontii Birch 10*45*+12" Located West of parking - Fair condition - 3-Stem 40 x 15° 2 NG NO Betula utilis - Jacquemontii Birch 14*+11" Located West of parking - Good condition - 20 x 15° 3 NG NO Betula utilis - Jacquemontii Birch 14*+11" Located West of parking - Good condition - 20 x 15° 2 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20 x 15° 2 NG NO Pinus ingra - Austrian Prine 11" Located West of parking - Fair condition - 20 x 15° 2 NG NO Pinus ingra - Austrian Prine 14" Located West of parking - Fair condition - 20 x 15° 2 NG NO Retula utilis - Jacquemontii Birch 11" Located West of parking - Fair condition - 30 x 15° 2 NG NO Sorbus aucuparia - European Mt. Ash 9" Located West of parking - Fair condition - 10 x 15° 2 NG NO Sorbus aucuparia - European Mt. Ash 11" Located SW of parking - Fair condition - 10 x 15° 2 NG NG Sorbus aucuparia - European Mt. Ash<	26	Malus spp Flowering Crabapple	6	Located West of parking - Fair condition - 15' x 12'	2	2	NG	ON	YES
Betula utilis - Jacquemontii Birch 7"+11" Located West of parking - Good condition - 25tem 40 x 30° x 15° 3 3 NG NO Betula utilis - Jacquemontii Birch 14"+11" Located West of parking - Fair condition - 20 x 15° x 15° 2 2 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20 x 15° x 15° 2 2 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20 x 15° 2 2 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20 x 15° 2 2 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20 x 15° 2 2 NG NO Betula utilis - Jacquemontii Birch 13" Located West of parking - Fair condition - 10 x 15° x 15° 2 NG NO Sorbus aucuparia - European Mt. Ash 11" Located Sw of parking - Fair condition - 10 x 15° x 10° x 15° 2 NG NG Sorbus aucuparia - European Mt. Ash 11" Located Sw of parking - Fair condition - 10° x 10° x 10° x 10° x 10° x 10° 2 2 NG	27	Betula utilis - Jacquemontii Birch	10"+8"+12"	Located West of parking - Fair condition - 3-Stem 45' x 25'	7	2	NG	ON ON	YES
Betula utilis - Jacquemontii Birch 14"+11" Located West of parking - Fair condition - 20" x 15" 3 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20" x 15" 2 2 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20" x 15" 2 2 NG NO Pinus sign Austrian Pine 14" Located West of parking - Fair condition - 20" x 15" 2 2 NG NO Berula utilis - Jacquemontii Birch 13" Located West of parking - Fair condition - 20" x 15" 2 2 NG NO Sorbus aucuparia - European Mr. Ash 9" Located West of parking - Fair condition - 20" x 15" 2 2 NG NO Sorbus aucuparia - European Mr. Ash 11" Located West of parking - Fair condition - 10" x 15" 2 2 NG NO Sorbus aucuparia - European Mr. Ash 11" Located West of parking - Fair condition - 10" x 15" 2 2 NG NG Sorbus aucuparia - European Mr. Ash 11" Located West of parking - Fair condition - 20" x 15"<	28	Betula utilis - Jacquemontii Birch	7"+11"	Located West of parking - Good condition - 2-Stem 30' x 15'	3	3	NG	NO	YES
Malus spp Flowering Crabapple 13" Located West of parking - Fair condition - 20' x 15' 2 2 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20' x 15' 2 2 NG NO Malus spp Flowering Grabapple 11" Located West of parking - Fair condition - 20' x 15' 2 2 NG NO Pinus nigra - Austrian Pine 14" Located at the SW corner of the bldg, façade - Fair condition - 20' x 15' 2 2 NG NO Betula untile - Jacquemontili Birch 13" Located West of parking - Fair condition - 20' x 15' 2 2 NG NO Sorbus aucuparia - European Mr. Ash 11" Located West of parking - Fair condition - 18' x 12' 2 2 NG NO Sorbus aucuparia - European Mr. Ash 11" Located SW of parking - Fair condition - 18' x 12' 2 2 NG NG Sorbus aucuparia - European Mr. Ash 11" Located SW of parking - Fair condition - 18' x 12' 2 2 NG Sorbus accipila - London Planetree 14" Located SW of parking - Fair condition - 1	53	Betula utilis - Jacquemontii Birch	14"+11"	Located West of parking - Good condition - 2-Stem 40' x 30'	3	3	NG	NO	YES
Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20' x 15' 2 2 NG NO Malus spp Flowering Crabapple 11" Located West of parking - Fair condition - 20' x 15' 2 2 NG NO Pinus nigra - Austrian Pine 14" Located at the SW corner of the bldg, façade - Fair cond. 15' lean - 40' x 30' 2 2 NG NO Sorbus acuparia - European Mi. Ash 13" Located West of parking - Fair condition - 40' x 30' 2 2 NG NO Acer platanoides - European Mi. Ash 11" Located SW of parking - Fair condition - 40' x 30' 2 2 NG NO Sorbus aucuparia - European Mi. Ash 11" Located SW of parking - Fair condition - 18' x 12' 2 2 NG NO Sorbus aucuparia - European Mi. Ash 11" Located SW of parking - Fair condition - 18' x 12' 2 NG NO Sorbus aucuparia - European Mi. Ash 11" Located SW of parking - Fair condition - 18' x 12' 2 NG NO Sorbus aucuparia - European Mi. Ash 11" Located SW of parking - Fair condition - 18' x 12'	30	Malus spp Flowering Crabapple	13"	Located West of parking - Fair condition - 20' x 15'	2	2	NG	Q	YES
Malus spp., Flowering Crabapple 11" Located West of parking - Fair condition - 20' x 30' 2 2 NG NO Pinus nigra - Austrian Pine 14" Located at the SW corner of the bldg, façade - Fair condition - 30' x 15' 2 2 NG NO Betula utilis - Jacquemontili Birch 13" Located West of parking - Fair condition - 30' x 15' 2 2 NG NO Acer platanoides - Norway Malbel 17" Located West of parking - Fair condition - 18' x 12' 2 2 NG NO Sorbus aucuparia - European Mr. Ash 11" Located West of parking - Fair condition - 18' x 12' 2 2 NG NO Sorbus aucuparia - European Mr. Ash 11" Located SW of parking - Fair condition - 18' x 12' 2 NG NO Sorbus aucuparia - European Mr. Ash 11" Located SW of parking - Fair condition - 18' x 12' 2 NG NO Platanus acerifolia - London Planetree 14" Located SW of parking - Fair condition - 16' x 30' 3 NG NO Platanus acerifolia - London Planetree 13" Located as a street tree along SW Pkwy, Ctr. Good cond 55' x 30'	31	Malus spp Flowering Crabapple	11"	Located West of parking - Fair condition - 20' x 15'	2	2	NG	NO	YES
Prints higgs - Austrian Pine 14" Located at the SW corner of the bidg, façade - Fair condit. 15' lean - 40'x 30' 2 2 NG NO	32	Malus spp Flowering Crabapple	11"	Located West of parking - Fair condition - 20' x 15'		2	NG	NO	YES
Betula utilis - Jacquemontii Birch 13" Located Mest of parking - Fair condition - 30' x 15' 2 2 NG NO Sorbus aucuparia - European Mt. Ash 9" Located West of parking - Fair condition - 40' x 30' 2 2 NG NO Acer platanoidas - European Mt. Ash 11" Located Sw of parking - Fair condition - 18' x 12' 2 2 NG NO Sorbus aucuparia - European Mt. Ash 11" Located Sw of parking - Fair condition - 18' x 12' 2 2 NG NO Acer glimala - Amur Maple 2" Located Sw of parking - Fair condition - 18' x 12' 2 2 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 30' 3 3 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 30' 3 3 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 30' 3 3 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 30' 3 3 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 30' 3 3 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 40' 3 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 40' 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 40' 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 40' 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy, Ctr Good cond 55' x 40' 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy, Ctr	33	Pinus nigra - Austrian Pine	14"	Located at the SW corner of the bldg. façade - Fair cond 15° lean - 40' x 30		2	NG	NO	YES
Sorbus aucuparia - European Mr. Ash 9° Located West of parking - Fair condition - 20° x 15 2 2 NG NO	34	Betula utilis - Jacquemontii Birch	13"	Located at the SW corner of the bldg. facade - Fair condition - 30' x 15'	2	2	NG	NO	YES
Acer platanoides - Norway Maple 17" Located West of parking - Fair condition - 40° x 30° 2 2 NG NO Sorbus aucuparia - European Mf. Ash 11" Located SW of parking - Fair condition - 18° x 12" 2 2 NG NO Sorbus aucuparia - European Mf. Ash 11" Located SW of parking - Fair condition - 18° x 12" 2 2 NG NO Acer ginnala - Amur Maple 2" Located as a street tree along SW Pkwy. Ctr Good cond 10° x 3° 3 NG NO Platanus acerifolia - London Planetree 13" Located as a street tree along SW Pkwy. Ctr Good cond 55° x 30° 3 3 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy. Ctr Good cond 55° x 30° 3 3 NG NO Platanus acerifolia - London Planetree 17" Located as a street tree along SW Pkwy. Ctr Good cond 55° x 30° 3 3 NG NO Platanus acerifolia - London Planetree 17" Located as a street tree along SW Pkwy. Ctr Good cond 55° x 40° 3 3 NG NO Platanus acerifolia - London Planetre	35	Sorbus aucuparia - European Mt. Ash	.6	Located West of parking - Fair condition - 20' x 15'	2	2	NG	NO	YES
Sorbus aucuparia - European Mr. Ash 11" Located SW of parking - Fair condition - 18" x 12" 2 2 NG NO Sorbus aucuparia - European Mr. Ash 11" Located SW of parking - Fair condition - 18" x 12" 2 2 NG NO Acer ginnala - Amur Maple 2" Located as a street tree along SW Pkwy. Ctr Good cond 55" x 30" 3 NG NO Platanus acerifolia - London Planetree 13" Located as a street tree along SW Pkwy. Ctr Good cond 55" x 30" 3 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy. Ctr Good cond 55" x 30" 3 NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy. Ctr Good cond 55" x 40" 3 3 NG NO Platanus acerifolia - London Planetree 17" Located as a street tree along SW Pkwy. Ctr Good cond 55" x 40" 3 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy. Ctr Good cond 55" x 40" 3 3 NG NO Platanus acerifolia - London Planetree	36	Acer platanoides - Norway Maple	17"	Located West of parking - Fair condition - 40' x 30'	2	2	NG	NO	YES
Sorbus aucuparia - European Mr. Ash 11" Located SW of parking - Fair condition - 10' x 3' 2 2 NG NO Platanus acerifolia - London Planetree 12" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 30' 3 3 NG NO Platanus acerifolia - London Planetree 13" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 30' 3 3 NG NO Platanus acerifolia - London Planetree 13" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 30' 3 3 NG NO Platanus acerifolia - London Planetree 17" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40' 3 3 NG NO Platanus acerifolia - London Planetree 17" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40' 3 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40' 3 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40' 3 3 NG <	37	Sorbus aucuparia - European Mt. Ash	11"	Located SW of parking - Fair condition - 18' x 12'	2	2	NG	NO	YES
Acer ginnala - Amur Maple 2" Located as a street tree along SW Pkwy, Ctr Good cond 10' x 3' 3 NG	38	Sorbus aucuparia - European Mt. Ash	11"	Located SW of parking - Fair condition - 18' x 12'	2	2	NG	NO	ON.
Platanus acerifolia - London Planetree 14" Located as a street tree along SWP Pkwy, Ctr Good cond 55 x 30° 3 3 NG NG NO Platanus acerifolia - London Planetree 13" Located as a street tree along SWP Pkwy, Ctr Good cond 55 x 30° 3 NG NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SWP Pkwy, Ctr Good cond 55 x 30° 3 NG NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SWP Pkwy, Ctr Good cond 55 x 40° 3 NG NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SWP Pkwy, Ctr Good cond 55 x 40° 3 NG NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SWP Pkwy, Ctr Good cond 55 x 40° 3 NG NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SWP Pkwy, Ctr Good cond 55 x 40° 3 NG NG NO	39	Acer ginnala - Amur Maple	2"	Located as a street tree along SW Pkwy. Ctr Good cond 10' x 3'	3	3	NG	NO	YES
Platanus acertifolia - London Planetree 13" Located as a street tree along SWP Pkwy, Ctr Good cond 55′ x 30′ 3 3 NG NG NO Platanus acertifolia - London Planetree 11" Located as a street tree along SWP Pkwy, Ctr Good cond 55′ x 30′ 3 NG NG NO Platanus acertifolia - London Planetree 17" Located as a street tree along SWP Pkwy, Ctr Good cond 55′ x 40′ 3 NG NG NG NO Platanus acertifolia - London Planetree 17" Located as a street tree along SWP Pkwy, Ctr Good cond 55′ x 40′ 3 NG NG NG NO Platanus acertifolia - London Planetree 16" Located as a street tree along SWP Pkwy, Ctr Good cond 55′ x 40′ 3 NG NG NG NO Platanus acertifolia - London Planetree 15" Located as a street tree along SWP Pkwy, Ctr Good cond 55′ x 40′ 3 NG NG NO Platanus acertifolia - London Planetree 15" Located as a street tree along SWP Pkwy, Ctr Good cond 55′ x 40′ 3 NG NG NO NG NO Platanus acertifolia - London Planetree 15" Located as a street tree along SWP Pkwy, Ctr Good cond 55′ x 40′ 3 NG NG NO NG NO NG NO NG	40	Platanus acerifolia - London Planetree	14"	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 30'	3	3	NG	ON N	YES
Platanus acerifolia - London Planetree 13" Located as a street tree along SW Pkwy, Ctr Good cond 55° x 30° 3 3 NG NG NO Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy, Ctr Good cond 55° x 40° 3 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy, Ctr Good cond 55° x 40° 3 NG NO Platanus acerifolia - London Planetree 15" Located as a street tree along SW Pkwy, Ctr Good cond 40° x 35° 3 NG NO Platanus acerifolia - London Planetree 15" Located as a street tree along SW Pkwy, Ctr Good cond 40° x 35° x 40° NO NO Platanus acerifolia - London Planetree 15" Located as a street tree along SW Pkwy, Ctr Good cond 40° x 35° x 40° NO	4	Platanus acerifolia - London Planetree	13"	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 30'	3	3	NG	ON ON	YES
Platanus acerifolia - London Planetree 14" Located as a street tree along SW Pkwy, Ctr Good cond 55′ x 30′ 3 3 NG NG NO Platanus acerifolia - London Planetree 17" Located as a street tree along SW Pkwy, Ctr Good cond 55′ x 40′ 3 3 NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy, Ctr Good cond 55′ x 40′ 3 NG NO Platanus acerifolia - London Planetree 15" Located as a street tree along SW Pkwy, Ctr Good cond 40′ x 35′ 3 NG NO NO	42	Platanus acerifolia - London Planetree	13"	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 30'	3	3	NG	NO	YES
Platanus acerifolia - London Planetree 17" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40' 3 3 NG NG NO Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40' 3 3 NG NO NO Platanus acerifolia - London Planetree 15" Located as a street tree along SW Pkwy. Ctr Good cond 40' x 35' 3 3 NG NO NO	43	Platanus acerifolia - London Planetree	14"	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 30'	3	3	NG	NO	YES
Platanus acerifolia - London Planetree 16" Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40' 3 3 NG NG NO Platanus acerifolia - London Planetree 15" Located as a street tree along SW Pkwy. Ctr Good cond 40' x 35' 3 3 NG NO NO	44	Platanus acerifolia - London Planetree	17	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40'	9	3	NG	ON ON	YES
Platanus acerifolia - London Planetree 15" Located as a street tree along SW Pkwy. Ctr Good cond 40' x 35' 3 3 NG NO NO	45	Platanus acerifolia - London Planetree	16"	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40'	3	က	S	ON.	YES
	46	Platanus acerifolia - London Planetree	15"	Located as a street tree along SW Pkwy. Ctr Good cond 40' x 35'	3	3	NG	NO	YES

TREE	TREE TYPE (GENUS: SPECIES: VARIETY	SIZE	CURRENT HEIGHT, SPREAD, CONDITION, LOCATION AND OTHER OBSERVATIONS	CONDITION	PRESERVATION RATING	ENDANGERED (F)	TREE	PROPOSED FOR
	AND COMMON NAME)	(" DBH)		(0-3)	(0-3)	NURSERY GROWN (NG)	(YES/NO)	(YES/NO)
1	Platanus acerifolia - London Planetree	17	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 30'	3	3	SN	ON	YES
	Platanus acerifolia - London Planetree	20	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40'	3	က	NG	õ	YES
	Platanus acerifolia - London Planetree	21"	Located as a street tree along SW Pkwy. Ctr Good cond 55' x 40'	3	က	NG	ON N	YES
	Pseudotsuga menzeiseii - Douglas Fir	22"	Located at the NW corner of the bldg. facade - Good condition - 85' x 45'	3	3	z	ON	YES
	Pseudotsuga menzeiseii - Douglas Fir	22"	Located at the NW corner of the bldg. facade - Good condition - 85' x 45'	3	က	z	Q	YES
	Pseudotsuga menzeiseii - Douglas Fir	22"	Located at the NW corner of the bldg. facade - Good condition - 85' x 45'	3	3	z	ON	YES
	Quercus rubra - Red Oak	17	Located as a street tree along Boones Ferry. Good cond 55' x 40'	က	က	NG	2	YES
	Quercus rubra - Red Oak	18"	Located as a street tree along Boones Ferry. Good cond 55' x 40'	က	က	NG	9	YES
	Quercus rubra - Red Oak	24"	Located as a street tree along Boones Ferry. Good cond 60' x 50'	က	ო	NG	9	YES
	Pinus nigra - Austrian Pine	13"	Located in North loading dock area - Fair condition - 40' x 30'	2	2	Ŋ	9	YES
	Pinus nigra - Austrian Pine	12"	Located in North loading dock area - Fair condition - 20' lean - 35' x 18'	2	2	Ŋ	9	YES
	Quercus rubra - Red Oak	21"	Located as a street tree along Boones Ferry - Good cond 50' x 40'	င	က	Ŋ	Q.	YES
	Pinus nigra - Austrian Pine	11.	Located North of loading dock area - Fair condition - 25' x 15'	2	2	Ŋ	9	YES
	Pinus nigra - Austrian Pine	10"	Located North of loading dock area - Fair condition - 25' x 15'	2	2	NG	Q Q	YES
1	Pinus nigra - Austrian Pine	13"	Located North of loading dock area - Fair condition - 25' x 15'	2	2	Ŋ	Q.	YES
	Pinus nigra - Austrian Pine	11"	Located North of loading dock area - Fair condition - 25' x 15'	2	2	Ö	Q.	YES
	Quercus rubra - Red Oak	13"	Located as a street tree along Boones Ferry. Good cond 40' x 30'	ဗ	က	Ö	9	YES
	Pinus nigra - Austrian Pine	10.	Located North of loading dock area - Fair condition - 25' x 15'	2	2	Ŋ	9	YES
	Pinus nigra - Austrian Pine	10"	Located North of loading dock area - Fair condition - 25' x 15'	2	2	Ö	Q.	YES
	Quercus rubra - Red Oak	10"	Located as a street tree along Boones Ferry. Good cond 30' x 20'	က	က	S _Q	2	YES
	Pinus nigra - Austrian Pine	6	Located North of loading dock area - Fair condition - 25' x 15'	2	2	NG	NO	YES
	Quercus rubra - Red Oak	.6	Located North of loading dock area - Good condition - 25' x 15'	င	က	NG	Q.	YES
	Quercus garryana - Oregon White Oak	30"	Located along Boones Ferry - Good cond 85' x 50'	က	က	ш	2	YES
4	Prunus cerasifera - Purple-Leaf Flowering Plum	6"+1"	Located along Boones Ferry - Poor cond 2-Stem 15' x 5'	-	-	Ö	2	YES
	Pseudotsuga menzeiseii - Douglas Fir	50"	Located East of parking - No top - Fair condition - 60' x 35'	2	2	Z	2	YES
- 1	Pseudotsuga menzeiseii - Douglas Fir	21"	Located East of parking - No top - Fair condition - 60' x 35'	5	2	z	2	YES
- 1	Crataegus monogyna - English Hawthorn			-		ON.	2	YES
- 1	Pseudotsuga menzeiseii - Douglas Fir	34"	Located East of parking - No top/Large cavity - Poor condition - 60' x 35'	-	-	z	<u>Q</u>	YES
	Pseudotsuga menzeiseii - Douglas Fir	34"	Located East of parking - No top - Fair condition - 60' x 35'	2	2	z	2	YES
- 1	Pseudotsuga menzeiseii - Douglas Fir	34"	Located East of parking - No top - Fair condition - 60' x 35'	2	2	z	9	YES
	Pseudotsuga menzeiseii - Douglas Fir	15"	Located East of parking - Fair condition - 60' x 35'	2	2	z	9	YES
	Pseudotsuga menzeiseii - Douglas Fir	16"	Located East of parking - No top - Fair condition - 40' x 25'	2	2	z	ON N	YES
- 1	Pseudotsuga menzeiseii - Douglas Fir	18"	Located East of parking - Fair condition - 45' x 25'	2	2	Z	9	YES
	Pseudotsuga menzeiseii - Douglas Fir	13"	Located East of parking - Fair condition - 30' x 15'	2	2	z	9	YES
	Pseudotsuga menzeiseii - Douglas Fir	16"	Located East of parking - Good condition - 30' x 15'	က	က	z	9	YES
	Pseudotsuga menzeiseii - Douglas Fir	21"	Located East of parking - Good condition - 45' x 30'	3	က	z	ON.	YES
	Pseudotsuga menzeiseii - Douglas Fir	17	Located East of parking - Good condition - 45' x 30'	3	3	z	ON	YES
	Pseudotsuga menzeiseii - Douglas Fir	21"	Located East of parking - Good condition - 45' x 30'	က	က	z	9	YES
	Pseudotsuga menzeiseii - Douglas Fir	22"	Located East of parking - Good condition - 45' x 30'	3	က	Z	Q N	YES
Ш	Pseudotsuga menzeiseii - Douglas Fir	21"	Located East of parking - Good condition - 45' x 30'	3	3	z	ON	YES
	Pseudotsuga menzeiseii - Douglas Fir	24"	Located East of parking - Good condition - 45' x 30'	က	က	z	2	YES
	Acer ginnala - Amur Maple	4	Located East of parking - Good condition - 8' x 4'	က	က	Ŋ	9	YES
	Salix scouleriana - Scouler's Willow	3"+4"	Located in East parking meridian - Good condition - 2-Stem 18' x 10'	က	က	z	2	YES
	Alnus rubra - Red Alder	2	Located in East parking meridian - Good condition - 12' x 7'	3	3	z	ON	YES
	Alnus rubra - Red Alder	8	Located in East parking meridian - Good condition - 25' x 15'	3	3	Z	ON.	YES
	Quercus garryana - Oregon White Oak	4"	Located in East parking meridian - Good condition - 8' x 2'	3	က	Ш	Q.	YES
	Quercus garryana - Oregon White Oak	3"	Located in East parking meridian - Good condition - 8' x 3'	9	ဗ	Ш	ON.	YES
- 1	Fraxinus americana - White Ash	"4	Located in East parking meridian - Good condition - 15' x 8'	3	3	NG	Q.	YES
	Pinus nigra - Austrian Pine	16"	Located along East bldg. façade - Good condition - 50' x 25'	3	က	ON.	<u>Q</u>	YES
	Pinus nigra - Austrian Pine	16"	Located along East bldg. façade - Good condition - 50' x 25'	3	က	Ö	<u>Q</u>	YES
_	Dinus nigra - Anstrian Dina	10,	Located along East bldg facade - Good condition - 40' v 25'		•	2	2	×Ες

TREE	TREE TYPE	TREE	CURRENT HEIGHT, SPREAD, CONDITION, LOCATION	CONDITION	PRESERVATION	NATIVE (N)	HEKII AGE TREE	PROPOSED FOR
(KEY)	AND COMMON NAME)	(" DBH)		(0-3)	(0-3)	NURSERY GROWN (NG)		(YES/NO)
86	Pinus nigra - Austrian Pine	16"	Located along East bldg. façade - Good condition - 40' x 25'	3	3	NG	ON.	YES
66	Pinus nigra - Austrian Pine	16"	Located along East bldg. façade - Good condition - 40' x 25'	3	3	NG	2	ON.
100	Pinus nigra - Austrian Pine	14"	Located along East bldg. façade - Good condition - 40' x 25'	က	က	ON.	2	9
101	Thuja plicata - Western Red Cedar	20	Located SE of parking - Good condition - 25' x 25'	3	3	z	ON N	YES
102	Thuja plicata - Western Red Cedar	14"+9"+12"	Located SE of parking - Good condition - 3-Stem 30' x 30'	3	3	z	2	YES
103	Liquidamber styraciflua - Sweetgum	.6	Located South of parking - Good condition - 30' x 15'	က	က	ŊĊ	2	YES
104	Thuja plicata - Western Red Cedar	11"	Located South of parking - Good condition - 25' x 18'	က	က	z	2	YES
105	Thuja plicata - Western Red Cedar	11"	Located South of parking - Good condition - 25' x 18'	3	3	Z	<u>Q</u>	YES
106	Thuja plicata - Western Red Cedar	11"	Located South of parking - Good condition - 25' x 18'	3	3	Z	Q.	YES
107	Thuja plicata - Western Red Cedar	11.	Located South of parking - Good condition - 25' x 18'	3	3	z	9	YES
108	Thuja plicata - Western Red Cedar	11"	Located South of parking - Good condition - 25' x 18'	3	3	Z	ON N	YES
109	Thuja plicata - Western Red Cedar	11.	Located South of parking - Good condition - 25' x 18'	က	ဗ	z	9	YES
110	Liquidamber styraciflua - Sweetgum	.6	Located South of parking - Good condition - 25' x 12'	က	က	9V	2	YES
111	Pseudotsuga menzeiseii - Douglas Fir	11"	Located South of parking - Good condition - 20' x 14'	3	3	z	2	YES
112	Pseudotsuga menzeiseii - Douglas Fir	11.	Located South of parking - Good condition - 20' x 14'	9	က	z	2	YES
113	Pinus nigra - Austrian Pine	14"	Located South of parking - Good condition - 45' x 40'	3	က	ŊĊ	2	YES
114	Pinus nigra - Austrian Pine	15"	Located South of parking - Good condition - 45' x 40'	3	9	ŊĊ	2	YES
115	Pinus nigra - Austrian Pine	2"	Located South of parking - Good condition - 10' x 2'	3	3	NG	2	YES
116	Pinus nigra - Austrian Pine	.9	Located South of parking - Good condition - 12' x 3'	3	3	NG	9	YES
117	Pinus nigra - Austrian Pine	28"	Located South of parking - Fair condition - Covered w/lvy - 35' x 35'	2	2	NG	9	YES
118	Sorbus aucuparia - European Mt. Ash	.6	Located South of parking - Poor condition - Dead top - 25' x 12'	-	-	NG	9	YES
119	Sorbus aucuparia - European Mt. Ash	11"	Located South of parking - Good condition - 25' x 12'	3	3	NG	2	YES
120	Salix scouleriana - Scouler's Willow	10"+9"+11"+12	Located South of parking - Good condition - 4-Stem 35' x 30'	3	က	z	2	YES
121	Pinus nigra - Austrian Pine	21"	Located South of parking - Good condition - 45' x 30'	က	က	9N	2	YES
122	Pinus nigra - Austrian Pine	16"	Located South of parking - Good condition - 40' x 25'	3	3	NG	9	YES
123	Pinus nigra - Austrian Pine	14"	Located South of parking - Good condition - 40' x 25'	3	က	DN.	2	YES
124	Arbutus menzeiseii - Pacific Madrone	4"	Located South of parking - Good condition - 8' x 3'	3	3	Ш	9	YES
125	Pinus nigra - Austrian Pine	2"	Located South of parking - Good condition - 6' x 3'	3	3	9N	ON N	YES
126	Arbutus menzeiseii - Pacific Madrone	"4	Located South of parking - Good condition - 8' x 3'	3	က	ш	2	YES
127	Pinus nigra - Austrian Pine	21"	Located South of parking - Good condition - 45' x 30'	3	3	ŊĠ	2	YES
128	Pinus nigra - Austrian Pine	13"	Located South of parking - Good condition - 35' x 25'	က	က	ŊĊ	2	YES
129	Pinus nigra - Austrian Pine	13"	Located South of parking - Good condition - 35' x 25'	3	3	9 N	Q	YES
130	Salix scouleriana - Scouler's Willow	12"+13"+9"	Located South of parking - Good condition - 3-Stem 25' x 12'	3	3	z	2	YES
131	Pinus nigra - Austrian Pine	20	Located South of parking - Good condition - 30' x 25'	3	3	9V	2	YES
132	Pinus nigra - Austrian Pine	20.	Located South of parking - Good condition - 30' x 25'	8	e .	S	2	YES
133	Pinus nigra - Austrian Pine	20	Located South of parking - Good condition - 30' x 25'	e (8	S .	2	YES
134	Pinus nigra - Austrian Pine	20	Located South of parking - Good condition - 30' x 25'		8	S .	2	YES
135	Pinus nigra - Austrian Pine	20.	Located South of parking - Good condition - 30' x 25'	8	e	ON !	2	YES
136	Pinus nigra - Austrian Pine		Located South of parking - Good condition - 30' x 25'	m (ი ი	5 S	2 9	YES
130	Pinus nigra - Austrian Pine	77 0	Located South of parking - Good condition - 30 X 25	~ c	n (ב ב	2 2	אַ אַ
30 00	Pinus nigra - Austrian Pina	٠ ټ	Located in South Loading dock area - Good condition - 35' x 25'	. "	o «	2 2	2 2	212
140	Pinus nigra - Austrian Pine	17.	Located in South loading dock area - Good condition - 35' x 25'		6	2	2	YES
141	Pinus nigra - Austrian Pine	16.	Located in South loading dock area - Good condition - 35' x 25'		. 67	2	2	YES
142	Pinus nigra - Austrian Pine	22"	Located in South loading dock area - Good condition - 35' x 25'		m	ÖZ	2	YES
143	Arbutus menzeiseii - Pacific Madrone	.9	Located in South loading dock area - 20° lean - Good condition - 15' x 4'	3	8	ш	2	YES
144	Arbutus menzeiseii - Pacific Madrone	.9	Located in South loading dock area - Good condition - 15' x 5'	3	6	ш	2	YES
145	Pinus nigra - Austrian Pine	19"	Located in South loading dock area - 10° lean - Good condition - 35' x 25	e	က	ŊĊ	2	YES
146	Pinus nigra - Austrian Pine	24"	Located in South loading dock area - Good condition - 50' x 35'	3	က	9NG	2	YES
147	Pinus nigra - Austrian Pine	19"	Located in South loading dock area - Good condition - 40' x 35'	3	8	9N	2	YES
148	Pinus nigra - Austrian Pine	17"	Located in South loading dock area - 10° lean - Good condition - 40' x 35'		က	9V	2	YES
149	Pinus nigra - Austrian Pine	21"	Located in South loading dock area - Good condition - 40' x 35'	3	8	NG	Q.	YES
# oN	Fraxinus americana - White Ash	1,	in South parking island - Good condition -Not numbered - 8	3	3	Ŋ	2	YES
# 92	Fraxinus americana - White Ash	-	Located in South parking Island - Good condition -Not numbered - 8' x 2'	ო -	က	NG	2	YES

PROPOSED FOR PRESERVATION (YES/NO)												
HERITAGE TREE (YES/NO)		DBH)										
NATIVE (N) ENDANGERED (E) NURSERY GROWN (NG)		'n species greater than 6"										
CONDITION PRESERVATION RATING RATING (0-3) (0-3)	Q	3 are nursery-grow	clearance									
CONDITION RATING (0-3)	not numbere	species, and	on and traffic									
CURRENT HEIGHT, SPREAD, CONDITION, LOCATION AND OTHER OBSERVATIONS	51 total trees surveved (13 of these are less than 6" DBH and 2 are less than 2" caliber and not numbered)	125 trees are scheduled for preservation (11 of these are less than 6" DBH, 7 are endangered and federally protected species, 34 are native species, and 73 are nursery-grown species greater than 6" DBH)	10 trees are street trees located along SW Pkwy. Ctr. that should be limbed higher for improved vision and traffic clearance	26 trees are scheduled for removal (2 of these are less than 6" DBH)								
TREE SIZE (" DBH)	151 total trees	these are less	are street tree									
TREE TYPE (GENUS, SPECIES, VARIETY AND COMMON NAME)		125 trees are scheduled for preservation (11 of t	10 trees									
TREE NUMBER (KEY)	SUBTOTALS:											



Acer Circinatum 'Pacific Fire' - Vine Maple





Acer rubrum 'Bowhall' -Bowhall Maple





Cercidiphyllum Japonicum -Katsura Tree





Cercis Canadensis'Forest Pansy'-Eastern Redbud





Tsuga heterophylla -Western Hemlock





Abelia x grandiflora 'Sunrise' -Sunrise Abelia





Berberis darwinii -Darwin Barberry





Cornus Sericea 'Kelseyi' -Dwarf Redtwig Dogwood





s h r u b s

Cotoneaster horizontalis 'Variegatus' - Rock Cotonesater





Miscanthus sinensis 'Purpurascens' - Flame Grass





Myrica californica -Pacific Waxmyrtle





Prunus laurocerasus 'Zabelliana' -Zabel Laurel





Ribes sanguineum 'King Edward VII' - Flowering Red Currant





Rosa 'Meikrotal' -Scarlett Meidiland Rose





Erica carnea 'Vivelli' -Vivelli Winter Heath





Hemerocallis 'Stella d'Oro' -Stella d'Oro Daylily





Liriope spicata -Creeping Lilyturf





Rubus Pentalobus -Taiwan Bramble





Sedum spurium 'Dragon's Blood' -Dragon's Blood Stonecrop





Sedum x 'Autumn Joy' -Autumn Joy Stonecrop





Evolve[™] **LED Area Light**

Scalable Area Light (EASA)





Product Features

The next evolution of the GE Evolve™ LED Area Light continues to deliver outstanding features, while adding greater flexibility, style and scalability. This latest design offers higher lumen outputs and provides even more photometric combinations in two ANSI color temperatures, providing the ability to meet even a wider range of area lighting needs.

Using reflective optic technology, GE offers superior vertical illuminance and uniformity, while minimizing glare as fixture lumens increase. This system delivers unusually low perceived glare when viewed from beneath the fixture near nadir. The Evolve™ LED Scalable Area Light provides reduced energy consumption, combined with a long rated life that virtually eliminates ongoing maintenance expenses, enabling significant operating cost benefits over the life of each fixture.

Applications

- Site, area, and general lighting applications utilizing advanced LED optical system providing high uniformity, excellent vertical light distribution, reduced offsite visibility, reduced on-site glare and effective security light levels.
- Design makes this product ideal for small to large retailers, commercial to medical properties, and big box retailers.

Housing

- Die-cast aluminum housing.
- Slim architectural design incorporates a heat sink light engine directly into the unit ensuring maximum heat transfer, long LED life, and a reduced Effective Projected Area (EPA).
- Meets 2G vibration standards per ANSI C136.31-2010. For 3G rating contact manufacturer.

LED & Optical Assembly

- Structured LED arrays for optimized area light photometric distribution.
- Evolve light engine with directional reflectors designed to optimize application efficiency and minimize glare.
- Utilizes high brightness LEDs, 70 CRI at 4000K and 5700K typical.
- LM-79 tests and reports are performed in accordance with IESNA standards.

Lumen Maintenance

• System rating is L85 at 50,000 hours. Contact manufacturer for Lxx rating (Lumen Depreciation) beyond 50,000 hours.

For Lumen Maintenance and TM-21 L70 Projections, see table published in OLP-3053.

Ratings

- **(II)**/• **(III)** listed, suitable for wet locations.
- IP65 rated optical enclosure per ANSI C136.25-2009.
- Temperature rated at -40° to 50°C (-40° to 35°C for 433W fixtures).
- Upward Light Output Ratio (ULOR) = 0.
- Compliant with the material restriction requirements of RoHS.

Mounting

Option A

• 10-inch (254mm) mounting arm for square pole prewired with 24-inch (610mm) leads.

Option B

• 10-inch (254mm) mounting arm for round pole prewired with 24-inch (610mm) leads.

Option C

• Slipfitter mounting for 2 3/8-inch (60mm) O.D. pipe prewired with 24-inch (610mm) leads.

Finish

- Corrosion resistant polyester powder painted, minimum 2.0 mil. thickness.
- Standard colors: Black & Dark Bronze.
- RAL & custom colors available.

Electrical

- 120-277 volt and 347-480 volt available.
- System power factor is >90% and THD <20%.*
- Class "A" sound rating.
- Photo electric sensors (PE) available for all voltages.
- GE dimmable PE socket is available for all fixtures, making the unit "adaptive controls ready."
- Integral surge protection:
 - For 120-277 VAC and 347-480 VAC per IEEE/ANSI C62.41.2-2002, 6kV/3kA Location Category C-Low (120 Events)
 - * System power factor and THD is tested and specified at 120V input and maximum load conditions.

Warranty

• 5-year limited system warranty standard.

Ordering Number Logic Evolve™ LED Scalable Area Light (EASA)



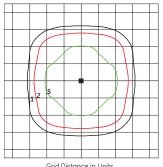
EASA _ _ _ _

PROD. ID	VOLTAGE	OPTICAL CODE	DISTRIBUTION ORIENTATION	DRIVE CURRENT	LED COLOR TEMP	PE FUNCTION	MOUNTING ARM	COLOR	OPTIONS
E = Evolve A = Area S = Scalable A = Photometric Series A	0 = 120 - 27: 1 = 120* 2 = 208* 3 = 240* 4 = 277* 5 = 480* D = 347* H = 347-480 * Specify single voltage if fuse option is select		F = Front L = Left R = Right N = Not Applicable Front (F)	5 = 525MA (.433W only) 7 = 700MA (.433W only) Pole	40 = 4000K 57 = 5700K	1 = None 2 = PE Rec. 4 = PE Rec. with Shorting Cap 5 = PE Rec. with Control # 7 = Dimming PE Receptacle *† (UL only) 9 = Dimming PE Receptacle with Shorting Cap *† (UL only) # PE control not available for 347-480V. Must be a discrete voltage (347V or 480V).	A = 10" Arm for Square Pole supplied with leads B = 10" Arm for Round Pole supplied with leads C = EXT Slip-fitter 2" Pipe (2.378 in. OD) supplied with leads	BLCK = Black DKBZ = Dark Bronze Contact manufacturer for other colors	D2 = Dimmable (0-10 Volt Input) F = Fusing T = Extra Surge Protection* XXX = Special Options * Contact manufacturer for T option availability
Ţ		J	Pole Right (R) Light pattern thro specified in relatic	Not Applicable (N) wn in direction on to Pole and Fixtu	е	† When ordering PE function socket 7 or 9, a dimming driver must also be ordered under the "OPTIONS" column * Order dimming control PE as a separate item			

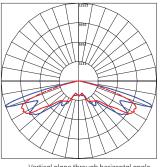
	OPTICAL CODE	TYPE	TYPICAL LUM			SYSTEM TAGE	DISTRIBUTION ORIENTATION		4000K	BUG RA	TINGS*	• 5700K		IES FILE	NUMBER
	CODE		4000K	5700K	120-277V	347-480V	AVAILABLE							4000K	5700K
	D5	Symmetric Medium	9,400	10,200	120	120	N	3	0	2	3	0	2	455198	455129
	E5	Symmetric Medium	12,400	13,400	162	162	N	4	0	2	4	0	2	455197	455128
	F5	Symmetric Medium	15,300	16,500	199	199	N	4	0	2	4	0	2	455196	455127
	G5	Symmetric Medium	18,100	19,600	236	236	N	4	0	2	4	0	2	455195	455126
	H5	Symmetric Medium	21,800	23,600	285	285	N	5	0	3	5	0	3	455194	455163
>	J5	Symmetric Medium	30,300	31,800	433	433	N	5	0	3	5	0	3	456214	456215
TYPEV	N5	Symmetric Short	10,200	11,000	120	120	N	3	0	1	3	0	1	455211	455142
≥	P5	Symmetric Short	13,300	14,400	162	162	N	3	0	2	3	0	2	455210	455141
	Q5	Symmetric Short	16,500	17,800	199	199	N	4	0	2	4	0	2	455209	455140
	R5	Symmetric Short	19,500	21,100	236	236	N	4	0	2	4	0	2	455208	455139
	S5	Symmetric Short	23,600	25,500	285	285	N	4	0	2	4	0	2	455207	455138
	T5	Symmetric Short	32,600	35,300	433	433	N	5	0	2	5	0	2	456216	456217
	A4	Asymmetric Forward	4,800	5,200	62	67	F, L, R	1	0	2	1	0	2	455206	455137
	B4	Asymmetric Forward	6,300	6,800	82	82	F, L, R	1	0	2	1	0	2	455205	455136
	C4	Asymmetric Forward	7,800	8,400	101	101	F, L, R	1	0	2	1	0	2	455204	455135
≥	D4	Asymmetric Forward	9,300	10,000	120	120	F, L, R	2	0	2	2	0	2	455203	455134
TYPE IV	E4	Asymmetric Forward	11,200	12,100	145	145	F, L, R	2	0	2	2	0	3	455202	455133
F	F4	Asymmetric Forward	15,300	16,500	199	199	F, L, R	2	0	3	2	0	3	455201	455132
	G4	Asymmetric Forward	18,100	19,600	236	236	F, L, R	3	0	4	3	0	4	455200	455131
	H4	Asymmetric Forward	21,800	23,600	285	285	F, L, R	3	0	4	3	0	4	455232	455130
	J4	Asummetric Forward	30,300	32,800	433	433	F. L. R	3	0	5	3	0	5	456218	456219
П	A3	Asymmetric Wide	5,100	5,500	62	67	F, L, R	1	0	1	1	0	1	455219	455150
_	B3	Asymmetric Wide	6,800	7,300	82	82	F, L, R	1	0	1	1	0	1	455218	455149
	C3	Asymmetric Wide	8,300	9,000	101	101	F, L, R	2	0	2	2	0	2	455217	455148
I≡	D3	Asymmetric Wide	9,900	10,700	120	120	F, L, R	2	0	2	2	0	2	455216	455147
TYPE	E3	Asymmetric Wide	11,900	12,900	145	145	F, L, R	2	0	2	2	0	2	455215	455146
≥	F3	Asymmetric Wide	16,500	17,800	199	199	F, L, R	2	0	2	2	0	2	455214	455145
	G3	Asymmetric Wide	19,500	21,100	236	236	F, L, R	2	0	2	3	0	3	455213	455144
	Н3	Asymmetric Wide	23,600	25,500	285	285	F, L, R	3	0	3	3	0	3	455212	455143
	J3	Asymmetric Wide	32,600	35,300	433	433	F, L, R	3	0	4	3	0	4	456220	456221
	A2	Asymmetric Narrow	5,100	5,500	62	67	F, L, R	1	0	1	1	0	1	455227	455158
	B2	Asymmetric Narrow	6,700	7,200	82	82	F, L, R	2	0	2	2	0	2	455226	455157
	C2	Asymmetric Narrow	8,200	8,900	101	101	F, L, R	2	0	2	2	0	2	455225	455156
TYPEII	D2	Asymmetric Narrow	9,700	10,500	120	120	F, L, R	2	0	2	2	0	2	455224	455155
چ	E2	Asymmetric Narrow	11,700	12,700	145	145	F, L, R	2	0	2	2	0	2	455223	455154
-15	F2	Asymmetric Narrow	16,100	17,400	199	199	F, L, R	3	0	3	3	0	3	455222	455153
	G2	Asymmetric Narrow	19,100	20,600	236	236	F, L, R	3	0	3	3	0	3	455221	455152
	H2	Asymmetric Narrow	22,900	24,800	285	285	F, L, R	3	0	3	3	0	3	455220	455151
	J2	Asymmetric Narrow	32,400	35,100	433	433	F, L, R	3	0	4	3	0	4	456222	456223

Photometrics

EASA Type V - Symmetric Medium (J5) 31,800 Lumens, 5700K (GE456215.ies)

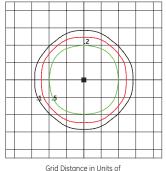


Grid Distance in Units of Mounting Height at 40' Initial Footcandle Values at Grade

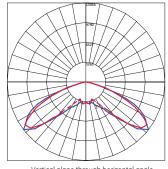


- Vertical plane through horizontal angle of maximum candlepower at 50°
- Vertical plane through horizontal angle of 71°

EASA Type V - Symmetric Short (T5) 35,300 Lumens, 5700K (GE456217.ies)



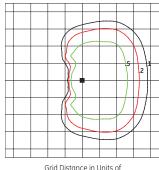
Mounting Height at 40' Initial Footcandle Values at Grade



Vertical plane through horizontal angle of maximum candlepower at 25

Vertical plane through horizontal angle of 52°

EASA Type IV - Asymmetric Forward (J4) 32,800 Lumens, 5700K (GE456219.ies)

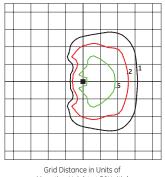


Grid Distance in Units of Mounting Height at 40' Initial Footcandle Values at Grade

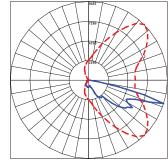
- Vertical plane through horizontal angle
- of maximum candlepower at 40°

 Vertical plane through horizontal angle of 70°

EASA Type IV - Asymmetric Forward (E4) 12,100 Lumens, 5700K (GE455133.ies)



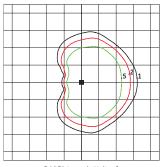
Mounting Height at 30' Initial Footcandle Values at Grade



Vertical plane through horizontal angle of maximum candlepower at 45°

- Vertical plane through horizontal angle of 72°

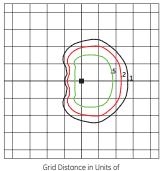
EASA Type III - Asymmetric Wide (J3) 35,300 Lumens, 5700K (GE456221.ies)



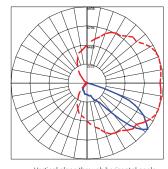
Grid Distance in Units of Mounting Height at 30' Initial Footcandle Values at Grade

- Vertical plane through horizontal angle of maximum candlepower at 20° Vertical plane through horizontal angle of 50°

EASA Type III - Asymmetric Wide (E3) 12,900 Lumens, 5700K (GE455146.ies)

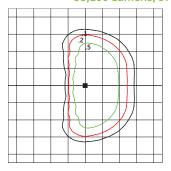


Grid Distance in Units of Mounting Height at 30' Initial Footcandle Values at Grade

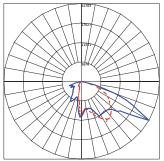


- Vertical plane through horizontal angle of maximum candlepower at 20
- -- Vertical plane through horizontal angle of 52°

EASA Type II - Asymmetric Narrow (J2) 35,100 Lumens, 5700K (GE456223.ies)

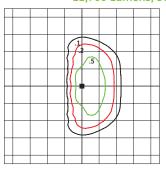


Grid Distance in Units of Mounting Height at 40' Initial Footcandle Values at Grade

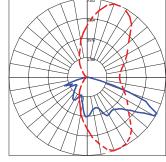


- Vertical plane through horizontal angle of maximum candlepower at 60°
- -- Vertical plane through horizontal angle of 60°

EASA Type II - Asymmetric Narrow (E2) 12,700 Lumens, 5700K (GE455154.ies)



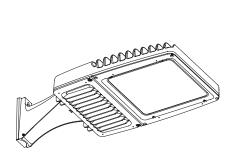
Grid Distance in Units of Mounting Height at 30' Initial Footcandle Values at Grade

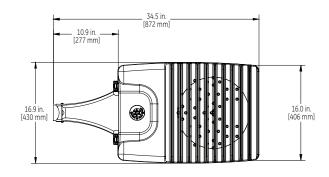


- Vertical plane through horizontal angle of maximum candlepower at 65
- -- Vertical plane through horizontal angle of 62°

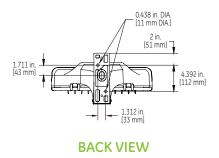
Product Dimensions

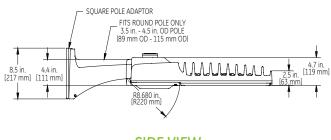
10" Arm For Square Pole Mount (Option A)

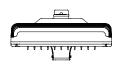




TOP VIEW







SIDE VIEW

FRONT VIEW

DATA

- Approximate net weight: 43-47 lbs (19.50 21.32 kgs) Contact manufacturer for specific configuration weight.
- Effective Projected Area (EPA) with 10" Mounting Arm: 0.97 sq ft max (0.09 sq m)

TN - Teneo™

TYPE

- Clean, contemporary styling that stands the test of time
- Ideal for way finding or general illumination
- Angled lens transition available
- Wall mount version available
- Base made of cast aluminum for corrosion resistance
- Acrylic lens will not yellow over time
- Features energy efficient fluorescent sources
- Available in two and four lamp arrangements
- Powder coat finish in 13 standard colors with a polymer primer sealer

1. LUMINAIRE 2. LAMP/BALLAS	T 3. LAMP ARR	ANGEMENT	4. COLOR	5. OPTIONS	TN
1. LUMINAIRE		4. COLOI	· -	ODT (Ourter)	SPECIFICATIONS
STRAIGHT ACRYLIC WHITE LENS		☐ AWT (Art	_	CRT (Corten) MAL (Matte Aluminum)	HOUSING Teneo top, intermediate and base shall be cast
☐ TN8 (8') ☐ TN10 (10') ☐ TN12 (12') ☐ TN14 (14')		☐ MTB (Ma	ark Green)	MDG (Medium Grey) ATG (Antique Green)	aluminum. All cast aluminum components shall be certified as pure #356 alloy, free of any porosity,
STRAIGHT POLYCARBONATE WHIT ☐ TN8-P (8') ☐ TN10-P (10') ☐ TN12-P (12') ☐ TN14-P (14')				LGY (Light Grey) RAL/PREMIUM COLOR (Provide RAL)	foreign materials, or cosmetic fillers. Teneo body shall be made from 1/4" thick, 5" O.D. thick extruded aluminum. All extruded aluminum components
WALL MOUNT WITH STRAIGHT ACE LENS ☐ TN WM (Height determined by lamp select		□ VBL (Ver		CUSTOM COLOR (Provide color chip for matching)	shall be alloy 6061-T6, 6063-T5 or equal. The cap shall be removable without tools and shall provide easy access to the optical chamber. The lens shall
WALL MOUNT WITH STRAIGHT POL					be one-piece acrylic or polycarbonate cylinder
WHITE LENS ☐ TN WM-P (Height determined by lamp so	election)	5. OPTIO ANG (An	_		ELECTRICAL The electrical assembly shall be comprised of a high power factor electronic fluorescent ballast designed to run up to four lamps. Twist-lock rotary locking sockets are utilized, however, spring
2. LAMP/BALLAST					(plunger) style sockets are available for high- vibration application (consult factory). Ballasts are
FLUORESCENT (120 thru 277 volt ballast)					wired at the factory for 277 volts, unless specified
T8 fluorescent ☐ T8-32 (32 watts, 46" lens)					MOUNTING Ground Mount - Teneo shall use 5/8" x 24" x 3"
75 fluorescent ☐ T5-28 (28 watts, 46" lens) ☐ T5-21 (21 watts, 34" lens) ☐ T5-14 (3	2 watts, 22" lens)				anchor bolts, double hex nuts and flat washers hot dipped galvanized steel. A bolt circle template shall be provided.
2 LAMB ADDANGEMENT					Wall Mount - The wall plate features four 11/32" holes for 5/16" bolts. Mounting hardware not included.
3. LAMP ARRANGEMENT 2X (2 lamps at 180 degrees)					FINISH
4X (4 lamps at 90 degrees)		-			Fixture finish shall consist of a five stage pretreatment regimen with a polymer primer sealer, oven dry off, and top coated with a thermoset super TGIC polyester powder coat finish. The finish shall meet the AAMA 605.2 performance specification which includes passing a 3000 hour salt spray test for corrosion resistance.
					See next page
					JOB ————
					TYPE ————
APCHITECTURA	AL AREA LIGHTING	1			NOTES —



CERTIFICATION

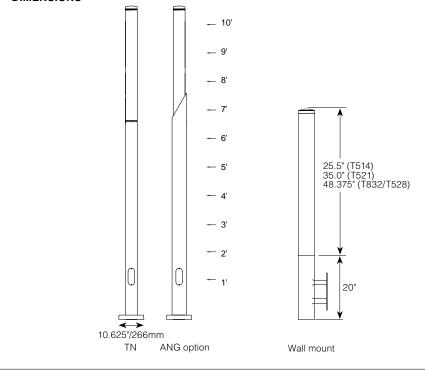
The fixture is listed with ETL for outdoor, wet location use. Conforms to UL1598 and Canadian CSA Std., C22.2 no.9.

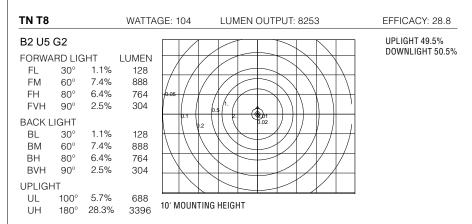
WARRANTY

Fixture is warranted for three years. Ballast components carry the ballast manufacturer's limited warranty. Any unauthorized return, repair, replacement or modification of the Product(s) shall void this warranty. This warranty applies only to the use of the Product(s) as intended by AAL and does not cover any misapplication or misuse of said Product(s), or installation in hazardous or corrosive environments. Contact AAL for complete warranty language, exceptions, and limitations.

AAL reserves the right to change product specifications without notice.

DIMENSIONS





IES files can be found at www.aal.net

	TENANT "A" ARE	AS & OCCUPANCIE	S	
USE	AREA	OCCUPANCY TYPE	OCCUPANCY LOAD FACTOR - TABLE 1004.1.1	OCCUPANCY COUNT
Warehouses + Shop Accessory Use + Reception Lanes	66,162	S-1	500	132
Office - 1st Level	4,573	В	100	46
Office - 2nd Level	6,281	В	100	63
Office - Shop Advisors in Warehouse	614	В	100	6
Shop Lounge	1,942	В	100	19
Retail Showroom	3,483	В	100	35
Repair Shop + Fleet Shop + Detail	20,538	S-1	500	41
TOTAL TENANT "A" BUILDING AREA ("Building Area" does not include Mezzanines in compliance with Section 505 - The Mezzanine is 4,572 sf)	103,593			342

	TENANT "B" ARE	AS & OCCUPANCIE	S	
Warehouse	58,369	S-1	500	117
Office	17,349	В	100	173
TOTAL TENANT "B" BUILDING AREA	75,718			290

	TOTAL AREAS	& OCCUPANCIES	
WHOLE BUILDING TOTALS	179,311		633

	ORIGINAL 1998 O	CCUPANCIES - 89P	C8	
USE	AREA	OCCUPANCY TYPE	OCCUPANCY LOAD FACTOR - TABLE 1004.1.1	OCCUPANCY COUNT
Warehouses	145,666	S-1	500	291
Office	11,613	В	100	116
Retail	22,032	М	30	734
TOTAL FOR ORIGINAL1998 PROJECT	179,311			1,142

	ANALYSIS ITEMS		PROJE	CT CC	OMPLIANCE			
1	CODE YEAR / TYPE	2010 Oregon Me 2010 Oregon Fire 2011 Oregon Plu Oregon Energy S	e Code Imbing Code Specialty Code	2	2009 ANSI 117.1 Acc	Í		
2	OCCUPANCY CLASSIFICATION	ADVISORS			OOM + SHOP LOUI			
					USE + PRODUCT V			
3	TYPE OF CONSTRUCTION	TYPE III-B						
4	FIRE SPRINKLERS		TO BE MODIFIED BCONTRACTOR	AS R	EQUIRED BY A LIC	ENSED FIRE		
5	FIRE ALARM	YES - EXISTING ALARM SUBCO		AS R	EQUIRED BY A LIC	ENSED FIRE		
6	BUILDING HEIGHT	ALLOWABLE	55'-0"					
	BOILDING FIEIGITI	ACTUAL	37'-4" (ORIGINAL	WITH	NO CHANGE)			
7	STORIES / BUILDING	ALLOWABLE	`		BY THE S-1 OCCL			
	LEVELS	ACTUAL	,		AL WITH NO CHAN	GE)		
		ALLOWABLE	B' OCCUPANCY =					
			S-1 OCCUPANCY			05051011505.4		
8	BUILDING AREA		A - PROJECT MEE D AREA BUILDING		EQUIREMENTS OF	- SECTION 507.4		
		ACTUAL	OFFICE = 5,932sf					
			WAREHOUSE = 1		sf			
9	OCCUPANCY LOAD		OTAL - SEE AREA TABULATION rv Structural Frame 0 Hours					
		Primary Structura						
		Bearing Walls Ex			ours ours			
10	FIRE RESISTANCE RATING REQUIREMENTS FOR	Bearing Walls Int			ours			
10	BUILDING ELEMENTS	Non-Bearing Wa			ours			
			econdary Members		ours			
			condary Members	<u> </u>	ours			
		Side of Buildir				tance Rating		
	REQUIRED FIRE	NORTH	100'-8"			OURS		
11	RESISTANCE OF EXTERIOR	SOUTH	143'-4"			OURS		
	WALLS DUE TO LOCATION ON PROPERTY	EAST	134'-4"		0 H	OURS		
		WEST	94'-8"		0 H	OURS		
		Side of Buildin	ng Separatio	n	Protection	Allowable Area		
	PROTECTION OF OPENINGS DUE TO	NORTH	100'-8"		UP, NS	No Limit		
12	LOCATION ON PROPERTY	SOUTH	143'-4"		UP, S	45%		
	AND MAXIMUM AREA OF EXTERIOR	EAST	134'-4"		UP, NS	No Limit		
	LATERIOR .	WEST	94'-8"		-	NOT PERMITTED		
13	SPACES REQUIRING FIRE- RESISTANCE-RATED SEPARATION	None						
14	NON-SEPARATED OR SEPARATED USES WITH REQUIRED CALCULATIONS	None						

TABLE 1604.5 OCCUPANCY CATEGORY OF BUILDINGS AND OTHER STRUCTURES

OCCUPANCY CATEGORY	NATURE OF OCCUPANCY		
I	Buildings and other structures that represent a low hazard to human life in the event of failure, including but not limited to: • Agricultural facilities. • Certain temporary facilities. • Minor storage facilities.		
П	We fall into Occupancy Category II Buildings and other structures except those listed in Occupancy Categories I, III and IV		
Ш	Buildings and other structures that represent a substantial hazard to human life in the event of failure, including but not limited to: We do not classify as a Public Assembly Buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300. Buildings and other structures containing elementary school, secondary school or day care facilities with an occupant load greater than 250. Buildings and other structures containing adult education facilities, such as colleges and universities, with an occupant load greater than 500. Group I-2 occupancies with an occupant load of 50 or more resident patients but not having surgery or emergency treatment facilities. Group I-3 occupancies. Any other occupancy with an occupant load greater than 5,000a. Power-generating stations, water treatment facilities for potable water, waste water treatment facilities and other public utility facilities not included in Occupancy Category IV. Buildings and other structures not included in Occupancy Category IV containing sufficient quantities of toxic or explosive substances to be dangerous to the public if released.		
IV	 Buildings and other structures designated as essential facilities, including but not limited to: Group I-2 occupancies having surgery or emergency treatment facilities. Fire, rescue, ambulance and police stations and emergency vehicle garages. Designated earthquake, hurricane or other emergency shelters. Designated emergency preparedness, communications and operations centers and other facilities required for emergency response. Power-generating stations and other public utility facilities required as emergency backup facilities for Occupancy Category IV structures. Structures containing highly toxic materials as defined by Section 307 where the quantity of the material exceeds the maximum allowable quantities of Table 307.1(2). Aviation control towers, air traffic control centers and emergency aircraft hangars. Buildings and other structures having critical national defense functions. Water storage facilities and pump structures required to maintain water pressure for fire suppression. 		

ARCHITECTURE

720 NW Davis 503.221.1121 =

Suite 300 503.221.2077 @ Portland OR 97209 www.lrsarchitects.com

TRANSMITTAL

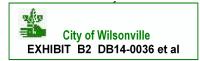
To: Dan Paul	ly / City of Wil	sonville		Date:	Tuesday, April 22, 2014
Associate	e Planner			Project Number	: 214084
29799 SV	N Town Cente	er Loop East		Project Name:	Wilsonville Chrysler Dodge Jeep Ram
Wilsonvill	le, OR 97070			Total Pages:	attached
2 503.682.4	4960			Copies To:	file
<u>503.682.</u>	503.682.7025			Transmitted By:	ddrake
Transmit Via:	☐ Fax	☐ Mail	☐ Messenger	☐ Overnight	
ltem	Date			Description	
				PACKAGE 1	- partial
1	04/22/14			•	rden of Proof Narrative
3	04/22/14			PACKAGE 2	
3	04/22/14				ments (full size) – partial
					cape Plan cape Tree Removal Plan
					ectural Site Plan
3	04/22/14			8 ½" x 11" App	olication (including reduces drawings)
				PACKAGE 3	
3	04/22/14			Application Su	pport Documents
				Traffic	memo by DKS, dated 4/18/2014
				Lands	cape Cut Sheets
					st Report (Tree ID Worksheet)
1	04/22/14			CD-ROM with	PDF of complete application

RE: Incomplete Notice Response for DB14-0036 through DB14-0040

Dear Mr. Pauly,

Please accept the submittal items as noted in the Incomplete Notice, dated April 17, 2014. The following items address those from the letter:

- 1. Proposal & Burden of Proof Narrative Addresses the specific items from the Development Code as noted in the letter.
- 2. Trash Enclosure Included on architectural site plan with plan, elevations, sections and details.
- Traffic Memo Provided from DKS illustrating no increase in trip counts for proposed project.
 - a. DKS recommended a center median for right-in & right-out. It is understood that the City will be providing a center median island on SW Parkway Center Drive, therefore no center median required on-site.
 - b. No variance provided for existing drive access points as recommend by DKS. The existing drive access points will be widened and brought into conformance.
- 4. Arborist Report and revised Landscape Plan Tree ID spreadsheet illustrates the trees on-site and the revised Landscape Plan illustrates tree count, removal and mitigation counts.





CITY OF WILSONVILLE

29799 SW Town Center Loop East Wilsonville, OR 97070 Phone: 503.682.4960 Fax: 503.682.7025

Web: www.ci.wilsonville.or.us Pre-Application meeting date:

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Planning Division Development Permit Application

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

Applicant:		Authorized Representative:				
• •		Authorized Representative:				
Findlay Family Propertie	s Limited Partnership	Tyler Corder				
Address: 310 N. Gibson Rd.	, Henderson, NV 89014	Address: 310 N. Gibson Rd.	, Henderson, NV 89014			
Phone: 702-558-8822		Phone: 702-558-8822				
Fax: 702-558-5414		Fax: 702-558-5414				
E-mail: _tcorder@findlayau	to.com	E-mail:tcorder@findlayaut	co.com			
Property Owner:		Property Owner's Signature: Please see attached authorization from Owner to Findlay Family Properties Limited Partnership				
Weston Investment Co. LL	C	Printed Name:	Date:			
Address: PO Box 12127, Por	tland OP 97212-0127	Applicant's Signature (if different				
Phone: 503-284-9005		Thoule	2			
Fax: 503-284-5458		Printed Name: Tyler Corder	Date: 4/10/14			
E-mail: joe@westoninv.com						
Site Location and Description:	en en esta de Vinera para la materia de Sulvina de Sulvina de Caración (no. 2003). El como en en en esta como e	tik tra en en sis de tradition de service de service de tradition de la management de la presentation de la co				
Project Address if Available: _2	5600 SW Parkway Center Dr	ive	Suite/Unit			
Project Location: See attache	d legal description.					
Tax Map #(s):	Tax Lot #(s):	County:	□ Washington □ Clackamas			
Request:						
Project Type: Class I Clas	s II 🗆 Class III 🗆					
□ Residential	□ Commercial	□ Industrial	□ Other (describe below)			
Application Type:						
□ Annexation	□ Appeal	 Comp Plan Map Amend 	☐ Conditional Use			
□ Final Plat □ Major Partition		☐ Minor Partition	 Parks Plan Review 			
□ Plan Amendment	□ Planned Development	□ Preliminary Plat	□ Request to Modify Conditions			
□ Request for Special Meeting	☐ Request for Time Extension	□ Signs	□ Site Design Review			
□ SROZ/SRIR Review	□ Staff Interpretation	□ Stage I Master Plan	□ Stage II Final Plan			
□ Type C Tree Removal Plan	☐ Tree Removal Permit (B or C)	☐ Temporary Use	□ Variance			
□ Villebois SAP □ Zone Man Amendment	Villebois PDP Other	□ Villebois PDP	□ Waiver			

- 5. Landscape Plan Revises document legend. Also planting material cut sheets are provided.
- 6. Outdoor Staging A small area is proposed at the north side of the drive aisle outside the delivery doors.
- 7. 8 ½" x 11" material sheets were provided at the back of the reduced drawing sets of the original submittal. A larger sheet will be presented at the DRB hearing.

If you have any questions or need additional material, please don't hesitate in contacting me. Thank you.

Sincerely

Associate

SITE DEVELOPMENT PERMIT PRE-APPLICATION CHECKLIST

	Applican	t/Project: Wilsonville Chrysler Parkway Center Drive			
	Pre-Appl	ication File Number:			
	Location	(Map/TL/Address):			
	Type of A	Application:			
	Date of F	Pre-Application			
	A 1:l.	de Catalia Liberto De maisino Normativo De manore de Catalia i de Material (Charles I)			
Х	Applican	ole Criteria Likely Requiring Narrative Response or Submission Material (Checked)			
1	Administr	ation - Sections 4.000 - 4.035			
П	4.000	Administration — Purpose and Title			
$\overline{\Box}$	4.001	Definitions			
同	4.002	Scope, Interpretation and Compliance			
	4.003	Consistency with Plan and Laws			
	4.004	04 Development Permit Required			
	4.005	5 Exclusions from Development Requirement			
	4.006	Use of a Development			
	4.007	Lawfully Existing Development			
	4.008	8 Application Procedures – In General			
	4.009	.009 Who May Initiate Applications			
	4.010	How to Apply			
	4.011	How Applications are Processed			
	4.012	Public Hearing Notices			
	4.013	Hearing Procedures			
Χ	4.014	Burden of Proof			
	4.015	915 Findings and Conditions			
	4.016	Notification of Action on Applications			
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N:\planning\Dan Pauly\Pre App Checklist

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GENERAL SUBMITTAL REQUIREMENTS PRELIMINARY PLAN (STAGE I) FINAL SITE APPROVAL (STAGE II)

- 1. Completed City of Wilsonville Development Permit Application form with appropriate fee, signed by the property owner or a notarized letter from the owner authorizing the applicant to proceed with the land use application.
- 2. Date that the current owner obtained title to the property. (Back up documentation may be required.)
- 3. Proof of payment for traffic report.
- 4. Verify water availability
- 5. Narrative explaining project proposal and briefly how the proposal meets ordinance approval criteria.
- 6. Supplemental requirements, if applicable.
- 7. 10 **FOLDED** copies of all Site Development Plan, assembled in sets, at a scale no greater than 1" = 20' or as determined by the Planning Director, showing the following:
 - a. Vicinity map
 - b. The entire lot as described by the legal description
 - c. Location and size of all existing and proposed public facilities, utilities and easements.
 - d. Location and dimension of site improvements such as roads, buildings, driveways and parking.
 - e. All adjacent rights-of-way and improvements.
 - f. Any surrounding developments, i.e., existing buildings, property lines, driveways, etc.
 - g. Topographic information at one-foot intervals up to
 - 5% slope: two-foot intervals,
 - 6%-12%: five foot intervals,
 - 12%-20%: ten-foot intervals,
 - 20% and above ten-foot intervals
 - h. Phasing of Site Plan.
- 8. One copy each full-size drawing of Site Development Plans reduced to 8½" x 11" or 8½" x 17". This must be a legible photo-mechanical transfer (PMT).
- 9. A current property owners list for all properties within 250 feet of the property lines or from common ownership. This can be obtained from a title company. Please ask for information in "LABEL FORMAT".

10. COMPLETED SITE ANALYSIS DATA:

ITEM	LOT COVERAGE IN SQ. FT	LOT COVERAGE IN %
Building Area		
Parking and Drives		
Landscaping		
Total Site Area		

For more information, please contact the Planning Division at 503-682-4960

SUBMITTAL REQUIREMENTS FOR SITE DESIGN REVIEW

- 1. Completed City of Wilsonville Development Permit Application form signed by the owner of the property or a notarized letter from the owner, authorizing the applicant to proceed with the land use application and appropriate fees.
- 2. Date that the current owner obtained title to the property. (Back up documentation may be required.)
- 3. **3 FOLDED** sets of prints of all Landscape Plans at a scale of 1" = 20 ft. (or as determined by the Planning Director), folded to 8½" x 11", showing the following:
 - a. The location of all trees, vegetation and landscape areas, existing and proposed, indicating all plant materials to be used. All existing trees greater than 6" caliper shall be shown. Indicate all existing trees to be removed. Tree retention is encouraged. An arborist report may be required.
 - b. Conceptual irrigation proposal to maintain trees and plant materials. Full irrigation design is required at Building Permit submittal. Water-wise, irrigation systems are required for most areas.
 - c. Refuse storage areas and how they will be screened from public view, including materials and color.
 - d. The plant list shall include quantities, size, and all scientific and common names of proposed plant material.
 - e. Parking lot landscaping plan per Planning and Land Development Ordinance Section 4.155(.02) and (.03).

Additional folded sets as specified by Planning are to be submitted for DRB public hearing.

- 4. 3 FOLDED sets of all prints of architectural elevations and sketches, drawn to scale, indicating materials, colors and textures proposed, folded to 8½" x 11". Provide architectural drawings of accessory structures, fences and other amenities. Additional folded sets as specified by Planning are to be submitted for DRB public hearing.
- 5. One 8-1/2" x 11" materials board with examples of all proposed materials, colors and textures.
- 6. Exterior lighting plan, drawn to scale, showing type, height and area of illumination.
- 7. A comprehensive signage/graphics plan, drawn to scale, showing the size, location, design, material, color and method of illumination.
- 8. One copy of each full-size landscape and site plans and building elevations reduced to 8½" x 11" or 11" x 17". This must be a legible photomechanical transfer (PMT).
- 9. Completed site analysis data:

Item	Lot Coverage in Sq. Ft.	Lot Coverage in %
Building Area		
Parking and Drives		
Landscaping		
Total Site Area		

10. A current property owners list for all properties within 250 feet of the property line or from common ownership. This can be obtained from a title company. Please ask for information in "label format".

For more information contact the Planning Division at 503-682-4960

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503.221.2077 ₫ Portland OR 97209 www.lrsarchitects.com

April 22, 2013

Daniel Pauly, AICP Associate Planner, Planning Division City of Wilsonville 29799 SW Town Center Loop East Wilsonville, OR 97070

Re: Proposal for Development Application

> P3860 Pre-Application Checksheet Request DB14-0036 Revised Stage I Preliminary Plan

DB14-0037 Stage II Final Plan DB14-0038 Site Design Review DB14-0039 Master Sign Plan Revision

DB14-0040 Type 'C' Tree Plan

Project Name: Wilsonville Chrysler Dodge Jeep Ram Renovation

LRS Project Number: 214084

Dear Mr. Pauly,

The Applicant, Findlay Automotive Group, was founded in 1961 in Las Vegas and we now operate 27 franchised automobile dealerships in four western states. Their existing dealerships are located in Nevada, Utah, Idaho and Arizona. The group is pleased to be proposing this new automotive sales and service dealership at the vacant building located at 25600 SW Parkway Center Drive, previously Smiths Furniture Store (Stage I & II case files 84PC15, and 89PC08 for its expansion) and Hollywood Entertainment (sign 96DB11).

Below is the project application proposal, narrative with the burden of proof to the applicable criteria provided by The City of Wilsonville's Development Code

Proposal Narrative

The applicant is requesting approval for a revised Stage I – Preliminary Plan, Stage II – Final Site Plan, Site Design Review, Master Sign Plan revisions, and Type 'C' Tree Plan.

The first request is modify the Stage I - Preliminary Plan by retaining the use areas, but modifying their locations as well as revisions to the site. The building uses and area for the original Smith's Furniture was for furniture store retail (22,032sf), office (22,032sf), and warehouse (70,200sf + 75,466sf expansion); then Hollywood Entertainment leased it for office and warehouse. It is proposed to retain these uses and areas as some are currently nonconforming under the current code. Retail will incorporate the showroom, retail repair shop, and service/parts waiting area. The office use will include administrative and financial offices. The remaining, warehouse use, will include the service reception staging, fleet vehicle repairs, detail, support for servicing, parts storage and inventory warehouse, which are allowed uses. In order to abide by with warehouse categorization, employees are allowed to enter the inventory warehouse and then shuttle specific inventory into an enclosed staging area adjacent the showroom for inspection. This will allow the customer to inspect the vehicle. No sales or transactions will take



place in either of these two locations, and will take place in the showroom, finance & insurance offices, or service advisors room.

Site plan modification include connection the two existing lots with a new pervious paving drive, widening the existing access drives at Elligsen and the southern SW Parkway Center Drive to bring them into conformance, and provide new showroom access via grass pavers.

Tree C Plan is being requested to remove some trees to allow for the new connection drive and for the addition of the wall along SW Parkway Center Drive. This also provides a desired visual access to the signs on the building. This will alleviate the need for additional signs. A few directional signs and a small monument sign at the main access drive will be provided. There is an inventory on the existing trees along with an arborist report to illustrate the current condition of the trees. There will be additional new trees added to other areas of the site to mitigate the tree removals. There is also significant tree credits available based on the number of large trees than we are proposing to retain with those calculations being illustrated on the Landscape Plans.

A new Stage II Final Site Plan Review and Site Design Review are proposed for the renovation of the site and building. Site impervious surface being disturbance will be kept to a minimum and under 5000sf. New pervious paying and other elements will be utilized to mitigate impacts. Non-conforming site upgrade are also being incorporated into this package, but requested to be exclude them from the 5000sf threshold. The existing North screening wall will be removed and replaced with three foot high landscaping, including required trees, for screening of required parking. The Building area will actually be reduced by removing some interior components. A parts racking mezzanine will be installed, but not included in area as it's categorized as systems equipment. The North facade will remain the same with the exception of the dock overhead doors being replaced with storefront glazing, overhead glazed doors to the service reception staging area, painting and building signs. The West façade will be retained with the addition of new glazing, a new portal entry wall, side wall wings, and building signs. Additional parking spaces are being provided and a portion of the existing impervious pavement is being removed and replaced with new pervious pavement. Exterior service storage will be screened with a combination of 6' high landscape, gate or fencing. A new exterior enclosed refuse and recycle area is being proposed on the east side of the building. Tenant B will retain its refuse and recycling on the interior of the building. Site lighting has been modified, with a new row of lighting along the SW Parkways Center Drive frontage, which complies with Wilsonville's code, and shown on the lighting site plans. Cut sheets of the light products are included in the support documentation.

A revision to the Master Sign plan is requested to maintain the allowable area approved along SW Parkway Center Drive in order to provide tenant flexibility. This previous approved amount will not be exceeded. The original case 84PC15 approved 439sf in area and height to be less than 10' above roof line. The case 89PC08 had an area for the west façade sign at 271sf. The proposed signs, with dimensions and areas as shown architectural exterior elevation sheets, will not exceed these areas.

Burden of Proof Narrative

The narrative contains only the sections applicable to this proposed development and as indicated in the Pre-Application Checklist provided by the planner at the pre-application meeting. Sections that are deemed not applicable are not included.

4.000 ADMINISTRATION

4.014 Burden of Proof

RESPONSE: The provided narrative, drawings and other support documents are the necessary findings for administration to review.

4.035 Site Development Permits

RESPONSE: Provided with this application and includes a revised Stage I – Preliminary Plan, Stage II – Final Site Plan, Site Design Review, Revised Master Sign Plan, and Tree C Plan.

4.116. Standards Applying To Commercial Developments In Any Zone.

Any commercial use shall be subject to the applicable provisions of this Code and to the following:

(.01) Commercial developments shall be planned in the form of centers or complexes as provided in the City's Comprehensive Plan. As noted in the Comprehensive Plan, Wilsonville's focus on centers or complexes is intended to limit strip commercial development.

RESPONSE: The proposed project is the renovation of an warehouse, office and retail space building and will be redeveloped into two tenants with one retaining the existing uses, which will be modified to allow for a vehicle sales and service tenant, the other will be retained for warehouse purposes. It is an approved existing single building development and not a part of a complex.

- (.05) All businesses, service or processing, shall be conducted wholly within a completely enclosed building; except for:
 - E. Temporary staging of inventory, as shall be authorized through a site development permit, complying with the following additional minimum development and performance standards:

RESPONSE: Required service parking will be utilized as temporary staging of inventory from the vehicle truck carrier to the building. A three vehicle staging area is also being requested for the northern side of the site opposite of the vehicle delivery doors for inspection of the vehicles. All transactions shall be within the wholly enclosed building.

- The staging area shall be screened by a fully sight obscuring fence or planting, high wall, high berm or high screen landscape standard as specified in Section 4.176 - Landscaping Screening and Buffering;
- 2. All parts of the staged inventory shall be completely concealed on all sides from public view at the right-of-way line; and
- 3. The staged inventory shall be relocated into a completely enclosed structure of the primary retail operation within 48 hours of placement.

RESPONSE: If the inventory staging area is granted and implemented then it will be screened with the required landscape buffering. All parts of delivery loading, though service storage parking is to be screened from view with high landscaping screening or fence standards and illustrated on the architectural site plan and landscape plans. The staged inventory will be brought into the building at night for secure storage.

F. Exterior sales that are specifically authorized through temporary use permit approval, subject to conditions of approval. Exterior sales that may be permitted are those that are limited in time duration, such as sidewalk sales, grand openings, or farmers' markets.

RESPONSE: There may be occasion (special events and sales) that will need added display of cars in other locations. In these instances, the owner will apply for a temporary display permit.

- G. Exterior sales areas, complying with the following minimum development and performance standards:
 - 1. The sales area shall be accessory to, and shall not exceed 5% of the floor area of the primary retail operation.
 - 2. The sales area shall be completely covered by a permanent structure of a design construction and architecture compatible with that of the structure of the primary retail operation.
 - All required ADA and pedestrian access ways and circulation aisles shall remain clear at all times.
 - 4. For new development, the Development Review Board may grant a waiver to allow exterior sales area of up to 10% of the floor area of the primary retail operation, provided that findings can be made that:

RESPONSE: No exterior sales are being proposed for the existing development and therefore will not impact required ADA and pedestrian access and circulation throughout the building.

(.10) Commercial developments generally.

RESPONSE: The PDI zone dictates general development. See responses to 4.135.

(.12) Off-Street Parking is to be as specified in Section 4.155.

RESPONSE: The proposed development meets off-street parking requirements as spelled out in Section 4.155. See our response to that section later in this narrative and refer the architectural site plans.

(.13) Signs are subject to the standards of Sections 4.156.01 through 4.156.11.

RESPONSE: See our response to Sections 4.156.01-4.156.11. and refer to the architectural site plan and exterior elevations (have building & site sign proposed types and sizes).

4.117 Standards Applying to Industrial Developments in any Zone

(.01) All industrial developments, uses, or activities are subject to performance standards. If not otherwise specified in the Planning and Development Code, industrial developments, uses, and activities shall be subject to the performance standards specified in Section 4. 135 (.05) (PDI Zone).

RESPONSE: See our response to Sections 4.135, 4.131, and 4.116.

4.118. Standards applying to all Planned Development Zones:

(.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

RESPONSE: See responses to sections 4.300-4.320 later in this narrative. The development is existing and currently have all utilities underground.

4.131. PDC - Planned Development Commercial Zone.

The requirements of a PDC Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

(.01) The following shall apply to any PDC zone:

A. Uses that are typically permitted:

9. Those uses that are listed as typically permitted in Section 4.131.05(.03), as well as the following additional uses when conducted entirely within enclosed buildings:

RESPONSE: Per Section 4.131.05(.03).B – Retail sales and service of New Automobiles and Trucks, if not more than one and one-half (1 ½) tons capacity, and in a fully enclosed building. Though these uses are non-conforming, the use areas are allowed under case numbers 84PC15, 84DR15, and 89PC15, which are noted as part of the package 4. Non-conforming uses are allowed to continue under 4.189.

4.135 PDI Planned Development Industrial Zone

(.01) Purpose: The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses.

RESPONSE: Previous case numbers 84PC15, 84DR15, and 89PC15, which are part of the package 4, allowed the specific uses at time of master site approval. These uses are to continue us 4.189.

(.02) The PDI Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code.

(.03) Uses that are typically permitted:

- A. Warehouses and other buildings for storage of wholesale goods, including cold storage plants.
- B. Storage and wholesale distribution of agricultural and other bulk products, provided that dust and odors are effectively contained within the site.
- C. Assembly and packing of products for wholesale shipment
- D. Manufacturing and processing
- E. Motor vehicle services, or other services complementary or incidental to primary uses, and which support the primary uses by allowing more efficient or cost effective operations
- F. Manufacturing and processing of electronics, technical instrumentation components and health care equipment.
- G. Fabrication
- H. Office complexes Technology
- I. Corporate headquarters

- J. Call centers
- K. Research and development
- L. Laboratories
- M. Repair, finishing and testing of product types manufactured or fabricated within the zone.
- N. Industrial services
- O. Any use allowed in a PDC Zone, subject to the following limitations:
 - Service Commercial uses (defined as professional services that cater to daily customers such as
 financial, insurance, real estate, legal, medical or dental offices) not to exceed 5000 square feet of
 floor area in a single building, or 20,000 square feet of combined floor area within a multi-building
 development.
 - 2. Office Complex Use (as defined in Section 4.001) shall not exceed 30% of total floor area within a project site.
 - 3. Retail uses, not to exceed 5000 square feet of indoor and outdoor sales, service or inventory storage area for a single building and 20,000 square feet of indoor and outdoor sales, service or inventory storage area for multiple buildings.
 - 4. Combined uses under Subsections 4.135(.03)(O.)(1.) and (3.) shall not exceed a total of 5000 square feet of floor area in a single building or 20,000 square feet of combined floor area within a multi-building development.

RESPONSE: Zoning use areas are non-conforming but will retain the use areas allowed under case numbers 84PC15, 84DR15, and 89PC15, which are part of the package 4.

- P. Training facilities whose primary purpose is to provide training to meet industrial needs.
- Q. Public facilities.
- R. Accessory uses, buildings and structures customarily incidental to any permitted uses.
- S. Temporary buildings or structures for uses incidental to construction work. Such structures to be removed within 30 days of completion or abandonment of the construction work.
- T. Other similar uses, which in the judgment of the Planning Director, are consistent with the purpose of the PDI Zone.
- (.04) Block and access standards:
 - The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03).
- (.05) Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.
 - A. All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review.

RESPONSE: All uses shall be within the wholly enclosed building, except those mentioned above. Staging, for the inspections of vehicles only with no transactions, are located in 3 locations. Two are located on the interior are not included in the area uses and the last one is a request for revision to the master site plan to allow a location on the north side of the property, opposite of the delivery door. This will contain 3 vehicles for inspection where the employee will shuttle the vehicle into position for the customer to view. These will be required to be relocated back into inventory storage no later than 10pm of the day shown.

B. Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located.

RESPONSE: N/A

C. Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.

RESPONSE: None are anticipated.

D. Any open storage shall comply with the provisions of Section 4.176, and this Section.

RESPONSE: Service storage is located on the east side of the building as illustrated in the architectural site plan. This also illustrates high screening in both fence and landscaping as required by 4.176.

E. No building customarily used for night operation, such as a baker or bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred (100)

feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any residential district.

RESPONSE: N/A

F. Heat and Glare:

- 1. Operations producing heat or glare shall be conducted entirely within an enclosed building.
- 2. Exterior lighting on private property shall be screened, baffled, or directed away from adjacent residential properties. This is not intended to apply to street lighting.

RESPONSE: Exterior lighting is LED with integrated glare control. This is illustrated in the Lighting Site Plan along with the light fixture cut sheets.

G. Dangerous Substances: Any use which involves the presence, storage or handling of any explosive, nuclear waste product, or any other substance in a manner which would cause a health or safety hazard for any adjacent land use or site shall be prohibited.

RESPONSE: Fluid storage, both new and used, shall be in self contain storage tanks as required by DEQ and provided by the Owner's shop equipment vendor. Location is provided on the interior of the building. See architectural floor plans.

- H. Liquid and Solid Wastes:
 - 1. Any storage of wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.
 - 2. Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required in Section 4.176.
 - No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.
 - 4. No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.
 - All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.
 - 6. All operations shall be conducted in conformance with the City's standards and ordinances applying to sanitary and storm sewer discharges.

RESPONSE: See the statement above for waste fluids. Solid waste and recycling is being proposed for this tenant on the exterior of the building in the east lot. This will be a solid enclosure with screen gates as illustrated on the architectural site plans. There is no new storm water run-off anticipated. The use of pervious paving will infiltrate the water having a net decrease on the public facilities.

I. Noise: Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality and W.C. 6.204 governing noise control in the same or similar locations. [Amended by Ord. 631, 7/16/07]

RESPONSE: Repair service will be wholly enclosed to mitigate noise generation.

J. Electrical Disturbances. Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the PDI zone which interfere with the normal operation of equipment or instruments within the PDI Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential use areas are also prohibited.

RESPONSE: None anticipated.

K. Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause a nuisance or injury to human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

RESPONSE: As required by DEQ, all service vehicle will be connected to exhaust gas connection when the vehicles are being serviced and if running.

L. Open burning is prohibited.

RESPONSE: None anticipated.

- M. Storage:
 - 1. Outdoor storage must be maintained in an orderly manner at all times.
 - Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.
 - Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight-obscuring fence or planting not less than six (6) feet in height.

RESPONSE: Exterior service storage will be maintained in an orderly fashion on an existing a.c. paved lot. Six foot high landscape and fence screening will be installed as illustrate on the architectural and landscape site plans.

- N. Landscaping:
 - 1. Unused property, or property designated for expansion or other future use, shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such things as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded field grass.
 - 2. Contiguous unused areas of undisturbed field grass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberries, English ivy, cherry Laurel, reed canary grass or other identified invasive plants shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located within a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.
 - 3. Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.

RESPONSE: Site is fully built out with no used land. All landscape is to be maintained.

(.06) Other Standards:

- A. Minimum Individual Lot Size: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
- B. Maximum Lot Coverage: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
- C. Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- D. Rear and Side Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setbacks on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- E. No setback is required when side or rear yards abut on a railroad siding.
- F. Corner Vision: Corner lots shall have no sight obstruction to exceed the vision clearance standards of Section 4.177.
- G. Off-Street Parking and Loading: As provided in Section 4.155.
- H. Signs: As provided in Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12] [Section 4.135 amended by Ordinance No. 574, 11/1/04.]

RESPONSE: Site is fully built-out and complies with all the standards. Off-street parking and loading are being modified with additional parking being added along the proposed drive and the north loading berths being vacated for this tenant, which is illustrated on the architectural site plan.

4.140. Planned Development Regulations.

(.09) Final Approval (Stage Two):

- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
 - 1. The location of water, sewerage and drainage facilities;
 - 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;

- 3. The general type and location of signs;
- 4. Topographic information as set forth in Section 4.035;
- 5. A map indicating the types and locations of all proposed uses; and
- 6. A grading plan.

RESPONSE: The final plan is revising the existing development plan to include an added internal drive connection, widening of the Elligsen and south SW Parkway Center drive access' to bring them into conformance. The existing water and sewer will be reused. Due to size of pervious paving being disturbed, pervious paving is proposed as not to create impacts on the City's storm facilities. Non-conforming site upgrades are also being incorporated such as pedestrian connection to the main entrance from the public/transportation ROW. See civil drawings and architectural site plan

D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.

RESPONSE: See the drawing set included with the application.

- J. A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
 - 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.

RESPONSE: The development areas, including existing and proposed, are illustrated on the architectural floor plans.

- 2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as 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. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.
 - a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:

RESPONSE: As the proposed development is will be a net decrease on trip generations. DKS has provide a memo illustrating no need for a traffic study, therefore the applicant is requesting the requirement for a traffic study to be waived.

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.

RESPONSE: The proposed development is serviced by a combination of existing facilities that were installed with the original development. The applicant shall work with staff to identify any additional facilities required for this specific tenant. See survey and civil drawings.

4.141 Special Regulations Changes of Use

RESPONSE: No conversion of Change in Use is being requested at this time as the use areas are being retained as allowed under case numbers 84PC15, 84DR15, and 89PC15, which are part of the package 4. If staff see that the proposal needs to be addressed differently, the applicant will work with staff to adjust the narrative accordingly.

4.154 Bicycle, Pedestrian and Transit Facilities

(.01) On-site Pedestrian Access and Circulation

- A. The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards. Development shall conform to all of the following standards:

- 1. Continuous Pathway System. A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable.
- 2. Safe, Direct, and Convenient. Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:
 - Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.
 - b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.
 - c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.
 - d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.).
- 3. Vehicle/Pathway Separation. Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.
- Crosswalks. Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light color concrete inlay between asphalt, or similar contrast).
- 5. Pathway Width and Surface. Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.
- 6. All pathways shall be clearly marked with appropriate standard signs.

RESPONSE: The site is served with an existing pedestrian pathway that connects all primary building entrances, adjacent parking areas. A new connecting pedestrian connection to the ROW, closest to the bus stop is proposed as part of the non-conforming site upgrades. It will consist of crosswalks across the parking area, that has contrasting material from the adjacent vehicle drive aisles, then leads to the 6" high raised to the ROW. The primary pathway(s) shall be a minimum of 5'-0" and be consistent with ADA requirements and shown on the architectural and civil site plans.

4.155. General Regulations - Parking, Loading and Bicycle Parking.

Please see sheets A101 Site Plan and Landscape Plan L.1.

(.02) General Provisions:

B. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.

REPONSE: Dedicated parking spaces are designed to be accessible and usable for only required parking. The architectural site plan calls out for the number of parking spaces.

C. In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the additional floor area of the enlarged or additional building, or changed use, as set forth in this Section. Current development standards, including parking area landscaping and screening, shall apply only to the additional approved parking area.

RESPONSE: The number of parking spaces within the development are not restricted per the warehouse allowance.. Internal landscaping and screening meets the requirements within the code. Please see the architectural site plan and landscape plans that illustrate the required low and high landscape screening areas. Also refer to the planting material cut sheets.

F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.

RESPONSE: The building will have a new decrease in area. This existing development has approximately 300 off-street parking spaces (63 new spaces). According to 'Table 5: Parking Standards' (use: commercial – retail outlets selling automobiles) the minimum required number of parking spaces is 253, and the maximum required number of parking spaces is 672. See the architectural site plan and floor plan for area calculations.

J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.

RESPONSE: All parking is provided with a 6" curb and the standard size does not require landscape modifications for overhang. Compact spaces also contain standard depth to avoid landscape modifications. In no case will vehicle hang over the property line or interfere with landscape screening or sidewalk. Please refer to the architectural site plan.

K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative, shall be provided.

RESPONSE: The majority of the existing parking and drive aisle areas that will remain is asphalt. New areas being added for parking and maneuvering will be a pervious asphalt pavement to provide adequate storm drainage and infiltration. See Civil drawings.

L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.

RESPONSE: Lighting is designed not to shine into adjoining properties or the eyes of passers-by through the use of light shields at the property lines. Please see the lighting plans, photometric plan, luminaire cut sheets and narrative in the forthcoming 4.199 response.

N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.

RESPONSE: Compact spaces are proposed in the development, though retain standard depths, and are less than 40% of total parking. See the architectural site plans.

O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

RESPONSE: Most parking spaces are standard size (9' x 18') and compact spaces are (7'-6" x 18") and are designed so that no overhang is required.

(.03) Minimum and Maximum Off-Street Parking Requirements:

- A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
 - 1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.

RESPONSE: The existing development has a high quantity of loading berths. Approximately half of these will be abandoned and replaced with storefront glazing. A new loading zone is provided is provided on the east side of the building for vehicle carrier trucks to load/unload inventory. The location of the zone allows for ingress and egress from the space to occur in a forward motion.

2. To the greatest extent possible, separate vehicle and pedestrian traffic.

RESPONSE: The parking for the facility is broken down into four zones; customer parking, service parking, employee parking, and future tenant parking/loading. Parking for customers is located in the zone directly adjacent to the entry that they will be accessing; new sales customers park near the main retail entry to the building, service customers pull directly into the service bays keeping them out of the vehicle traffic lane, and employees park in the zone accessed by the Elligsen driveway entry to the site.

B. Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:

 Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the fifteen percent (15%) total landscaping required in Section 4.176.03 for the site development.

RESPONSE: The parking lot is a combination of existing spaces and new spaces. All new parking areas are broken up with landscape islands, end islands, and frontage. Parking adjacent to adjacent Elligsen will receive low screening standards to complement the existing landscape screening. The interior landscape is above 10% and is included in the overall landscape, which is over greater than 15%. Please see the calculation tables on the architectural site and floor plan, as well as the landscape plans.

2. Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount.

RESPONSE: All new landscape tree planting areas are a minimum of 8' wide and long. In new parking space areas these are spaced five parking spaces apart maximum. See landscape drawings, Sheet L.1 included with the application.

a. Trees shall be planted in a ratio of one (1) tree per eight (8) parking spaces or fraction thereof, except in parking areas of more than two hundred (200) spaces where a ratio of one (1) tree per six (six) spaces shall be applied as noted in subsection (.03)(B.)(3.). A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations.

RESPONSE: Trees are located within the new parking area so that the minimum of 1 tree per every 8 spaces ratio is met. See landscape plans included with the application.

b. Except for trees planted for screening, all deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven (7) feet clearance at maturity.

RESPONSE: Trees proposed are suitably sized as required with notes of branching to a minimum of 7' high at maturity. This will need to be the responsibility of the Owner once the trees reach the age. See arborist report, landscape plans, and landscape material sheets.

d. All parking lots viewed from the public right of way shall have a minimum twelve (12) foot landscaped buffer extending from the edge of the property line at the right of way to the edge of the parking area. Buffer landscaping shall meet the low screen standard of 4.176(.02)(D) except that trees, groundcovers and shrubs shall be grouped to provide visual interest and to create view openings no more than ten (10) feet in length and provided every forty (40) feet. Notwithstanding this requirement, view of parking area that is unscreened from the right of way due to slope or topography shall require an increased landscaping standard under 4.176(.02) in order to buffer and soften the view of vehicles as much as possible. For purposes of this section, "view from the public right of way" is intended to mean the view from the sidewalk directly across the street from the site, or if no sidewalk, from the opposite side of the adjacent street or road.

RESPONSE: The majority of the existing parking lot sits way back from the ROW. A landscape screen buffer meets the low screen standard and has a combination of ground cover, lawn, shrubs, and trees along Elligsen. The rear parking will have high landscape screening as illustrated on architectural site and landscape plans.

e. Where topography and slope condition permit, the landscape buffer shall integrate parking lot storm water treatment in bio swales and related plantings. Use of berms or drainage swales are allowed provided that planting areas with lower grade are constructed so that they are protected from vehicle maneuvers. Drainage swales shall be constructed to Public Works Standards.

RESPONSE: The existing site is developed. The new internal drive will be pervious paving to allow for stormwater filtration since it sits lower than the adjacent grade. See civil plans.

f. In addition to the application requirements of section 4.035(.04)(6)(d), where view of signs is pertinent to landscape design, any approved or planned sign plan shall accompany the application for landscape design approval.

RESPONSE: In addition to the signage mounted on the building, the project includes a monument sign located in the west planting area. Signage details are included in this application, as well as a modified master sign plan, and illustrated on the architectural site plan and exterior elevations (sign quantity and sizes).

4. Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces., provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.

RESPONSE: The proposed quantity of accessible stalls meets the required count and illustrated on the architectural site plan and area calculations on the floor plan.

8. Tables 5, below, shall be used to determine the minimum and maximum parking standards for various land uses.

RESPONSE: Parking for the proposed development provided the specified quantity of parking spaces and illustrated on the architectural site plan and areas from the floor plan..

(.04) Minimum Off-Street Loading Requirements:

A. Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:

RESPONSE: The existing building has a large quantity of loading berths. Approximately half will be abandoned. One additional off-street loading space is included within the development sized 12' wide by 35' long. This space is dedicated and is located so as to not impair the flow of traffic in and out of the parking lot, which is receiving high landscape/fence screening. This will be the location of the vehicle carrier truck.

RESPOSNE: (.04) According to 'Table 5: Parking Standards,' the minimum number of bike parking spaces is (18). (9) spaces shall be located on the exterior of the building within 30'-0" of the main entrance. (9) long-term spaces shall be located inside the building. All bike parking spaces shall meet minimum maneuvering dimensions as set forth in this section. See Az1.01 for minimum requirement calculations.

RESPONSE: (.06) No carpool or vanpool parking is provided or required for this project.

4.156.02. Sign Review Process and General Requirements.

(.02) Sign Permits and Master Sign Plans. Many properties in the City have signs preapproved through a Master Sign Plan. For the majority of applications where a Master Sign Plan has been approved the applicant need not consult the sign requirements for the zone, but rather the Master Sign Plan, copies of which are available from the Planning Division. Signs conforming to a Master Sign Plan require only a Class I Sign Permit.

RESPONSE: The property has an existing approved Master Sign Plan 84DR15 and modified 89PC15 that the applicant is requesting a modification to the MSP. The request is to keep the maximum total area allowed as well as the maximum area allowed along SW Parkway Center. This requires a revision to the master sign plan.

(.04) Class I Sign Permit. Sign permit requests shall be processed as a Class I Sign Permit when the requested sign or signs conform to a Master Sign Plan or other previous sign approval. In addition, a Minor Adjustment to a Master Sign Plan or other previous sign approval may be approved in connection with a Class I Sign Permit.

RESPONSE: Per discussions with the City, a revision to the MSP is being applied for in lieu of what was submitted.

B. Class I Sign Permit Review Criteria: The sign or signs conform with the applicable master sign plan or other previous sign approvals, and applicable code requirements.

RESPONSE: Project is requesting to retain the allowed sign area for the original sign plan case 84PC15 and 89PC15 for flexibility. See architectural exterior elevation for sign dimensions, area and tables and package 4 for the historically approved case files for the master sign plans.

4.156.03. Sign Measurement

(.01) Sign Area:

- A. Cabinet Signs and Similar:
- B. Individual Element Signs:
- C. Round or Three-Dimensional Signs:
- D. Awning or Marquee Signs:

- E. Painted Wall Signs:
- (.02) Sign Height above Ground.
- (.03) Sign Height and Length.

RESPONSE: See architectural exterior elevation for sign dimensions, area and tables that meet these standards.

4.156.05 Signs Exempt from Sign Permit Requirements

RESPONSE: There are no proposed signs that meet the exemption requirements.

4.156.06 Prohibited Signs

RESPONSE: No prohibited signs are being proposed.

4.156.08 Sign Regulations in the PDC. PDI, and PF Zones

RESPONSE: Although section 4.156.08 limits the total area of signage the applicant is requesting to maintain the approved sign area for case file 84PC15 at 439sf along SW Parkway Center Drive. Hollywood Entertainment is also mentioned with that same frontage allowed 271sf in case file 89PC08. See architectural exterior elevations for signs, dimensions, and area calculations.

4.167 General Regulations – Access, Ingress and Egress.

(.01) Each access onto streets or private drives shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit.

RESPONSE: There are currently three existing access points to the project, no new access is proposed. One access drive is located on SW Elligsen Road along the north side of the site. This is a 24-foot driveway which will be widened to 36-feet no meet City standards. There are two driveways off of SW Parkway Center Drive. The driveway closest to the SW Elligsen/SW Parkway Center intersection will remain as-is but will become a designated right-in/right-out access with a center median. The second driveway from SW Parkway Center Road, located at the SW corner of the site will also be widen from 24-feet to 36-feet and will be a full access driveway to meet City standards. This southern access will also incorporate a new pedestrian walk that will connect the front door to public transportation, located adjacent the access point. As designed these access points provide safe and adequate access to the site.

4.171 General Regulations - Protection of Natural Features and Other Resources.

- (.01) Purpose. It is the purpose of this section to prescribe standards and procedures for the use and development of land to assure that protection of valued natural features and cultural resources. The requirements of this Section are intended to be used in conjunction with those of the comprehensive Plan and other zoning standards. It is further the purpose of this Section:
 - A. To protect the natural environment and scenic features of the City of Wilsonville.
 - B. To encourage site planning and development practices which protect and enhance natural features such as riparian corridors, streams, wetlands, swales, ridges, rock outcroppings, views, large trees and wooded areas.
 - C. To provide ample open space and to create a constructed environment capable and harmonious with the natural environment.
- (.02) General Terrain Preparation.
 - C. In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:
 - 1. Limit the extent of disturbance of soils and site grading, excavation and other land alterations.
 - 2. Avoid substantial probabilities of: (1) accelerated erosion; (3) damage to vegetation.

RESPONSE: The proposed site is currently fully developed, and will be renovated to accommodate the Chrysler/Jeep/Dodge/Ram dealership. Therefore, this project will have very little impact on any existing land forms, or natural resources. Very minimal grading is proposed and a great deal of existing vegetation, including a large grouping of trees (NE corner of the site) will be preserved and noted on the landscape plans.

(.03) Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that: **RESPONSE**: There are no slopes; proposed or existing that exceeds 25%.

- (.04) Tress and Wooded Areas.
 - A. All developments shall be planned, designed, constructed and maintained so that:
 - 1. Existing Vegetation is not disturbed, injured or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
 - 2. Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at the breast of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
 - 3. Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.

RESPONSE: The proposed site is currently fully developed. However, a large grouping of trees (NE corner of the site) will be preserved. All street tress will also be preserved. Additional existing trees will be incorporated into the landscape plan as described in the Arborists Report, included in this submittal package.

B. Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:

RESPONSE: Existing plant materials, to be retained in the landscape shall be protected as recommended by the Arborist.

(.05) High Voltage Power line Easement and Rights of Way.

RESPONSE: There is an existing overhead power line easement running east/west along the Southside of the property. There is also a B.P.A. tower midway, within this easement. For the most part existing plant materials will be retained in this area and no new trees are proposed.

- (.06) Hazards to Safety: Purpose.
 - A. To protect lives and property from natural or human-induced geological hydrological hazards and disasters.
 - B. To protect lives and property from damage due to soil hazards.
 - C. To protect lives and property from forest and brush fires.
 - D. To avoid financial loss resulting from development in hazard areas.

RESPONSE: The proposed site is currently fully developed, and will be renovated to accommodate the Chrysler/Jeep/Dodge/Ram dealership. Therefore, this project will not create any hazards to public safety.

- (.07) Standards for Earth Movement Hazard Areas:
- (.08) Standards for Soil Hazard Areas:
- (.09) Historic Protection: Purpose:
- (.10) Alteration and Development Criteria
- (.11) Cultural Resource Designation Criteria:

RESPONSE: The proposed site is not within an Earth Movement Hazard Area, or of Historic or Cultural significance.

4.175 Public Safety and Crime Prevention

- (.01) All developments shall be designed to deter crime and insure public safety.
- (.02) Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.
- (.03) Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.
- (.04) Exterior lighting shall be designed and oriented to discourage crime.

RESPONSE: Building safety signage (including address and directional) is designed to assure identification by emergency response personnel, as well as the general public. Parking and loading areas are designed for access by police and emergency personnel, and lighting is designed and oriented to discourage crime in accordance to 4.199. Please see architectural site plan and lighting site plans.

4.176 Landscape, Screening and Buffering.

- (.01) Purpose. This Section consists of landscaping and screening standards and regulation for use throughout the City. The regulations address materials, placement, layout and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening and buffering to:
 - A. Promote and re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife habitat reasons;

- B. Restore native plant communities and conserve irrigation water through establishment or reestablishment of native, drought tolerant plants;
- C. Mitigate for loss of native vegetation;
- D. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- E. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and abutting sites and uses;
- F. Unify development and enhance and define public and private spaces.
- G. Promote the retention and use of existing topsoil and vegetation. Amended soils benefit storm water retention and filtration:
- H. Aide in energy conservation by providing shade from the sun and shelter from the wind;
- I. Screen from public view the storage of materials that would otherwise be considered unsightly;
- J. Support crime prevention, create proper site distance clearance, and establish other safety factors by effective landscaping and screening;
- K. Provide landscape materials that minimize the excessive use of fertilizers, herbicides, and pesticides, irrigation, pruning and mowing to conserve and protect natural resources, wildlife habitats and water sheds.
- (.02) Landscaping and Screening Standards.

RESPONSE: The proposed landscape plan submitted with this application strives to comply with each of the applicable goals as discussed in this section. As stated much of the existing landscape will be retained. The intent of the proposed landscape plan is to replace dead or dying plant materials, highlight entry areas and specific building features, improve visual access into the site from the streets, and screen parking and storage areas. Combinations of Landscape Standards have been implied to meet this intent and comply with the Purpose of the landscape as indicated by City code. The northern property line has received a high screen treatment, while the other property boundaries have received a Low Screen treatment. There are no walls, berms or site obscuring fences proposed at this time. However, it is anticipated that a sight obscuring wall or fence will be proposed in relation to the refuse and recycling area.

(.03) Landscape Area. Not less that fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct area of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.

RESPONSE: The proposed, the site plan provides 91,953 sf (20%) of landscape area. Approximately 11% of the 20% is parking area landscape. The primary areas of landscape are the perimeter landscape, the parking area landscape and the building façade landscape. Native and drought tolerant plant materials have been used where appropriate.

(.04) Buffering and Screening.

- A. All intensive or higher density developments shall be screened and buffered from less intensive or lower density developments.
- B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas.
- C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
- D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development Permit.
- E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks and truck parking.
- F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fence line shall require Development Review Board approval.

RESPONSE: Screening is proposed along the northern property line as this is the only area of the site which will have storage (merchandise parking), and the trash/recycling area. The site is surrounded by like zoning and uses, (industrial), therefore the amount and type of screening and buffering proposed is appropriate.

(.05) Sight-Obscuring Fence or Planting. The use for which a sight-obscuring fence of planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City.

RESPONSE: The sight obscuring wall at the North property will be removed and replaced with an opaque landscape screening. The service storage will be screened with a higher level of screening. The be proposed refuse and recycling area to be located to the east of the building within the high screening area. The screening will be in place before the dealership opens for business and landscape criteria will be met within in the required timeframe.

(.06) Plant Materials.

- A. Shrubs and Ground Cover.
 - 1. Shrubs. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.
 - 2. Ground Cover. Shall be equal to or better that the following depending on the type of plant material used: gallon containers spaced at 4-feet on center minimum, 4" pots spaced 2 feet on center minimum, 2-1/4" pots spaced at 18" on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within (3) years of planting.
 - 3. Turf or lawn in Non-residential development. Shall not be used to cover more than ten (10%) of the landscaped area,
 - 4. Plant Materials under Trees or Large Shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
 - 5. Integrate compost-amended topsoil in all areas to be landscaped, including lawns, to help detain runoff, reduce irrigation and fertilizer needs, and create a sustainable, low-maintenance landscape.
- B. Trees. All trees shall be well branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped.
- C. Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Board may require larger or more mature plant materials.

RESPONSÉ: All plant materials will be specified to comply with sizing and quality standards. The existing turf areas will be retained and do not exceed 10% of the proposed landscape area. Shrubs and ground covers will be placed as needed beneath trees. Amended topsoil will be used throughout all landscaped areas. Because the landscape plan incorporated a great deal of existing mature plant materials, it is not anticipated that more of such will be required.

D. Street Trees.

RESPONSE: The existing street trees on both SW Ellingsen Road and SW Parkway Center Drive will be retained.

- E. Types of Plant Species.
 - Existing landscape or native vegetation may be used to meet these standards if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and non-native vegetation to be incorporated into the landscape shall be identified.
 - 2. Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation what will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.
 - 3. Prohibited plant materials.

RESPONSE: A great deal of the existing landscape will remain. Every effort has been made to use native and drought tolerate plant materials as appropriate.

F. Tree Credit.

RESPONSE: Please refer to the Arborist Report included with this submittal package.

(.07) Installation and Maintenance.

- A. Installation.
- B. Maintenance

RESPONSE: As specified, all plant materials meet the current industry standards. Furthermore, all plant materials shall be installed and maintained to provide the opportunities for plant growth and survival. Dead or dying plant materials will be replaced in a timely manner.

C. Irrigation. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also a=to assure that water is not wasted through unnecessary or inefficient irrigation.

RESPONSE: An in ground design build irrigation system is proposed for all new plant materials. Where possible, established plant materials will be irrigated using the existing in ground system on an as needed basis.

D. Protection. All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and storage of materials.

RESPONSE: Curbing and bollards will be used to protect the existing and proposed plant materials.

(.08) Landscape on Corner Lots. All landscaping on corner lots shall meet the vision clearance standards of Section 4.177.

RESPONSE: Special attention has been paid to assure compliance with the vision clearance requirements at the intersection of SW Ellingsen/SW Parkway Center.

- (.09) Landscape Plans. Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type. Installation size, number, and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated. Landscape plans shall divide all landscape areas into the following categories based on projected water consumption for irrigation:
 - A. High water usage areas
 - B. Moderate water usage areas
 - C. Low water usage areas
 - D. Interim or unique water usage areas

RESPONSE: Because the project will be using a split irrigation system (essentially the old system and a new system), and will have both established plants, as well as newly installed plant materials, the water usage for the project will be extremely efficient. Everything being watered by the old system would be considered 'Interim or unique water areas'. The new plant materials will require 'Moderate to Low' water usages, with the intent to water on an 'Interim' schedule after plant materials are established (1 to 3 years).

4.177 Street Improvement Standards.

This section contains the City's requirements and standards for pedestrian, bicycle and transit facility improvements to public streets, or within public easements. The purpose of this section is to ensure that development, including redevelopment, provides transportation facilities that are safe, convenient and adequate in rough proportion to their impacts.

(.08) Access Drive and Driveway Approach Development Standards.

- A. An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.
- E. Minimum access requirements shall be adjusted commiserate with the intended function of the site based on vehicle types and traffic generation.
- I. Driveways shall accommodate all projected vehicular traffic on-site without vehicle stacking or backing up onto a street.
- J. Driveways shall be designed so that vehicle areas, including but not limited to drive up and drive through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.

RESPONSE: No new streets or access drives are proposed with this project. There are currently three existing access points to the project. One access drive is located on SW Ellingsen Road along the north side of the site. This is a 24-foot driveway which will be widened to 36-feet. There are two driveways off of SW Parkway Center Drive. The driveway closest to the SW Ellingsen/SW Parkway Center intersection will remain as is but will become a designated right-in/right-out access. The second driveway from SW Parkway Center Road, located at the SW corner of the site will also be widen from 24-feet to 36-feet and will be a full access driveway. As designed these access points provide safe and adequate access to the site and comply with the suggestions of City staff as presented at the pre-application conference.

- B. Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
- C. Where emergency vehicle access is required, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection standards.

RESPONSE: All access driveways and internal maneuvering lanes will be constructed to the City of Wilsonville Construction Standards. Additionally, vehicular ramps into the building display area, service bays and detailing facilities are proposed, to be constructed to all applicable standards.

K. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.

RESPONSE: Additional sidewalk sections are proposed at the access driveway at the SW corner of the site. Additional ramps and striping is also proposed throughout the site to better facilitate pedestrian movement and safety. ADA parking spaces and ramps have been added to meet existing code. Two parking areas have been connected at the NW corner of the site to provide better vehicular connectivity.

4.178 Sidewalk and Path Standards. (Deleted by Ord. #719, 6/17/13, see Section 4.177)

RESPONSE: A new pedestrian sidewalks will connect the front entry to the public right-of-way and transit stop with a minimum of five feet wide and a differentiating material at the vehicle drive.

4.179 Mixed Solid Waste ad Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings

(.03) The storage area requirement shall be based on the predominant use(s) of the building. If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.

RESPONSE: The storage area is calculated on four (4) uses in the building. This includes commercial service (other), automotive sales (other), offices and industrial storage (other). See architectural site plan and floor plan for areas in tabulating for mixed solid waste & recycling storage. The size is also mentioned below.

(.05) The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than four feet but no higher than seven feet may be used to accommodate the same volume of storage in a reduced floor space. Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions for the containers.

RESPONSE: Storage wall height will be 6'-0", higher than the 4'-0" minimum requirements and less than 7'-0" maximum

- (.06) The specific requirements for storage area are as follows:
 - B. Non-residential buildings shall provide a minimum storage area of ten square feet, plus:
 - 1. Office: Four square feet per 1,000 square feet gross floor area (GFA);
 - 2. Retail: Ten square feet per 1,000 square feet GFA;
 - 4. Other: Four square feet per 1,000 square feet GFA.

RESPONSE: The storage area will be 204 square feet which exceeds the required 187 square foot. Refer to exhibit D in the attached appendix for mixed solid waste & recycling storage tabulation.

(.07) The applicant shall work with the City's franchised garbage hauler to ensure that site plans provide adequate access for the hauler's equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section.

RESPONSE: Refuse and recycling for the new Tenant A has been proposed on the East side of the building in the service storage lot and sized per the specific area types. This will be screened to current standards and illustrated on the architectural site plan. Since Tenant B is unknown at this time, the propose area will be retained on the inside of the building.

4.199 OUTDOOR LIGHTING

4.199.50 Submittal Requirements

(.01)Applicants shall submit the following information as part of DRB review or administrative review of new commercial, industrial, multi-family or public facility projects:

- A. A statement regarding which of the lighting methods will be utilized, prescriptive or performance, and a map depicting the lighting zone(s) for the property.
- B. A site lighting plan that clearly indicates intended lighting by type and location. For adjustable luminaires, the aiming angles or coordinates shall be shown.
- C. For each luminaire type, drawings, cut sheets or other documents containing specifications for the intended lighting including but not limited to, luminaire description, mounting, mounting height, lamp type and manufacturer, lamp watts, ballast, optical system/distribution, and accessories such as shields.
- D. Calculations demonstrating compliance with Oregon Energy Efficiency Specialty Code, Exterior Lighting, as modified by Section 4.199.40(.01)(B.)(2.) [Amended by Ord. 688, 11/15/10]
- E. Lighting plans shall be coordinated with landscaping plans so that pole lights and trees are not placed in conflict with one another. The location of lights shall be shown on the landscape plan. Generally, pole lights should not be placed within one pole length of landscape and parking lot trees.
- F. Applicants shall identify the hours of lighting curfew.
- (.02) In addition to the above submittal requirements, Applicants using the <u>Prescriptive Method</u> shall submit the following information as part of the permit set plan review:
 - A. A site lighting plan (items 1 A F, above) which indicates for each luminaire the 3 mounting height line to demonstrate compliance with the setback requirements. For luminaires mounted within 3 mounting heights of the property line the compliance exception or special shielding requirements shall be clearly indicated.
- (.03)In addition to the above submittal requirements, Applicants using the <u>Performance Method</u> shall submit the following information as part of the permit set plan review:
 - A. Site plan showing horizontal isocandle lines, or the output of a point-by-point computer calculation of the horizontal illumination of the site, showing property lines and light levels immediately off of the subject property.
 - B. For each side of the property, the output of a point-by-point vertical footcandle calculation showing illumination in the vertical plane at the property line from grade to at least 10 feet higher than the height of the tallest pole.
 - C. Lighting plans shall be prepared by a qualified licensed engineer.
- (.04)In addition to the above applicable submittal requirements, Applicants for <u>Special Permits</u> shall submit the following to the DRB for review:
 - A. Tabulation of International Engineering Society of North America (IESNA) lighting recommendations for each task including area illuminated, recommended illumination level, actual maintained illumination level, and luminaires used specifically to achieve the indicated criteria.
 - B. Lighting plans shall be prepared by a qualified licensed engineer.
- (.05)For all calculations, the following light loss factors shall be used unless an alternative is specifically approved by the City:

Metal halide	0.6
High pressure	8.0
Compact fluorescent	0.7
Full size fluorescent	0.75
Incandescent	0.9
Halogen	0.95
Other	As

4.199.60. Major Additions or Modifications to Pre-Existing Sites.

- (01.)Major Additions. If a major addition occurs on a property, all of the luminaires on the site shall comply with the requirements of this Section. For purposes of this sub- section, the following are considered to be major additions:
 - A. Additions of 50 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after July 2, 2008.
 - B. Modification or replacement of 50 percent or more of the outdoor lighting luminaries' within a 5-year timeframe existing as of July 2, 2008.

RESPONSE:

(.01) Lighting Compliance Method – Performance Option

Lighting Zone – LZ2: maximum luminaire wattage 100w fully shielded, maximum mounting height 40 feet, maximum light level at property line 0.2fc horizontal 0.4fc vertical.

Site lighting plan attached as part of submitted package. Lighting plan has luminaire mounting height noted for the proposed new luminaire types. New luminaires will be installed in the same location as existing pole mounted luminaires along SW Parkway Center Dr. using existing pole bases and electrical circuiting.

Lighting Power Density: From Table 505.6.2(2) OEESC the site is classified as Parking areas and drives and is permitted 0.06w per sq. ft. The paved area for the lighting improvements is 24,247 square feet giving a total of 1,545.82 watts allowed by code in LZ2. Lighting power for the modified area is 988 watts [(11) type S1 at 68 watts each, (2) type S2 at 120 watts each].

Due to the BPA right of way that runs through the property the maximum height of pole mounted luminaires has been limited to 20 feet.

The curfew for this site is 10pm. The luminaires will be controlled by time clock and will reduce by 50% during curfew hours. The owner will make the necessary changes to the existing lighting to reduce the light levels by 50% during curfew hours.

(.03)

Submitted lighting plans include photometric data for horizontal compliance and vertical compliance at the property line within the area of modification. The vertical calculations show compliance with Table 9. The property line along the area of modification is the curb line and as shown in the calculations meet the LZ2 requirements. The remaining light levels shown on the photometric plan indicates the existing conditions, the owner has no plans to make changes these areas at this time.

None of the surrounding properties were required to meet Section 4.199 and most have significant light trespass and degradation of the nighttime environment. The parcel to the West side of SW Parkway Center Drive is a large retail parcel that is classified as a LZ3 and is allowed double the light trespass. (.05)

Listed light loss factors were used for new luminaires using the sources listed. A light loss factor of 0.83 was used for the new LED luminaires.

(.06)

Less than 50% of the luminaires are being replaced or added for this project

SECTIONS 4.300 – 4.320 UNDERGROUND UTILITIES 4.400 Purpose

SECTIONS 4.400 – 4.450 SITE DESIGN REVIEW 4.400 Purpose

4.421. Criteria and Application of Design Standards.

A. Preservation of Landscape. The landscape shall be preserved in its natural state, in so far as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

RESPONSE: The existing development is heavily landscaped. There will be tree removal, requiring the Tree 'C' permit, in order to accommodate the new tenant. Supplemental landscape will be installed to providing screening requirements for some additional parking areas. See arborist report, landscape plans, and plant material cut sheets.

B. Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and

other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.

RESPONSE: The front wall addition is relatively minor and doesn't impact the site. It provides a portal entry to better define the entrance of the building from the approach. Drive access locations are unchanged. Parking and drive alterations improve circulation for on-site access by connecting the west and north lots, reducing the load on the public right-of-way. Parking screened with landscape buffer areas will enhance the frontage. See architectural site plan, civil plans and landscape plans.

C. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

RESPONSE: As previously mentioned, access drives for the project are not being altered from what currently exists. Drive aisle widths have been increased to bring them into conformance, except the north access on SW Parkway. The new interior drive lane allows access for separate customer, service, employee parking, and storage lots. Reconfiguration of the parking also allows for a loading space with easy access to the new trash enclosure on the east side of the building. See the architectural site plans and trash enclosure.

D. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.

RESPONSE: Impervious surface disturbance will be kept to a minimum. The new area being added will be pervious a.c. paving to allow storm water to infiltrate and slow surface water shedding in order to not impact the public system. See civil plans.

E. Utility Service. Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.

RESPONSE: Existing utility services will be retained. See survey and civil plans.

F. Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

RESPONSE: The building has an approved Master Sign Plan and modified Plan 84PC15 and 89PC15 for allowable area. This area is requested to be the same to allow the site and building signs to be installed for this Tenant and allow for flexibility for the other future tenant. The architectural site plan illustrates (1) monument sign on SW Parkway and (1) directional sign on Elligsen. The architectural exterior elevations illustrate the building signs with (2) on the north face for service and (5) of the west face for the dealer nameplate and for each brand. This sheet include information on size, location design, color, texture, lighting, and materials. Signage is consistent with typical signage for this type of use and enhances the overall aesthetic of the building while not detracting from surrounding properties.

G. Special Features. Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.

RESPONSE: Exterior service storage will receive high landscape and fence screening as required and illustrated on the architectural site plan and landscape plans. This area receives a new screened trash enclosure and new vehicle carrier truck loading zone. Existing loading berths are to be abandoned for this tenant and overhead doors replaced with storefront. Due to action the high screen wall is to be removed from the Elligsen street side and replace with low landscape screening for required parking. The new renovation will have a positive impact on the surrounding properties.

4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas

(.02) Location Standards:

A. To encourage its use, the storage area for source separated recyclables shall be collocated with the storage area for residual mixed solid waste.

RESPONSE: A new trash enclosure located at the east side of the site, directly across from the loading space will house both recyclables as well as solid waste.

B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.

RESPONSE: Storage areas proposed are in compliance with current applicable building and fire codes.

C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations.

RESPONSE: The primary storage area for waste and recycling for this tenant is the new trash enclosure located at the east side of the building. The future tenant will retain internal trash storage as typical with this area.

D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three (3) feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.

RESPONSE: The trash enclosure is located at the back of the site and is aligned with the existing back building wall away from the property line or frontage. See architectural site plan.

E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.

RESPONSE: The trash enclosure is centrally located along the back side of the building and easily visible within the screen exterior storage area. No security concerns exist due to the location.

F. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions of Section 4.430 (.03), below.

RESPONSE: The trash enclosure is located within the parking lot zones so as to not impact parking or maneuvering around the site. It's location provides screening from the street

G. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

RESPONSE: The trash enclosure is located so the hauler can easily access and exit the site with a forward motion. As it sits deep into the site, the street will not be affected. It is located along a 2-way drive aisle and is out of the way of parking and maneuvering as well as pedestrian traffic.

(.03) Design Standards.

A. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.

RESPONSE: Dimensions are as indicated on architectural trash enclosure sheet. Inside walls include wooded bumpers.

B. Storage containers shall meet Uniform Fire Code standards and be made of or covered with waterproof materials or situated in a covered area.

RESPONSE: Allied Waste will provide covered storage containers.

C. Exterior storage areas shall be enclosed by a sight obscuring fence, wall or hedge at least six (6) feet in height. Gate openings for haulers shall be a minimum of ten (10) feet wide and shall be capable of being secured in a closed or open position. In no case shall exterior storage areas be located in conflict with the vision clearance requirements of Section 4.177.

RESPONSE: Exterior Storage area has 6' high site obscuring wall to match the building and has two sets of gates. Bolts will be designed to hold the gates in both the open and closed positions

D. Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

RESPONSE: Allied Waste will provide labels on storage containers.

(.04) Access Standards.

A. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day and to collect service personnel on the day and approximate time they are scheduled to provide collection service.

RESPONSE: Storage area is located adjacent to the service area of the building and is limited to the dealership's use yet provides access to collection vehicles.

B. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of ten (10) feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered.

RESPONSE: Storage area is design for easy access for the collection vehicles with 10'-0" horizontal clearance and 8'-0" vertical clearance.

C. Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

RESPONSE: Storage areas are accessible to collection vehicles without requiring backing out of driveway onto a public street.

4.450 Installation of Landscaping.

- (.01) All landscape required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six months of occupancy.
- (.02) Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plans shall not be made without official action of the Planning Director or Development Review Board as specified in this code.
- (.03) All landscape shall be continually maintained, including necessary watering, weeding, pruning and replacing in a substantially similar manner as originally approved by the Board, unless altered with Board approval.

RESPONSE: All landscape will be installed as approved by the City of Wilsonville, prior to application for Occupancy Permit. The landscape design shall be maintained as approved.

4.600 TREE PRESERVATION AND PROTECTION

4.600. Purpose and Declaration

4.600.20 Applicability of Subchapter

RESPONSE: This project recognizes and conforms to the purpose, applicability and all standards related to the existing trees, in a manner outlined within the Arborist's Report.

4.600.30 Tree Removal Permit Required

(.01) Requirement Established. No person shall remove any tree without first obtaining a Tree Removal Permit (TRP) as required by this subchapter.

RESPONSE: A Tree Removal Permit has been submitted.

4.600.50 Application for Tree Removal Permit

- (.01) Application for Permit. A person seeking to remove one or more trees shall apply to the Director for a Tree Removal Permit for a Type A, B, C, or D permit, depending on the applicable standards as provided in this subchapter.
 - D. An application for a tree removal permit that does not meet the requirements of Type A may be submitted as a Type B application.
- (.02) Time of Application.
- (.03) Fees.

Application for the Tree Removal Permit will be made as required by this code.

4.610.00 Application Review Procedure

(.03) Reviewing Authority

E. Type C. where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the council.

RESPONSE: This project will require a Type C review procedure.

4.610.10 Standards for Tree Removal, Relocation or Replacement

- (.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C, or D Tree Removal Permit.
 - B. Preservation and Conservation. No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a design principal shall be equal in concern and importance to other design principles.
 - C. Developmental Alternatives. Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.
 - D. Land Clearing. Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights of way and areas necessary for the construction of buildings, structures or other site improvements.
 - F. Compliance With Statutes and Ordinances. The proposed activity shall comply with all applicable statues and ordinances.
 - G. Relocation and Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those tress that are not to be removed, in accordance with WC 4.620.10.

RESPONSE: This project complies with all applicable standards related to the removal and preservation of existing trees, as outlined within the Arborist's Report included in this Design Review Application package.

- H. Limitation. Tree removal or transplanting shall be limited to instances where the applicant has provided complete information as required by this Chapter and the reviewing authority determines that removal or transplanting in necessary based on the criteria of this subsection.
 - Necessary for Construction. Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure of other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.
 - 2. Disease, Damage, or Nuisance, or Hazard. Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this code. Avoid substantial probabilities of: (1) accelerated erosion; (3) damage to vegetation.
 - (a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.
 - 3. Interference. Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.
 - 4. Other. Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.

RESPONSE: The Arborist Report for this project details how each tree that will be removed meets the above criteria.

- I. Additional Standards for Type C Permits.
 - 1. Tree Survey. For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40, and provide a Tree Maintenance and Protection Plan, unless specifically exempted by the Planning Director of DRB, prior to initiating site development.
 - 3. Utilities. The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of

natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.

RESPONSE: A Tree Survey is included in the Application package. Also included in the package are Utility Plans which have been prepared with consideration to existing trees, to provide minimal impact and removal.

4.610.40 Type C Permit

- (.02) The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:
 - A. A Plan, including topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
 - 1. Property Dimensions.
 - 2. Tree Survey.
 - 3. Tree Protection
 - 4. Easements and Setbacks
 - 5. Grade Changes.
 - 6. Cost of Replacement.
 - 7. Tree Identification.

RESPONSE: This project complies with all applicable standards related to the removal, protection and preservation of existing trees, as outlined within the Arborist's Report included in this Design Review Application package. A Tree Survey which identifies all existing trees on-site is included in the Application package.

4.620.00 Tree Location, Mitigation, or Replacement

RESPONSE: This project complies with all applicable standards related to the removal, protection and preservation of existing trees, as outlined within the Arborist's Report included in this Design Review Application package. A Tree Survey which identifies all existing trees on-site is included in the Application package.

4.620.10 Tree Protection During Construction

RESPONSE: Tree protection procedures during construction are outlined in the Arborist's Report included in this application submittal package.

4.6920.20 Maintenance and Protection Standards

RESPONSE: Tree protection and maintenance procedures are outlined in the Arborist's Report included in this application submittal package.

LRS hopes that this narrative helps in defining the burden of proof of finding the facts to the requested applicable criteria from The City of Wilsonville's Planning and Land Development Ordinance.

Sincerely, LRS Architects, Inc.

Daniel Drake Associate

WILSONVILLE CHRYSLER DODGE JEEP RAM

WILSONVILLE, OREGON
25600 SW Parkway Center Drive
PLANNING SET

DB14-0036 Revised Stage I Preliminary Plan
DB14-0037 Stage II Final Plan
DB14-0038 Site Design Review
DB14-0039 Master Sign Plan Revision
DB14-0040 Type 'C' Tree Plan

April 25, 2014

PROJECT DIRECTORY

OWNER & OWNER REPRESTATIVES:

DEVELOPMENT COMPANY: Findlay Family Properties Limited

310 N Gibson Road Henderson, NV 89014 Telephone: (702) 558-8822 Facsimile: (702) 558-5414 Representative: Tyler Corder Email: tcorder@findlayauto.com

PROJECT MANAGEMENT: Pinnell Busch, Inc 6420 SW Macadam Avenue, Ste 330

6420 SW Macadam Avenue, Ste Portland, OR 97239 Telephone: (503) 293-6280 Facsimile: (503) 293-6284 Representative: John Costello Email: john@pinnellbusch.com

SURVEY: Northwest Sureying Inc P.O. Box 7177 Beaverton, OR 97007 Telephone: (503) 848-2127

Beaverton, OR 97007

Telephone: (503) 848-2127

Representative: Clint Stubs

Email: nwsurveying@nwsrvy.com

TRAFFIC ENGINEER:

DKS Associates
117 Commercial Streee NE, Suite 310
Salem, OR 97301
Telephone: (503) 391-8773
Representative: Brad Coy, P.E. & Joseph Reid, E.I.T.

ARCHITECT:

Richard J Youngblood Architect
610 W Hubbard Street, Ste 119
Coeur d'Alene, ID 83814
Telephone: (208) 215-7222
Representative: Richard Youngblood
Email: richard@rjyoungblood.com

STRUCTURAL ENGINEER:

LIGHTING DESIGNER

708 SW 3rd Avenue, Suite 400
Portland, OR 97204
Telephone: (503) 382-2266
Facsimile: (503) 382-22620
Representative: Michael Larsen - Senior Lighting Designer

CIVIL ENGINE & LANDSCAPE:

Email: MichaelL@interfaceeng.com

AAI Engineering Inc
4875 SW Griffith Drive, Ste 300
Beaverton, OR 97005
Telephone: (503) 620-3030
Representative: Michael O'Brien
Email: michael@aaieng.com

CIVIL ENGINEER & LANDSCAPE:

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4875 SW Griffith Drive, Ste 300
Beaverton, OR 97005
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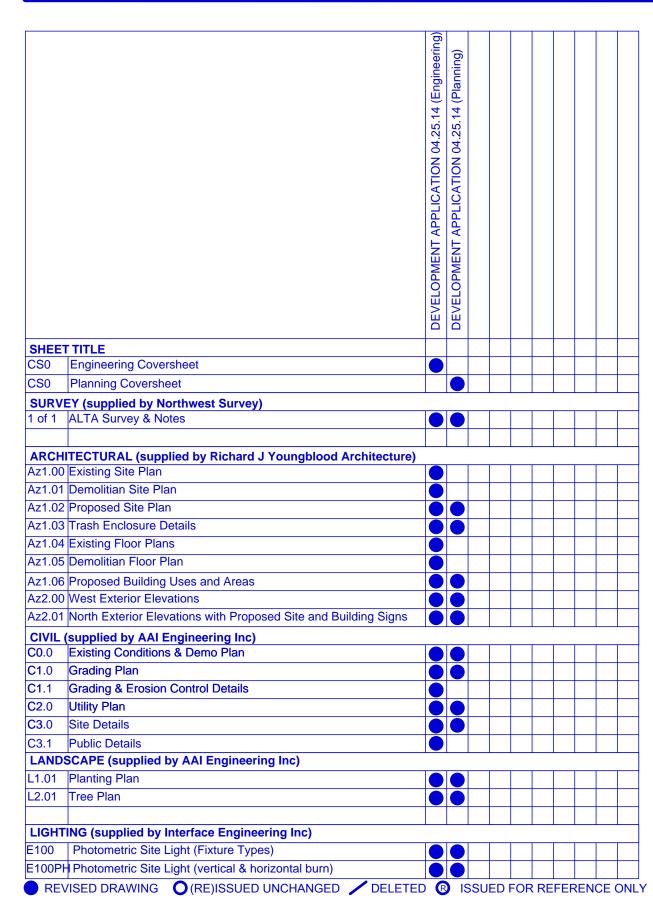
ARBORIST:

Applied Horticultural Consulting, Inc.
P.O. Box 2355
Lake Oswego, OR 97035-1420
Telephone: (503) 756-5198
Representative: Don Richards, President
Email: don@appliedhort.com

PROJECT CONSULTANTS:

PLANNING:
LRS Architects, Inc.
720 NW Davis Street, Suite 300
Portland, OR. 97209
Telephone: (503) 221-1121
Facsimile: (503) 221-2077
Representative: Steve Mileham - Preside
Danny Drake - Project Manager
Email: ddrake@lrsarchitects.com

DRAWING INDEX







PROPERTY DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WILSONVILLE, COUNTY OF WASHINGTON COUNTY AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 88°47'08" EAST 1330.71 FEET AND NORTH 01°23'58" EAST 672.90 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 1, SAID POINT OF BEGINNING BEING ON THE SOUTH LINE OF A 125 FOOT WIDE ELECTRIC TRANSMISSION LINE EASEMENT GRANTED TO PORTLAND GENERAL ELECTRIC COMPANY IN BOOK 484, PAGE 315, WASHINGTON COUNTY DEED RECORDS; THENCE NORTH 01°23'58" EAST 621.74 FEET TO A POINT WHICH LIES SOUTH 01"23'58" WEST 30.00 FEET FROM THE CENTERLINE OF S.W. ELLIGSEN ROAD (A 50.00 FOOT RIGHT-OF-WAY 30.00 FEET SOUTH OF CENTERLINE AND 20.00 FEET NORTH OF CENTERLINE); THENCE NORTH 88'47'44" WEST, PARALLEL WITH THE CENTERLINE OF S.W. ELLIGSEN ROAD A DISTANCE OF 304.92 FEET TO THE NORTHEAST CORNER OF THAT TRACT DESCRIBED IN DEED TO BURNS WESTERN INC. BY BARGAIN AND SALE DEED, FEE NO. 84-049454; THENCE SOUTH 01°23'58" WEST ALONG THE EAST BOUNDARY LINE OF SAID BURNS WESTERN INC. TRACT, 621.19 FEET TO THE SOUTH LINE OF SAID PORTLAND GENERAL ELECTRIC EASEMENT; THENCE ALONG THE SOUTH LINE OF SAID PORTLAND GENERAL ELECTRIC EASEMENT SOUTH 88°41'33" EAST 304.92 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF WILSONVILLE FOR ROAD RIGHT-OF-WAY BY DEED RECORDED JUNE 15, 2004, RECORDER'S FEE NO. 2004-067290, WASHINGTON COUNTY RECORDS. PARCEL II:

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 1, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WILSONVILLE, COUNTY OF WASHINGTON AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 88'47'08" EAST, 1330.71 FEET AND NORTH 01'23'38" EAST, 631.43 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NORTH 88'41'33" WEST, 304.92 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 88'41'33" WEST, 412.00 FEET TO A POINT IN THE EAST LINE OF S.W. PARKWAY AVENUE (A 62 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EAST LINE ALONG THE ARC OF A 569.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 22°03'40", AN ARC DISTANCE OF 219.98 FEET (THE CHORD BEARS NORTH 00°47'27" EAST 217.74 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 2031.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°37'00", AN ARC DISTANCE OF 376.34 FEET, (THE CHORD BEARS NORTH 06°30'46" EAST, 375.80 FEET) TO A POINT OF TANGENCY; THENCE NORTH 01¹¹2'16" EAST, 40.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90'00'00", AN ARC DISTANCE OF 47.12 FEET (THE CHORD BEARS NORTH 46"2'16" EAST, 42.43 FEET) TO A POINT OF TANGENCY, WHICH POINT LIES IN THE SOUTH LINE OF S.W. ELLIGSEN ROAD (A 50 FOOT RIGHT-OF-WAY, 30 FEET SOUTH OF CENTERLINE AND 20 FEET NORTH OF CENTERLINE); THENCE ALONG THE SAID SOUTH LINE SOUTH 88'47'44" EAST, 351.06 FEET: THENCE SOUTH 01'23'58" WEST, 662.66 FEET TO THE TRUE POINT OF

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF WILSONVILLE FOR ROAD RIGHT-OF-WAY BY DEED RECORDED JUNE 15, 2004, RECORDER'S FEE NO. 2004-067290, WASHINGTON COUNTY RECORDS.

SURVEYOR'S NOTE: NO PORTION OF SAID PROPERTY DESCRIBED IN RECORDER'S FEE NO. 2004-067290 LIES WITHIN THE BOUNDARY OF PARCEL II.

⟨#⟩ EXCEPTION NUMBER PER PRELIMINARY REPORT

THE PROPERTY DESCRIPTION AND EXCEPTIONS ARE PER PRELIMINARY REPORT PREPARED BY CHICAGO TITLE INSURANCE COMPANY OF OREGON WITH AN EFFECTIVE DATE OF DECEMBER 19, 2013 AT 8:00 AM AND ORDER NO. 472513514261PP-CT50.

EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: PORTLAND GENERAL ELECTRIC COMPANY ELECTRIC POWER LINE, STRUCTURES AND APPURTENANCES

THE SOUTHERLY PORTIONS OF PARCELS I AND II

EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: PORTLAND GENERAL ELECTRIC COMPANY

ELECTRIC POWER LINE, STRUCTURES AND APPURTENANCES RECORDING DATE: MAY 29, 1969

THE NORTHWESTERLY PORTION OF PARCEL II

THE EASTERLY PORTION OF PARCEL I

SURVEYOR'S NOTE: THE DESCRIPTION FOR THE LOCATION OF THE EASEMENT CONTAINS AMBIGUITIES AS TO ITS POINT OF BEGINNING AND ALSO LACKS ADEQUATE INFORMATION FOR IT TO BE PLOTTED. THE EASEMENT MAY ENCUMBER AN AREA ALONG THE EAST LINE OF PARCEL I OR ALTERNATIVELY IS NOT LOCATED ON THE SURVEYED PROPERTY.

EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: ADJOINING PROPERTY OWNER ENTRANCE SIGN RECORDING DATE: DECEMBER 21, 1984 RECORDING NO: 84-049458

EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: THE CITY OF WILSONVILLE GENERAL UTILITIES RECORDING DATE: JANUARY 21, 1986

THE WESTERLY 15 FEET OF PARCEL II EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: THE CITY OF WILSONVILLE

RECORDING DATE: MAY 13, 1986 RECORDING NO: 86-020026

A 15 FOOT STRIP THROUGH THE SOUTHERLY PORTION OF PARCEL II EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO. AS GRANTED IN A DOCUMENT:

GRANTED TO: THE CITY OF WILSONVILLE RECORDING DATE: MAY 13, 1986 RECORDING NO: 86-020027

AFFECTS: THE NORTHEASTERLY PORTION OF PARCEL II

EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: THE CITY OF WILSONVILLE RECORDING DATE: MAY 13, 1986

RECORDING NO: 86-020028 A 15 FOOT STRIP THROUGH THE SOUTHERLY PORTION OF PARCEL II EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO: THE CITY OF WILSONVILLE PUBLIC UTILITIES RECORDING DATE: JUNE 15, 2004 RECORDING NO: 2004–067291 A 6 FOOT STRIP ADJACENT TO S.W. ELLIGSEN ROAD

STORMWATER MAINTENANCE COVENANT AND ACCESS EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF; RECORDING DATE: APRIL 18, 2006 RECORDING NO.: 2006-045700

SURVEYOR'S NOTE: THIS IS A BLANKET EASEMENT WITH NO SPECIFIC LOCATION DEFINED.

1. THE RIGHT-OF-WAY WIDTH OF SW PARKWAY CENTER DRIVE AND SW ELLIGSEN ROAD ARE BASED ON RECORD INFORMATION PER PROPERTY DEEDS, THE WASHINGTON COUNTY TAX ASSESSOR'S MAP AND MULTIPLE SURVEYS AND PLATS. SW ELLIGSEN ROAD IS A PUBLIC STREET FOR WHICH JURISDICTION WAS SURRENDERED BY WASHINGTON COUNTY TO THE CITY OF WILSONVILLE PER RESOLUTION AND ORDER NO. 85-40 FILED MARCH 1, 1985. SW PARKWAY CENTER DRIVE WAS DEDICATED TO THE CITY OF WILSONVILLE BY DOCUMENT NO. 86-003023, DEED RECORDS OF WASHINGTON COUNTY, OREGON.

2. VEHICULAR ACCESS POINTS TO THE PROPERTY FROM PUBLIC RIGHTS-OF-WAY ARE ALONG SW PARKWAY CENTER DRIVE AND SW ELLIGSEN ROAD AT POINTS WHERE NOTED.

3. BOTH PARCELS ARE ADDRESSED AS 25600 SW PARKWAY CENTER DRIVE

4. THE GROSS PROPERTY AREA IS 10.37 ACRES, MORE OR LESS.

5. THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

6. THERE ARE NO PROPOSED CHANGES IN STREET RIGHT-OF-WAY WIDTHS PER THE LISTING OF CAPITAL IMPROVEMENT PROJECTS ON THE OFFICIAL WEB SITE FOR THE CITY OF WILSONVILLE. THE CITY TRANSPORTATION SYSTEM PLAN LISTS AN UPGRADE TO SW ELLIGSEN ROAD EAST OF PARKWAY CENTER DRIVE AS A PLANNED FUTURE PROJECT. IT IS NOT CLASSIFIED AS "HIGHER PRIORITY" AND NO SCHEDULE FOR THE PLANNED IMPROVEMENTS IS PROVIDED. THERE WAS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

7. THERE WAS NOT OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL EXCEPT FOR THE STORM WATER DETENTION POND NEAR THE SOUTHEAST CORNER OF PARCEL I WHERE NOTED.

8. THE INSURER DID NOT PROVIDE ZONING INFORMATION. THE FOLLOWING IS PER THE ZONING MAP ON THE OFFICIAL WEB SITE FOR THE CITY OF WILSONVILLE, THE SURVEYED PROPERTY IS ZONED PLANNED DEVELOPMENT INDUSTRIAL (PDI).

PER SECTION 4.135 OF THE CITY OF WILSONVILLE PLANNING AND LAND DEVELOPMENT CODE, THE FOLLOWING APPLIES TO PDI ZONED PROPERTY:

30 FEET SIDE SETBACK: REAR SETBACK: 30 FEET MAXIMUM LOT COVERAGE: NO LIMIT NONE STATED BUILDING HEIGHT:

SURVEYOR'S NOTE: THE PROPERTY IS DESCRIBED AS TWO PARCELS ON THE CURRENT DEED RECORDED AS DOCUMENT NO. 2007-12196, WASHINGTON COUNTY DEED RECORDS. IT IS UNKNOWN WHETHER EACH PARCEL IS CONSIDERED A LEGAL LOT OF RECORD WITH THE COMMON LINE BETWEEN THEM BEING SUBJECT TO SETBACK REQUIREMENTS. OTHER ZONING OR SETBACK RESTRICTIONS MAY APPLY TO THE SURVEYED PROPERTY IN ADDITION TO THOSE STATED

9. PER FIRM MAP 41005C0234D, THE SURVEYED PROPERTY IS LOCATED ENTIRELY IN ZONE X. ZONE X IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".

10 THERE ARE 293 STRIPED PASSENGER CAR PARKING SPACES AND AN ADDITIONAL 7 DESIGNATED FOR HANDICAPPED USE FOR A TOTAL OF 300 SPACES. ADDITIONAL STALLS EXIST FOR TRUCK PARKING AT LOADING BAYS.

11. ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 445. THE BENCHMARK IS A BRASS DISK LOCATED ON THE NORTHWEST CORNER OF THE SW ELLIGSEN ROAD BRIDGE OVER INTERSTATE 5. ITS ELEVATION IS 281.55 FEET ON THE NGVD 1929 DATUM.

12. THE FIELD WORK WAS PERFORMED DURING FEBRUARY AND MARCH OF 2014.

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

OUTHY 4, RAI

SURVE

LOCATI TOWNS

1084 TOPO.DW AS NOTED PRAMING GENERATED BY LD2004

CHECKED BY: PREPARED FOR: FINDLAY MANAGEMENT GROUP 310 N. GIBSON ROAD

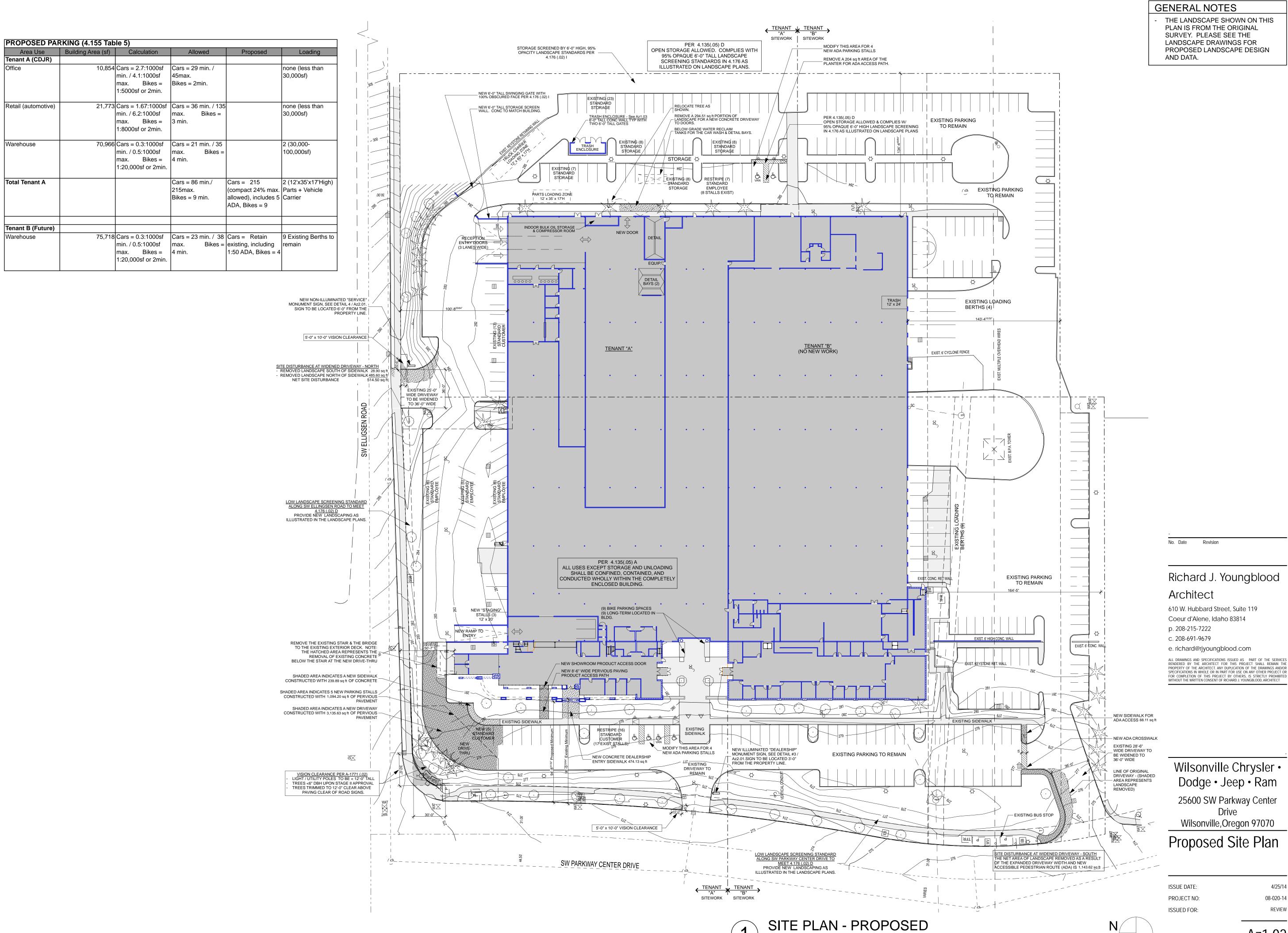
PHONE: (702) 558-8822 REVISIONS:

HENDERSON, NV 89014

INITIAL RELEASE: MAR. 27, 2014

JOB NUMBER

1 OF 1



GENERAL NOTES

THE LANDSCAPE SHOWN ON THIS PLAN IS FROM THE ORIGINAL SURVEY. PLEASE SEE THE LANDSCAPE DRAWINGS FOR PROPOSED LANDSCAPE DESIGN

No. Date Revision

Richard J. Youngblood

Architect

610 W. Hubbard Street, Suite 119 Coeur d'Alene, Idaho 83814

p. 208-215-7222

e. richard@rjyoungblood.com

ALL DRAWINGS AND SPECIFICATIONS ISSUED AS PART OF THE SERVICES RENDERED BY THE ARCHITECT FOR THIS PROJECT SHALL REMAIN THE PROPERTY OF THE ARCHITECT. ANY DUPLICATION OF THE DRAWINGS AND/OR SPECIFICATIONS IN WHOLE OR IN PART FOR USE ON ANY OTHER PROJECT OR

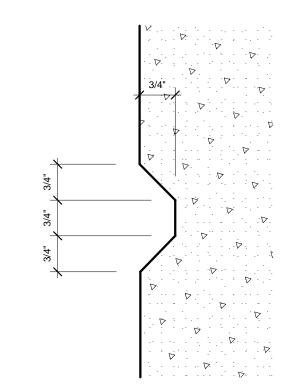
Wilsonville Chrysler • Dodge • Jeep • Ram 25600 SW Parkway Center Drive

Wilsonville, Oregon 97070

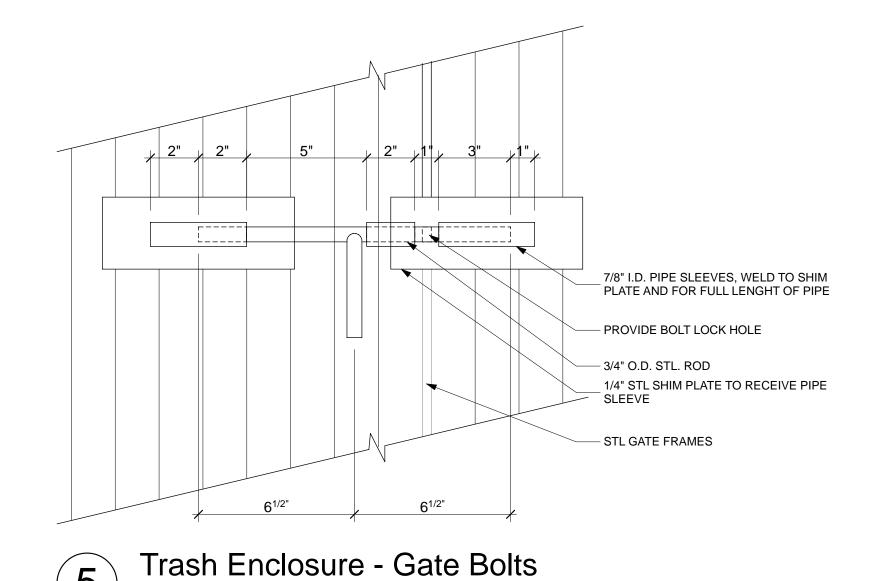
Proposed Site Plan

4/25/14 08-020-14

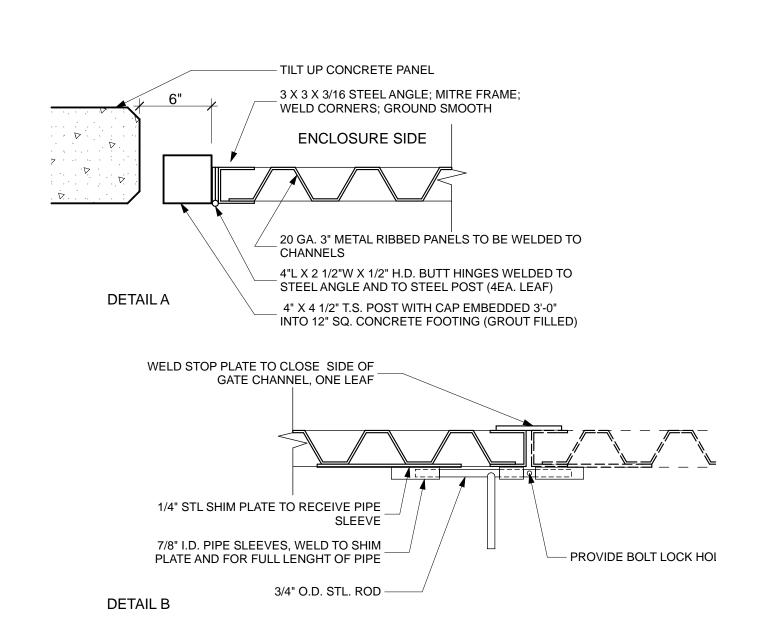
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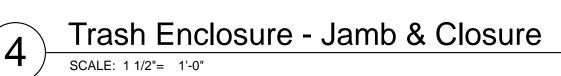


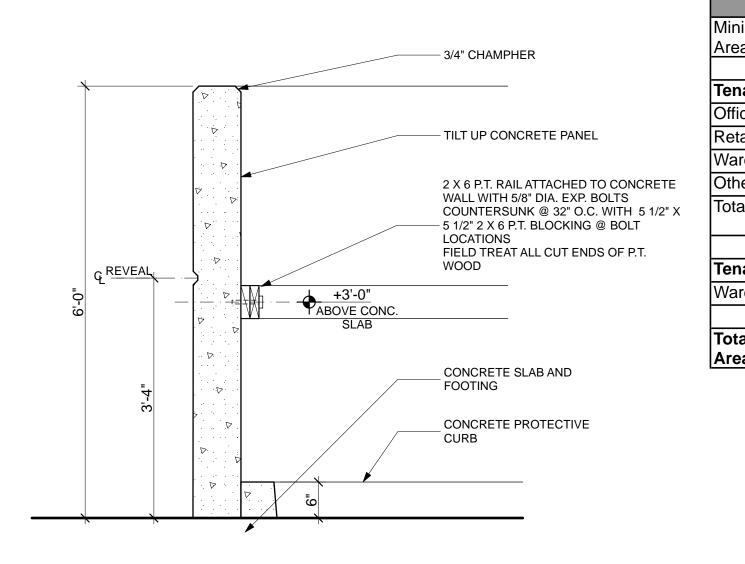
6 Trash Enclosure - Concrete Reveal



SCALE: 3" = 1'-0"



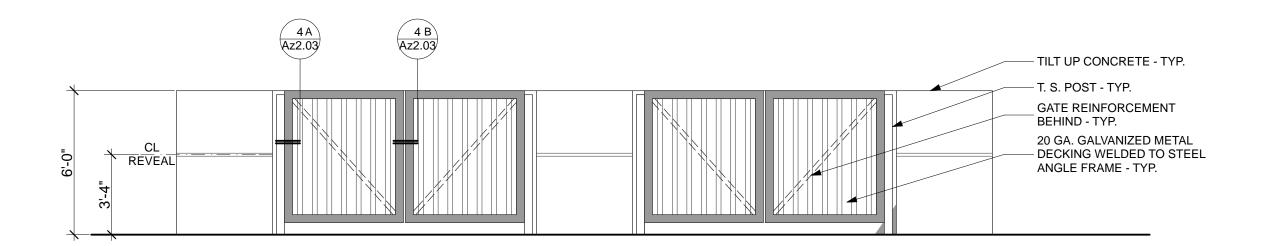


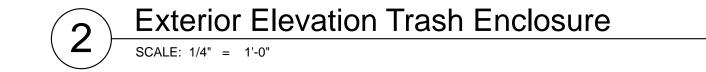


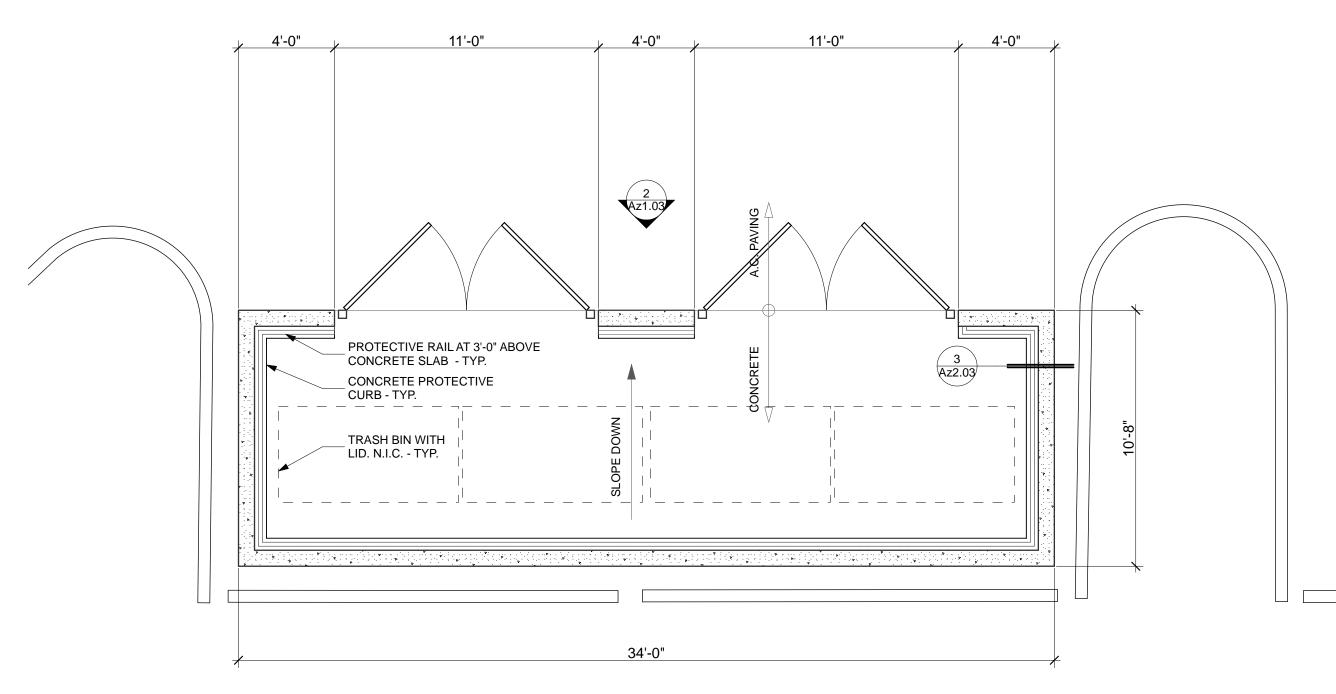
IXED SOLID WASTE PROPOSED (4.179(.06))									
Area Use	Building Area (sf)	Calculation	Required (sf)	Proposed (sf)					
inimum Storage			10						
ea									
enant A (CDJR)									
ffice	10,854	4sf:1000sf GFA	43						
etail	21,773	10sf:1000sf GFA	218						
arehouse	70,966	6sf: 1000sf GFA	426						
ther	TBD	4sf:1000sf GFA	TBD						
tal Tenant A			687	362 exterior / 325 Interior					
enant B (Future)									
arehouse	75,718	6sf: 1000sf GFA	454	Internal to building					
otal Building rea	179,311		1,141						

Trash Enclosure - Wall Section

SCALE: 3/4" = 1'-0"







Floor Plan Trash Enclosure

SCALE: 1/4" = 1'-0"

Wilsonville Chrysler •
Dodge • Jeep • Ram
25600 SW Parkway Center
Drive

Wilsonville, Oregon 97070

Trash Enclosure Details

ISSUE DATE:
PROJECT NO:
ISSUED FOR:

No. Date Revision

Architect

p. 208-215-7222

c. 208-691-9679

Richard J. Youngblood

610 W. Hubbard Street, Suite 119

Coeur d'Alene, Idaho 83814

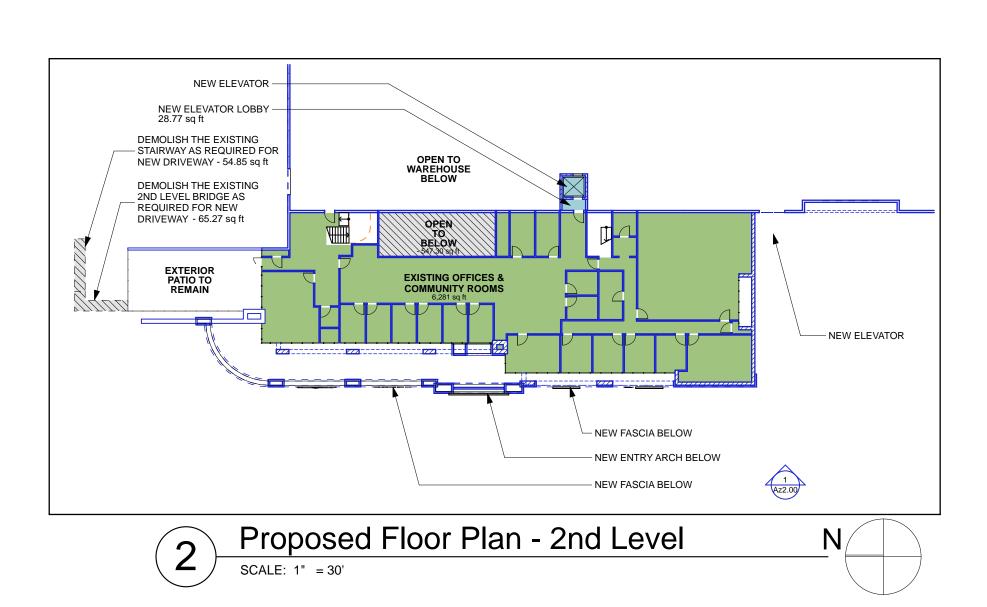
e. richard@rjyoungblood.com

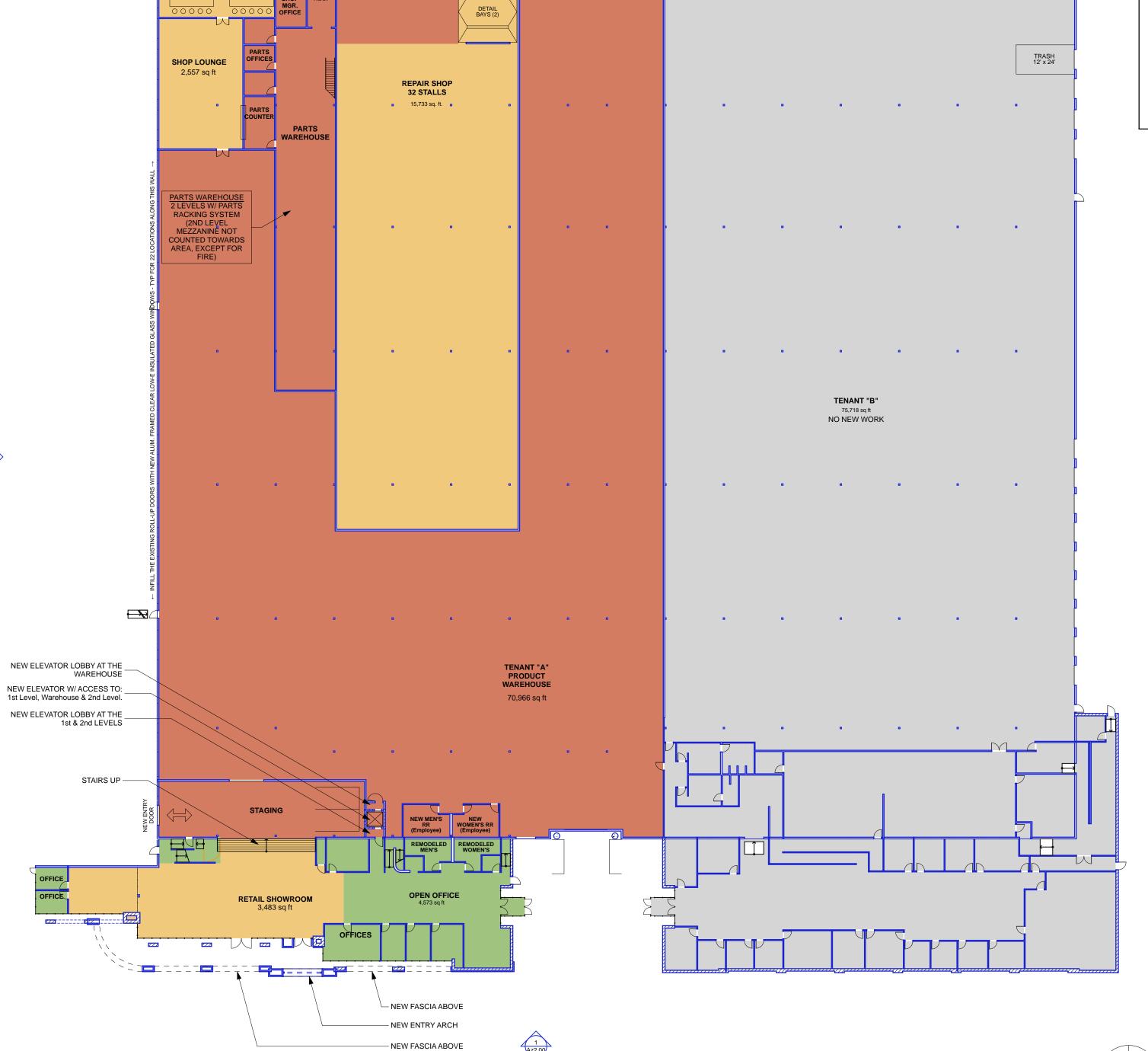
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08-020-14 REVIEW

Az1.03

4/25/14





SHOP ACCESSORY USE TECH.

NEW DELIVERY DOOR ----

FLEET SHOP 3 STALLS

RECEPTION LANES (3)

1 Az2.01 LEGEND

WAREHOUSE

OFFICE

RETAIL

FUTURE

BUILDING USE AREAS

 1998 USE AREAS - 89PC8

 WAREHOUSE
 145,666 sf

 OFFICE
 11,613 sf

 RETAIL
 22,032 sf

 TOTAL
 179,311 sf

 TENANT "A" CURRENT APPLICATION

 WAREHOUSE & SUPPORT
 70,966 sf

 OFFICE
 10,854 sf

 RETAIL
 21,773 sf

 TOTAL
 103,593 sf

TENANT "B" - FUTURE (No Work)
WAREHOUSE & SUPPORT 75,718

TOTAL BUILDING 179,311 sf

No. Date Revision

Richard J. Youngblood

Architect
610 W. Hubbard Street, Suite 119

Coeur d'Alene, Idaho 83814 p. 208-215-7222

c. 208-691-9679 e. richard@rjyoungblood.com

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Wilsonville Chrysler •
Dodge • Jeep • Ram
25600 SW Parkway Center
Drive

Wilsonville,Oregon 97070

Proposed Building Uses & Areas

ISSUE DATE:
PROJECT NO:
ISSUED FOR:

"

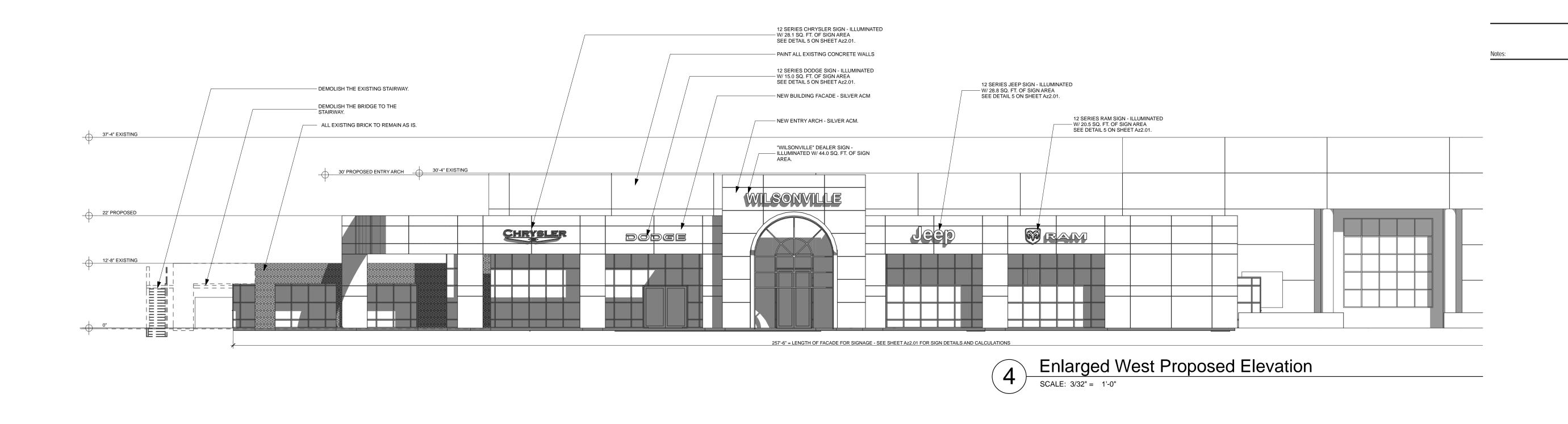
Proposed Floor plan - 1st Level

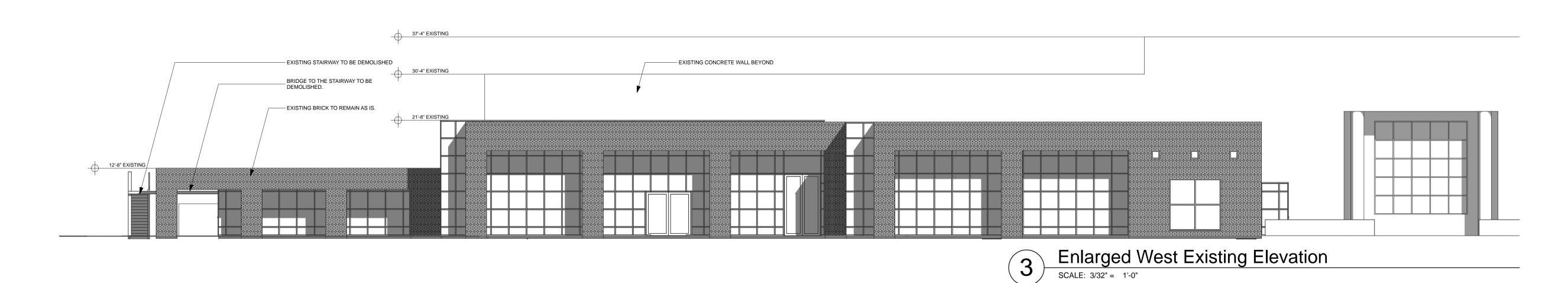
Az1.06

4/25/14

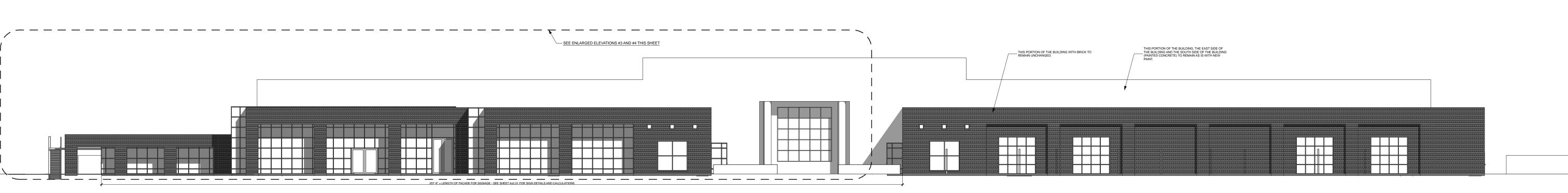
REVIEW

08-020-14









Overall West Existing Elevation

Az2.00

4/25/14

08-020-14

Wilsonville Chrysler •

Dodge • Jeep • Ram

25600 SW Parkway Center Drive Wilsonville,Oregon 97070

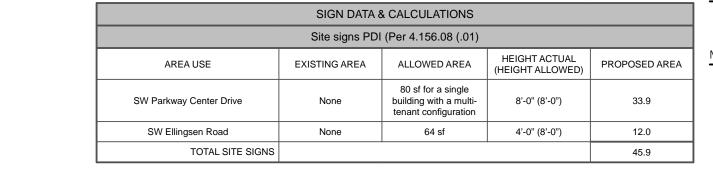
West Exterior

Elevations

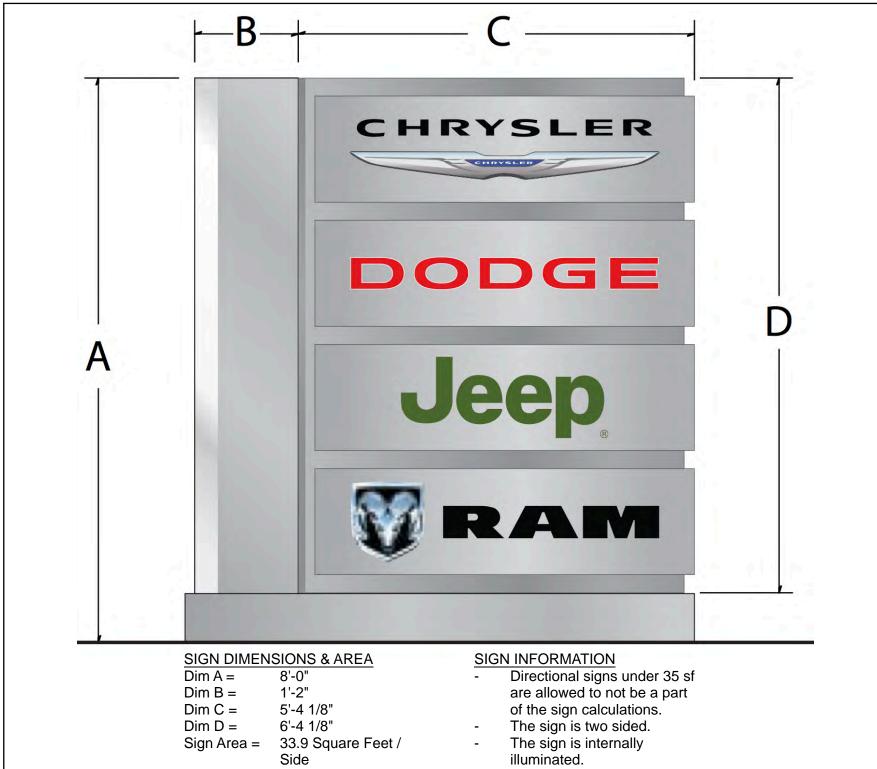
ISSUE DATE:

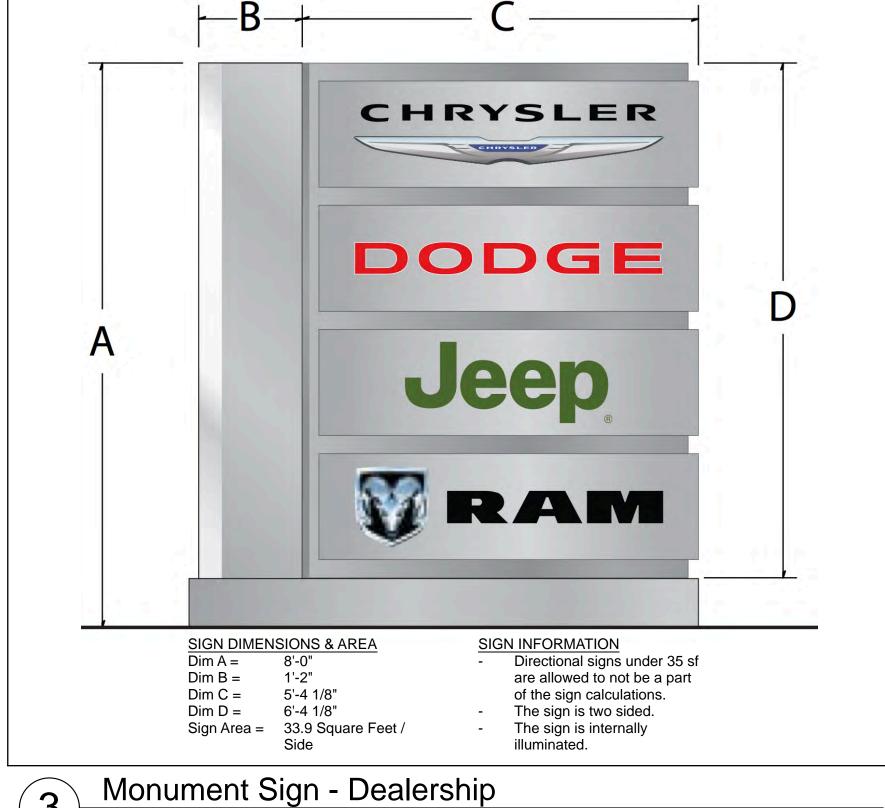
PROJECT NO:

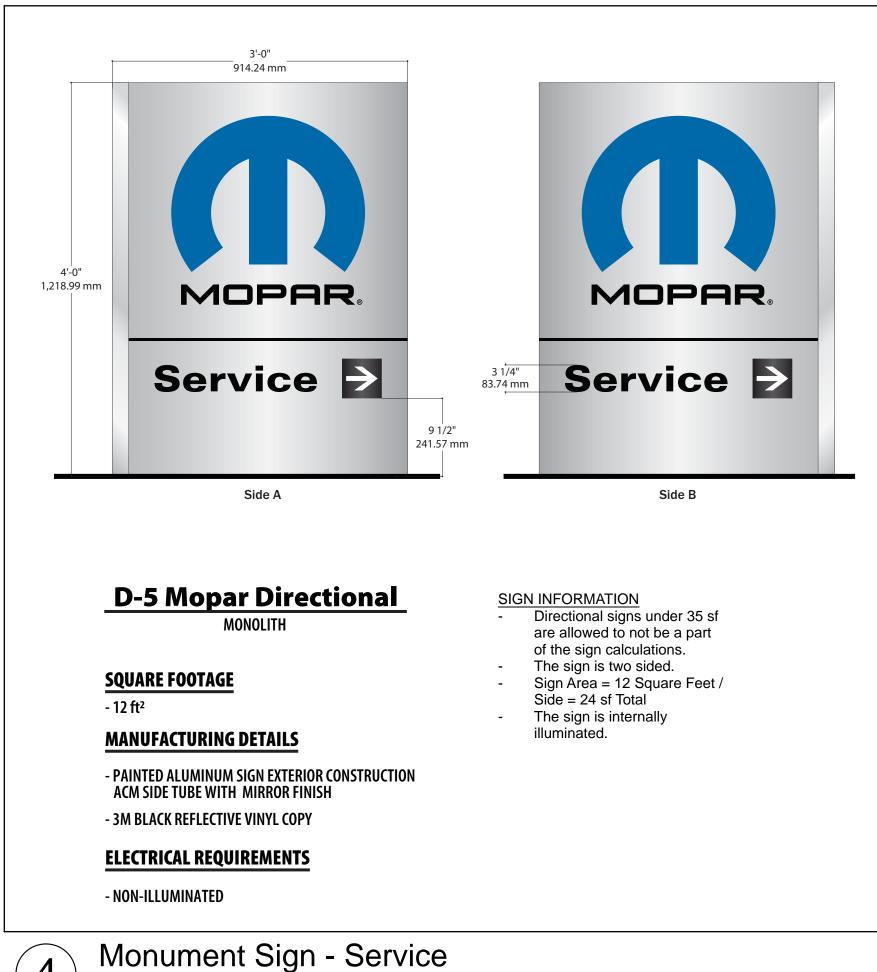
ISSUED FOR:



Bui	ilding Mounted Signs	on SW Parkway Cen	ter Drive				
FRONTAGE LENGTH	EXISTING AREA	AREA CALCULATION	ALLOWED AREA	PROPOSED AREA			
257'-6"	271 sf for the existing "Hollywood Entertainment"	36sf + 12sf for each 24lf >72lf to 200sf max	**128.5	**136.4			
** WE WISH TO MODIFY THE SIGN PLAN FOR THE ORIGINAL HOLLYWOOD ENTERTAINMENT, CASE #96DB11 TO RETAIN THE MAXIMUM AREA ALONG SW PARKWAY CENTER DRIVE.							
The total length of signs on this face of the building = 44'-5 3/8" - Allowable sign length = 257'-6" x 0.75 = 193'-0"							
Building Mounted Signs on SW Ellingsen Road							
455'-10"	None	36sf + 12sf for each 24lf >72lf to 200sf max	191.5	141.4			
The total length of signs or	n this face of the building	= 39'-6" - Allowable sign lo	ength = 455'-10" x 0.75 =	341'-0"			
TOTAL BUILDING MOUNTED SIGNS				277.8			









Service Service EXPRESS AND FASTOR CHANGES & MORE :

EXPRESSLANE

FAST OIL CHANGES & MORE

Sign Area: (Sq. Ft.

36.0

105.4

28.1

15.0

28.8

20.5

REMOVE THE EXISTING ROLL-UP DOORS AND REPLACE WITH LOW-E GLAZING TYPICAL FOR 22 LOCATIONS.

LG. PSP CONFIGURATION SERVICE SIGN - ILLUMINATED

30'-4" EXISTING

NEW ROLL-UP DOORS X 3

LG. PANEL EXPRESSLANE SIGN - ILLUMINATED

W/ 36 SQ. FT. OF SIGN AREA.

SEE DETAIL 4 ON SHEET Az1.01

W/ 105.4 SQ. FT. OF SIGN AREA — SEE DETAIL 4 ON SHEET Az1.01

12'-0"

27'-6"

12'-0"

12'-0"

8'-5 3/8"

12'-0"

CHRYSLER

DODGE

Service

EXPRESSLANE

FAST OIL CHANGES & MORE

BUILDING MOUNTED SIGN DIMENSIONS

40 7/8"

38"

Dim A:

36"

PSP CONFIGURATION

Sign Type:

PANEL (Above)

DODGE (Right)

JEEP (Right)

RAM (Right)

SIGN INFORMATION

are single sided.

PSP CONFIG. (Above) 46"

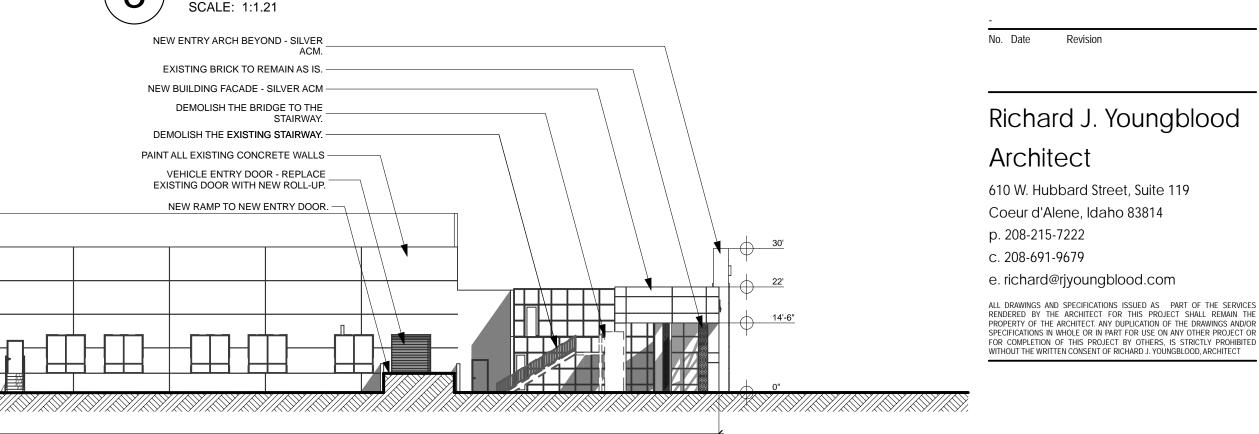
CHRYSLER (Right) 28 3/16"

The building mounted signs

The building mounted signs

are internally illuminated.







EXISTING BRICK TO REMAIN AS IS.



455'-10" = LENGTH OF FACADE FOR SIGNAGE - SEE SHEET Az2.01 FOR SIGN DETAILS AND CALCULATIONS

Overall North Existing Elevation

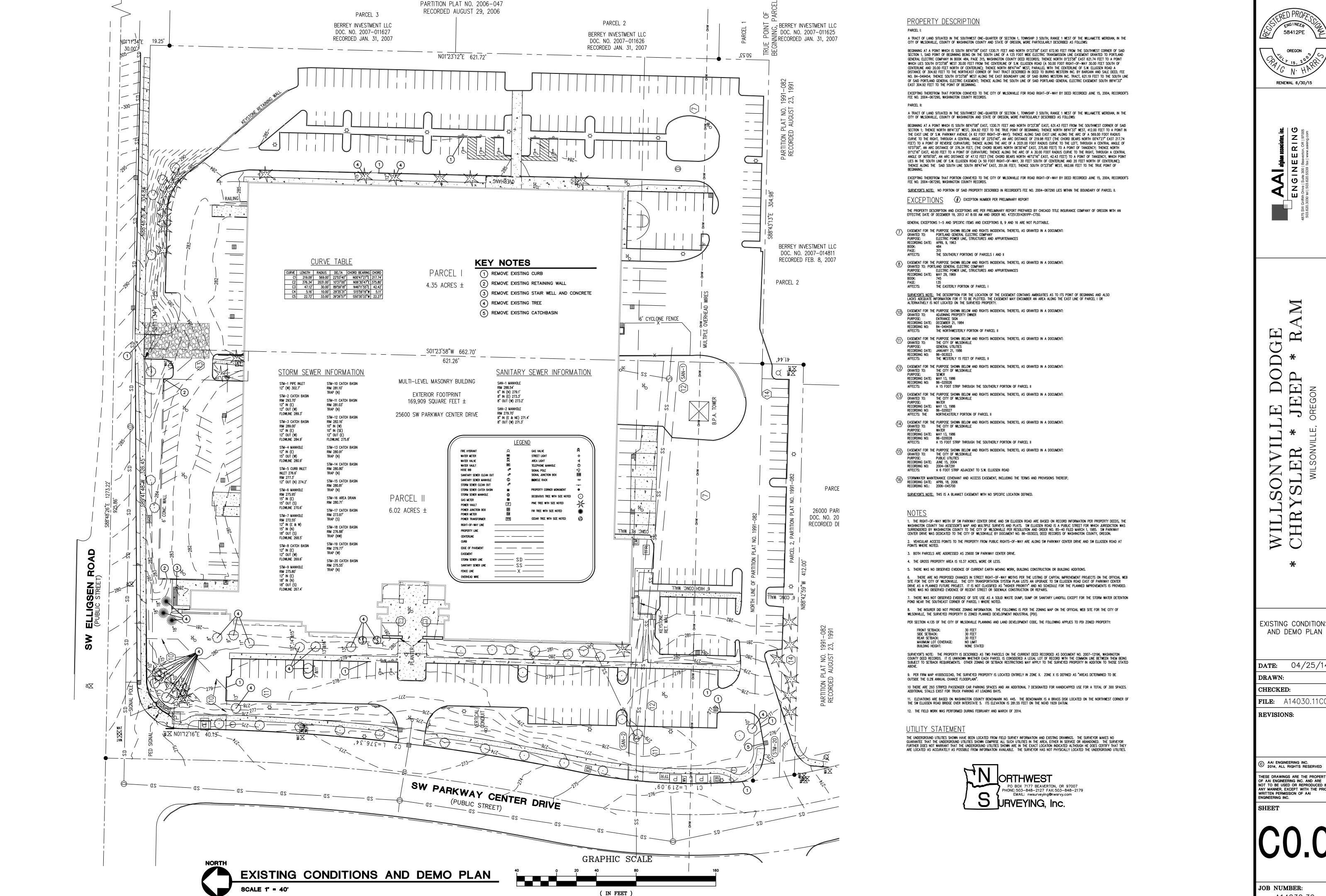
Az2.01

Wilsonville Chrysler • Dodge • Jeep • Ram 25600 SW Parkway Center Drive Wilsonville, Oregon 97070

Revision

North Exterior Elevations

ISSUE DATE: 4/25/14 PROJECT NO: 08-020-14 ISSUED FOR:



1 inch = 40 ft.

58412PE

RENEWAL 6/30/15

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AND DEMO PLAN

DATE: 04/25/14 DRAWN:

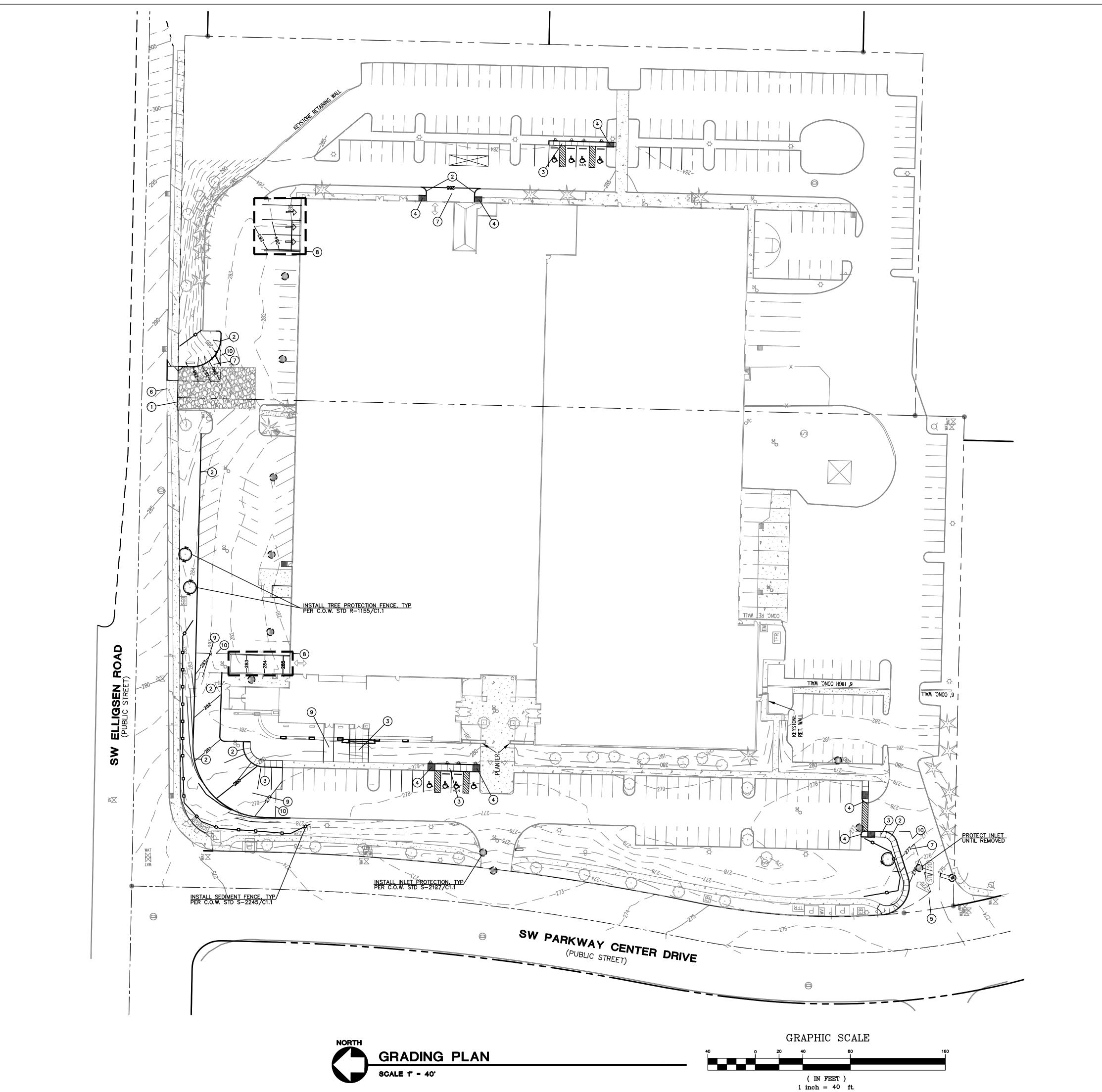
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JOB NUMBER: A14030.30



LEGEND

EXISTING CONTOUR--1 TO 4 FOOT INTERVALS EXISTING CONTOUR--5 FOOT INTERVALS NEW CONTOUR--1 TO 4 FOOT INTERVALS NEW CONTOUR--5 FOOT INTERVALS SEDIMENT FENCE

-----100 -----

TREE PROTECTION FENCE

SPOT ELEVATION TOP FACE OF CURB ELEVATION ASPHALT ELEVATION GRADE DOOR JAMB **EXISTING** CATCH BASIN

GENERAL NOTES

- 1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE JURISDICTION, THE GEOTECHNICAL INVESTIGATION FOR THIS PROJECT, AND THE PROJECT SPECIFICATIONS.
- 2. THE CONTRACTOR SHALL HAVE A FULL SET OF THE CURRENT APPROVED CONSTRUCTION DOCUMENTS INCLUDING ADDENDA ON THE PROJECT SITE AT ALL TIMES.
- 3. THE CONTRACTOR SHALL COMPLY WITH ORS 757.541 TO 757.571 REQUIRING NOTIFICATION OF INTENDED EXCAVATION TO UTILITY PROVIDERS.
- 4. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF PRIVATE UTILITIES SUCH AS GAS, TELEPHONE, POWER, CABLE TELEVISION, ETC. CONFIRM VAULT LOCATIONS WITH
- 5. THE CONTRACTOR SHALL KEEP THE ENGINEER AND JURISDICTION INFORMED OF CONSTRUCTION PROGRESS TO FACILITATE SITE OBSERVATIONS AT REQUIRED INTERVALS. 24-HOUR NOTICE IS REQUIRED.
- 6. EXISTING CONDITIONS BASED ON TOPOGRAPHIC BOUNDARY AND UTILITY SURVEY PREPARED BY NORTHWEST SURVEYING, INC., DATED MARCH 27, 2014.
- 7. FINISH GRADES ARE TO BE BROUGHT TO WITHIN 0.08 FT IN 10 FT OF THE GRADES SHOWN AT SUBGRADE AND TO WITHIN 0.03 FT IN 10 FT AT FINISH GRADE. CONTRACTOR TO ALLOW FOR PLACEMENT OF REQUIRED TOPSOIL IN ROUGH GRADING.
- 8. GRADING ELEVATIONS AS SHOWN ON SITE AND LANDSCAPE PLANS ARE FINISHED GRADE WHICH INCLUDES SUBGRADE SOIL, TOPSOIL, SOIL AMENDMENTS, ROCKERY AND RUNOFF PROTECTION CONTRACTOR IS RESPONSIBLE TO COORDINATE GRADING WITH BOTH EXCAVATOR AND LANDSCAPE CONTRACTOR.
- 9. FOR ADDITIONAL EROSION CONTROL NOTES, SEE SHEET C1.1.

KEY NOTES

- (1) INSTALL CONSTRUCTION ENTRANCE PER C.O.W. STD S-2240/C1.1
- 2 PROPOSED CURB
- (3) PROPOSED SIDEWALK
- (4) PROPOSED ADA RAMP
- (5) PROPOSED DRIVEWAY TO PRIVATE ROADWAY
- 6 PROPOSED COMMERCIAL DRIVEWAY
- (7) PROPOSED AC PAVEMENT SECTION
- 8 AREAS OF BUILT-UP AC OVER EXISTING AC
- 9 PROPOSED POROUS PAVEMENT SECTION
- 10 SAWCUT LINE



WILLSON CHRYSL]

GRADING

PLAN

DATE: 04/25/14

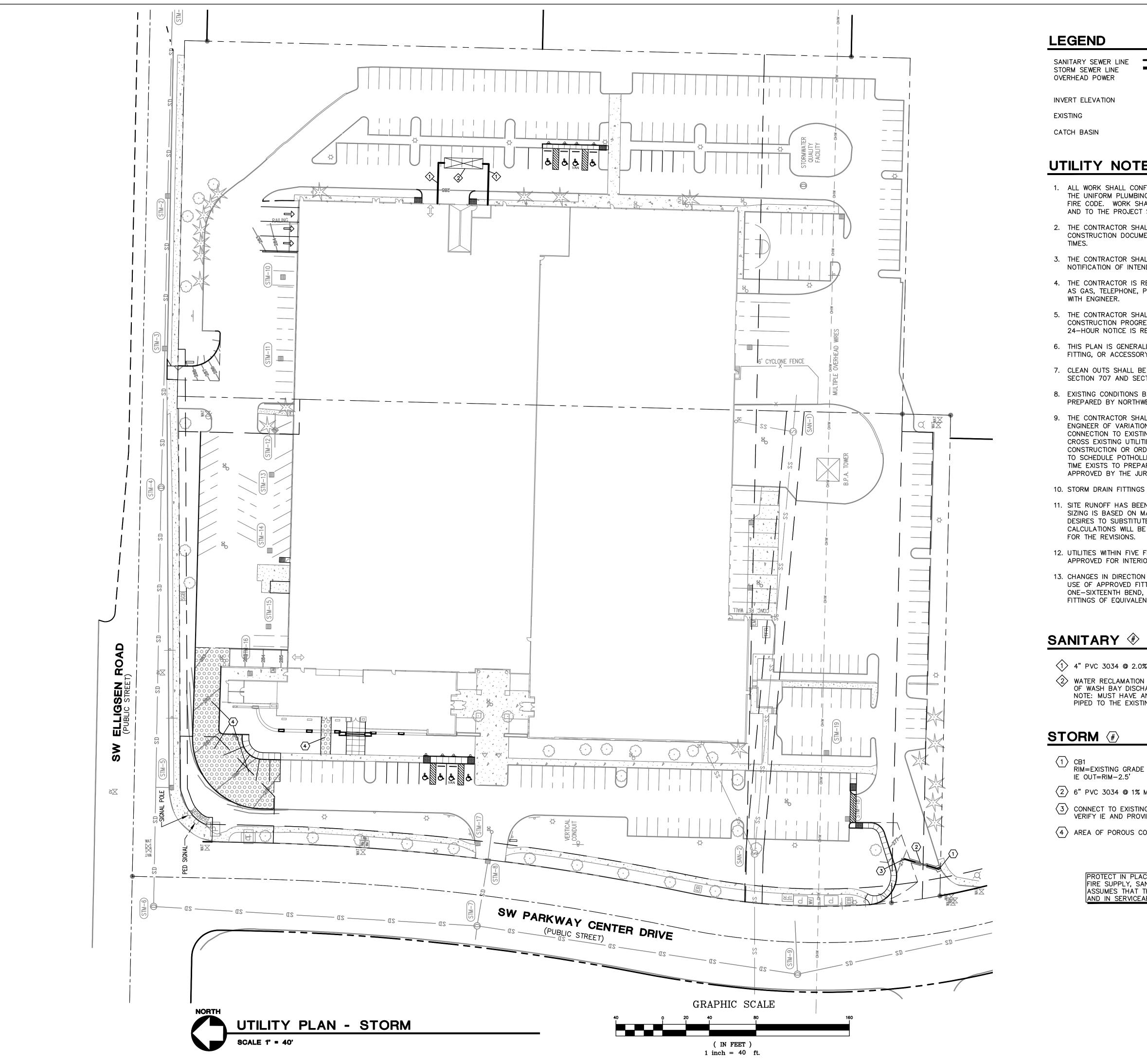
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JOB NUMBER: A14030.30



PROPOSED **EXISTING**

UTILITY NOTES

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT EDITION OF THE UNIFORM PLUMBING CODE, INTERNATIONAL BUILDING CODE, AND THE INTERNATIONAL FIRE CODE. WORK SHALL ALSO CONFORM TO THE STANDARDS OF THE JURISIDICTION AND TO THE PROJECT SPECIFICATIONS.

IE=100.00

____OHW____

- 2. THE CONTRACTOR SHALL HAVE A FULL SET OF THE CURRENT APPROVED CONSTRUCTION DOCUMENTS INCLUDING ADDENDA ON THE PROJECT SITE AT ALL
- 3. THE CONTRACTOR SHALL COMPLY WITH ORS 757.541 TO 757.571 REQUIRING NOTIFICATION OF INTENDED EXCAVATION TO UTILITY PROVIDERS.
- 4. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF PRIVATE UTILITIES SUCH AS GAS, TELEPHONE, POWER, CABLE TELEVISION, ETC. CONFIRM VAULT LOCATIONS
- 5. THE CONTRACTOR SHALL KEEP THE ENGINEER AND JURISDICTION INFORMED OF CONSTRUCTION PROGRESS TO FACILITATE SITE OBSERVATIONS AT REQUIRED INTERVALS. 24-HOUR NOTICE IS REQUIRED.
- 6. THIS PLAN IS GENERALLY DIAGRAMMATIC. IT DOES NOT SHOW EVERY JOINT, BEND, FITTING, OR ACCESSORY REQUIRED FOR CONSTRUCTION.
- 7. CLEAN OUTS SHALL BE INSTALLED IN CONFORMANCE WITH UPC CHAPTER SEVEN, SECTION 707 AND SECTION 719. NOT ALL REQUIRED CLEAN OUTS ARE SHOWN.
- 8. EXISTING CONDITIONS BASED ON TOPOGRAPHIC BOUNDARY AND UTILITY SURVEY PREPARED BY NORTHWEST SURVEYING, INC. DATED MARCH 27, 2014.
- 9. THE CONTRACTOR SHALL VERIFY AND CONFIRM EXISTING CONDITIONS. NOTIFY ENGINEER OF VARIATIONS IN CONDITIONS SHOWN ON THE PLANS. POINTS OF CONNECTION TO EXISTING UTILITIES AND LOCATIONS WHERE NEW UTILITIES WILL CROSS EXISTING UTILITIES SHALL BE VERIFIED BY POTHOLLING PRIOR TO CONSTRUCTION OR ORDERING MATERIALS. IT IS THE CONTRACTORS RESPONSIBILITY TO SCHEDULE POTHOLLING SUCH THAT IF CONFLICTS ARE ENCOUNTERED, SUFFICIENT TIME EXISTS TO PREPARE MODIFIED DESIGNS AND HAVE THE MODIFICATIONS APPROVED BY THE JURISDICTION WITHOUT IMPACTING THE PROJECT SCHEDULE.
- 10. STORM DRAIN FITTINGS ARE TO BE ECCENTRIC.
- 11. SITE RUNOFF HAS BEEN QUANTIFIED USING RATIONAL METHOD ANALYSIS. PIPE SIZING IS BASED ON MANNING'S FORMULA WITH N=0.013. IF THE CONTRACTOR DESIRES TO SUBSTITUTE MATERIAL WITH A DIFFERENT N-VALUE, REVISION OF CALCULATIONS WILL BE NECESSARY. THE CONTRACTOR MAY CONTACT THE ENGINEER FOR THE REVISIONS.
- 12. UTILITIES WITHIN FIVE FEET OF A BUILDING SHALL BE CONSTRUCTED OF MATERIALS APPROVED FOR INTERIOR USE AS DESCRIBED IN THE CURRENT EDITION OF THE UPC
- 13. CHANGES IN DIRECTION OF DRAINAGE PIPING SHALL BE MADE BY THE APPROPRIATE USE OF APPROVED FITTINGS AND SHALL BE OF THE ANGLES PRESENTED BY ONE-SIXTEENTH BEND, ONE-EIGHTH BEND, ONE-SIXTH BEND OR OTHER APPROVED FITTINGS OF EQUIVALENT SWEEP.

- (1) 4" PVC 3034 @ 2.0% MIN.
- WATER RECLAMATION TANKS FOR RE-CIRCULATION OF WASH BAY DISCHARGE. NOTE: MUST HAVE AN EMERGENCY OVERFLOW THAT IS HARD PIPED TO THE EXISTING SANITARY SYSTEM.
- 2 6" PVC 3034 @ 1% MIN.
- CONNECT TO EXISTING STORM LATERAL. VERIFY IE AND PROVIDE TO ENGINEER.
- 4 AREA OF POROUS CONCRETE PAVEMENT.

PROTECT IN PLACE AND UTILIZE THE EXISTING DOMESTIC WATER, FIRE SUPPLY, SANITARY AND STORM PIPING SYSTEMS. THIS PLAI ASSUMES THAT THESE EXISTING SYSTEMS ARE OF ADEQUATE SIZE AND IN SERVICEABLE CONDITIONS FOR THE PROPOSED USAGES.



(J) **4** | <u>m</u> ;

UTILITY

DATE: 04/25/14

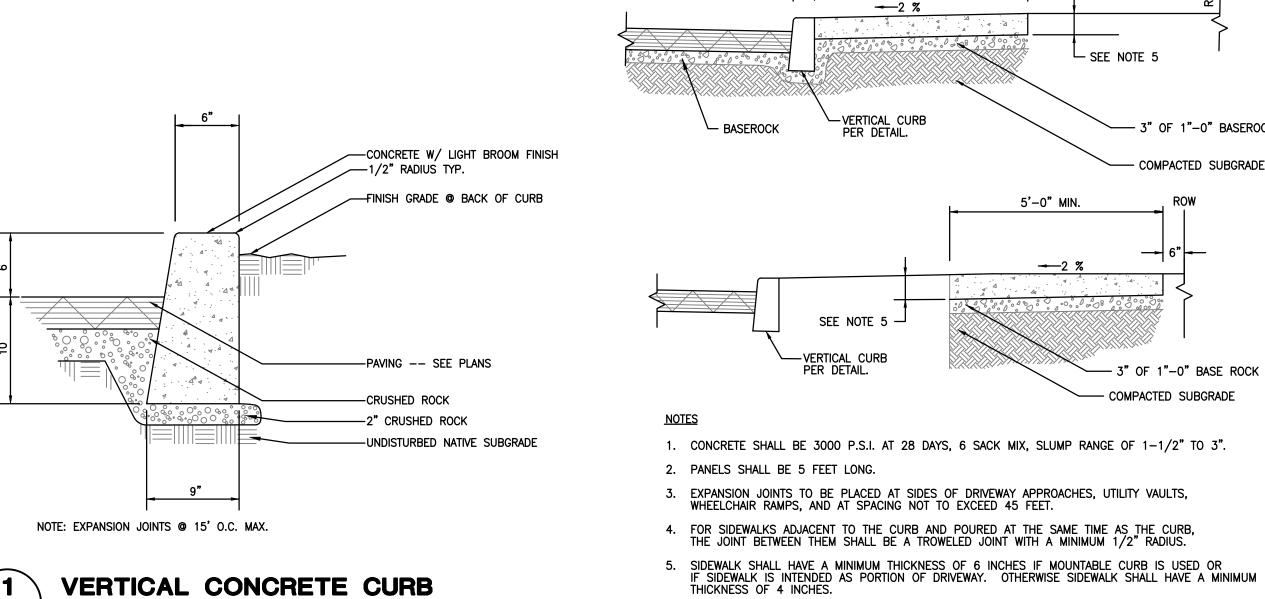
PLAN

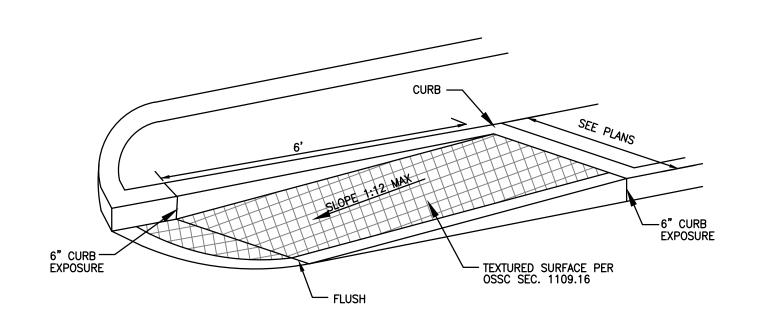
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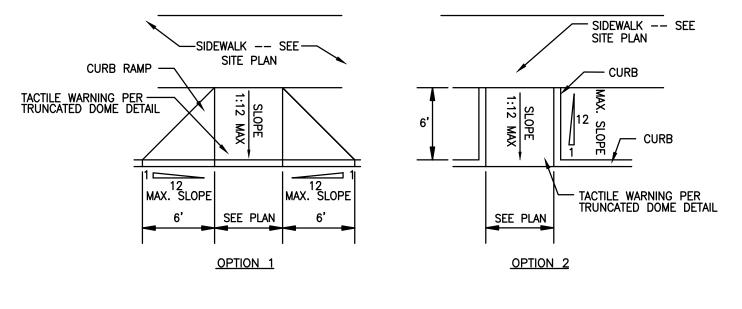
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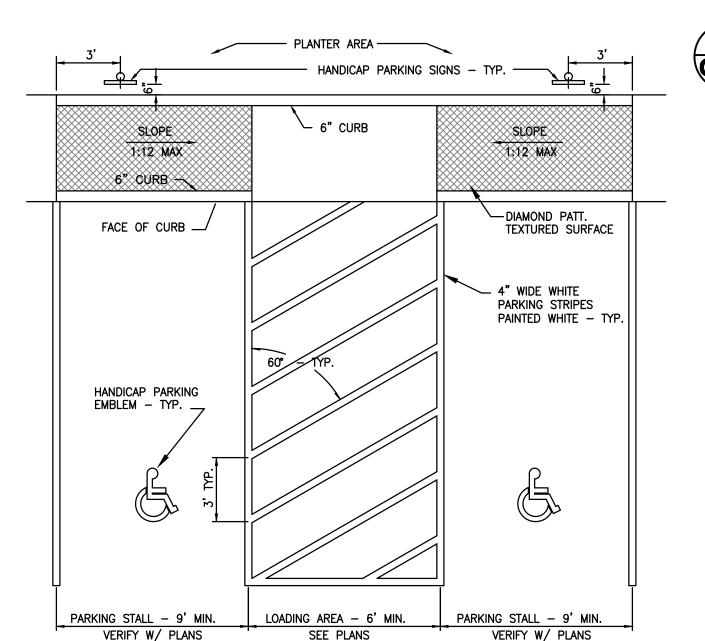


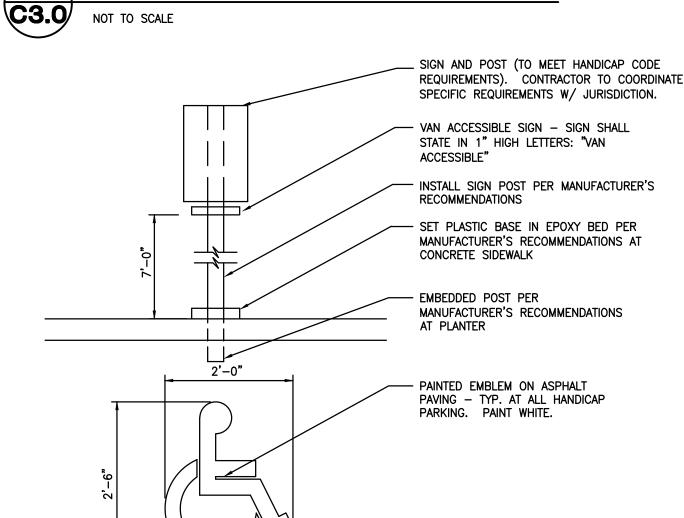




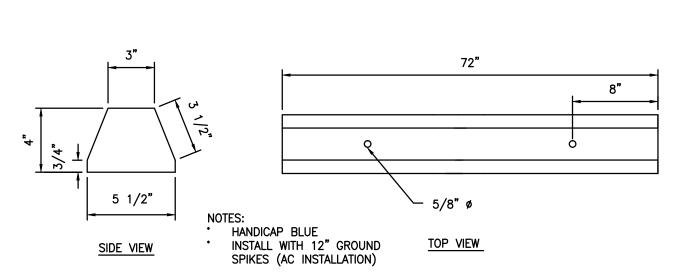




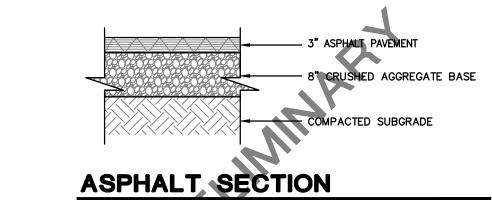




5'-0" MIN.



PRECAST CONCRETE WHEEL STOP



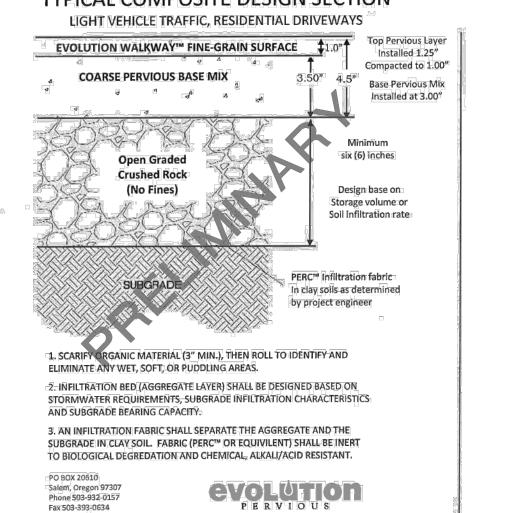
ASPHALT CONCRETE SETION

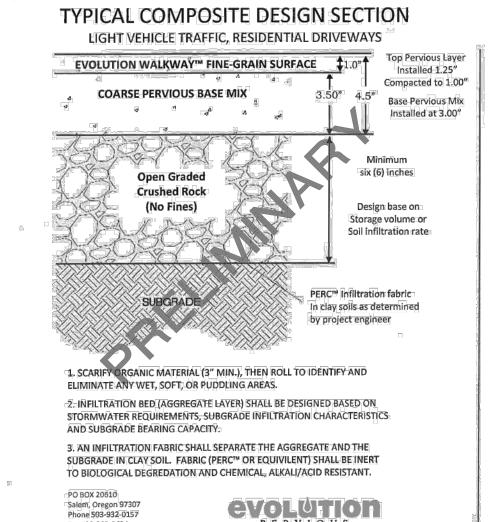


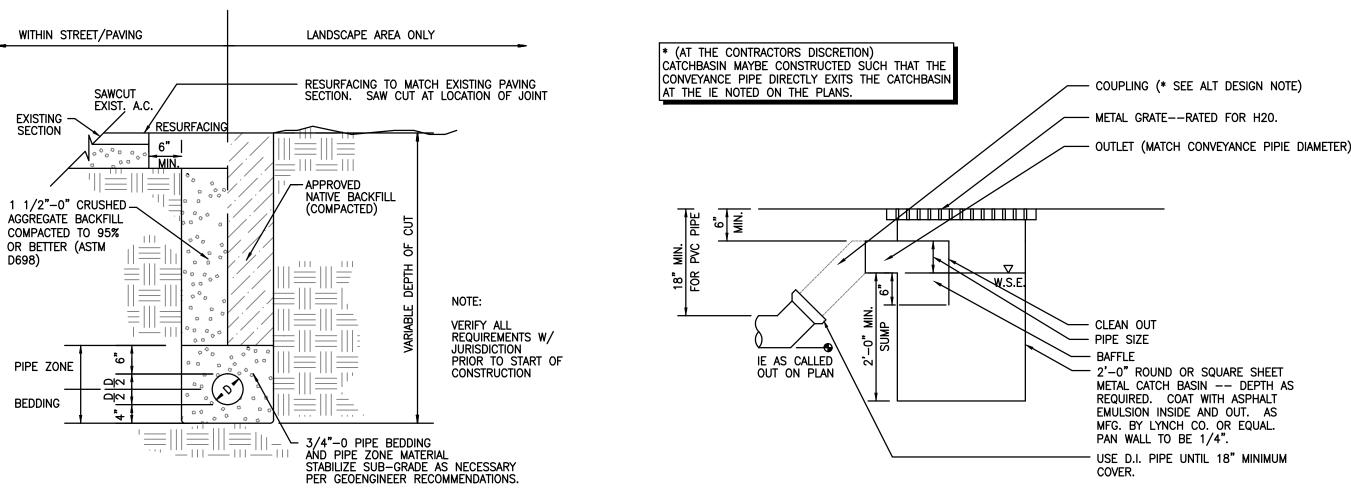
TRENCH BACKFILL DETAIL

NOT TO SCALE



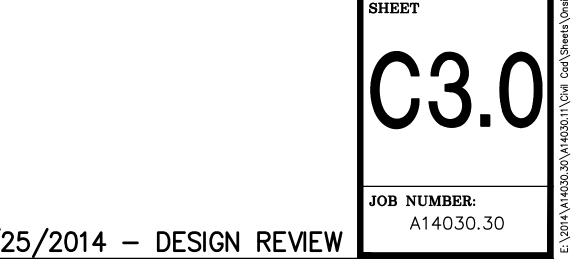








www.evolutionpervious.com



RENEWAL 6/30/15

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SITE

DETAILS

DATE: 04/25/14

FILE: A14030.11C3

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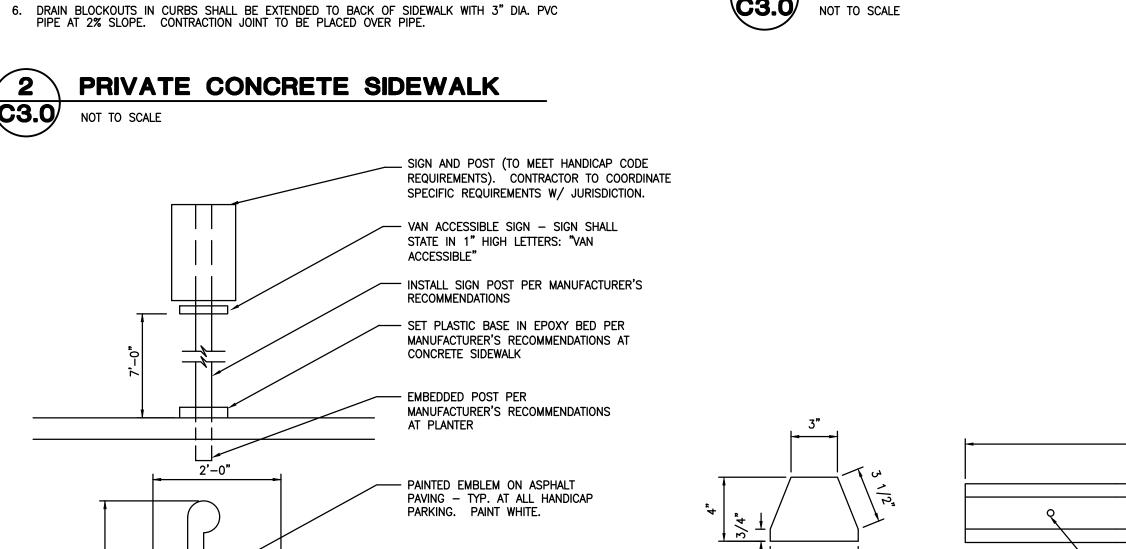
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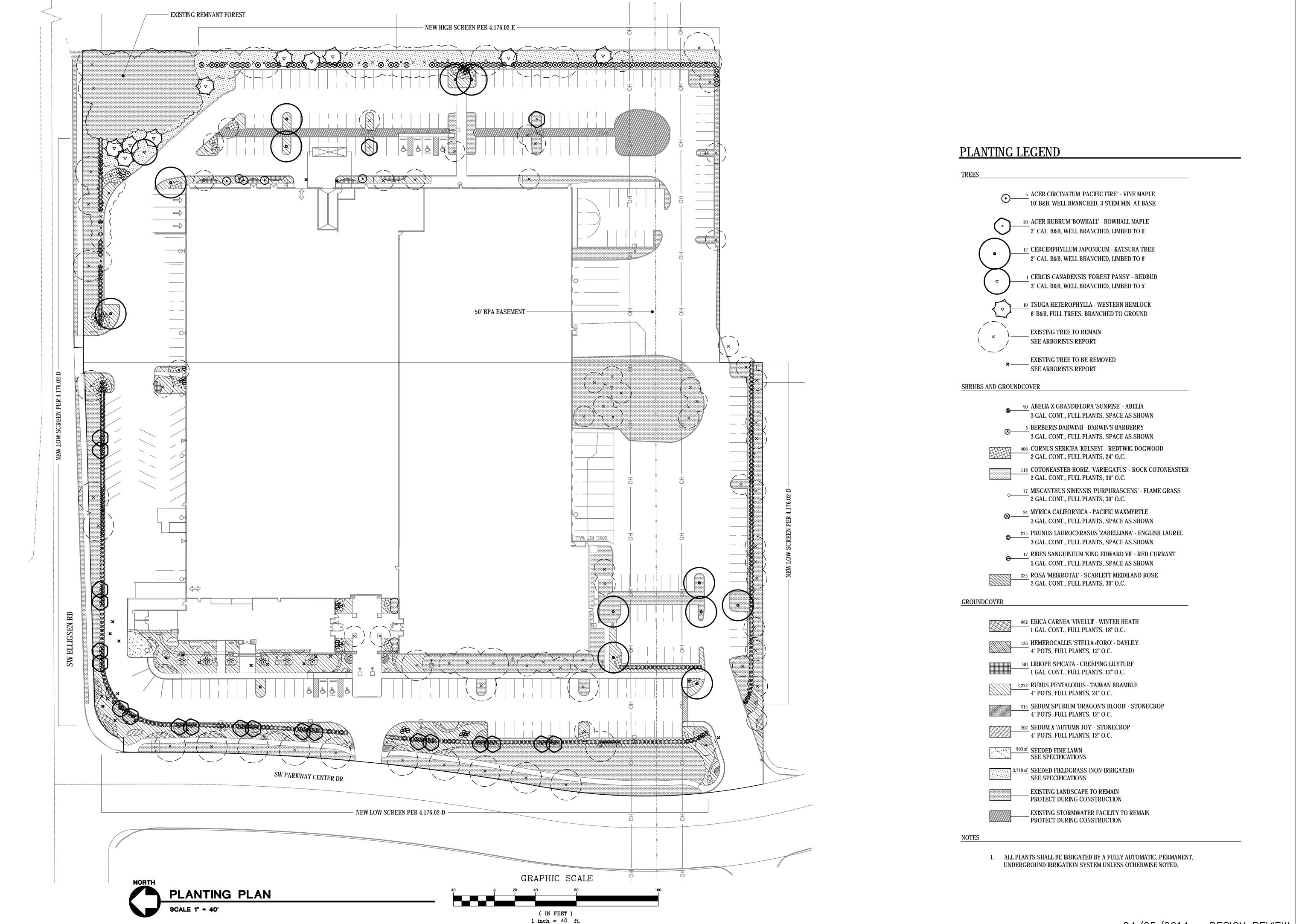
C3.0

NOT TO SCALE

— 3" OF 1"-0" BASEROCK

- COMPACTED SUBGRADE

04/25/2014 - DESIGN REVIEW



MICHAEL OPRIEN
ORESON
11/31/98

ENGINEERING

V Griffith Drive | Suite 300 | Beaverton, OR | 970015

20.3030 tel | 503.620 | Englished

* JEEP * RAM

PLANTING PLAN

DATE: 04/25/14 **DRAWN**:

CHECKED:

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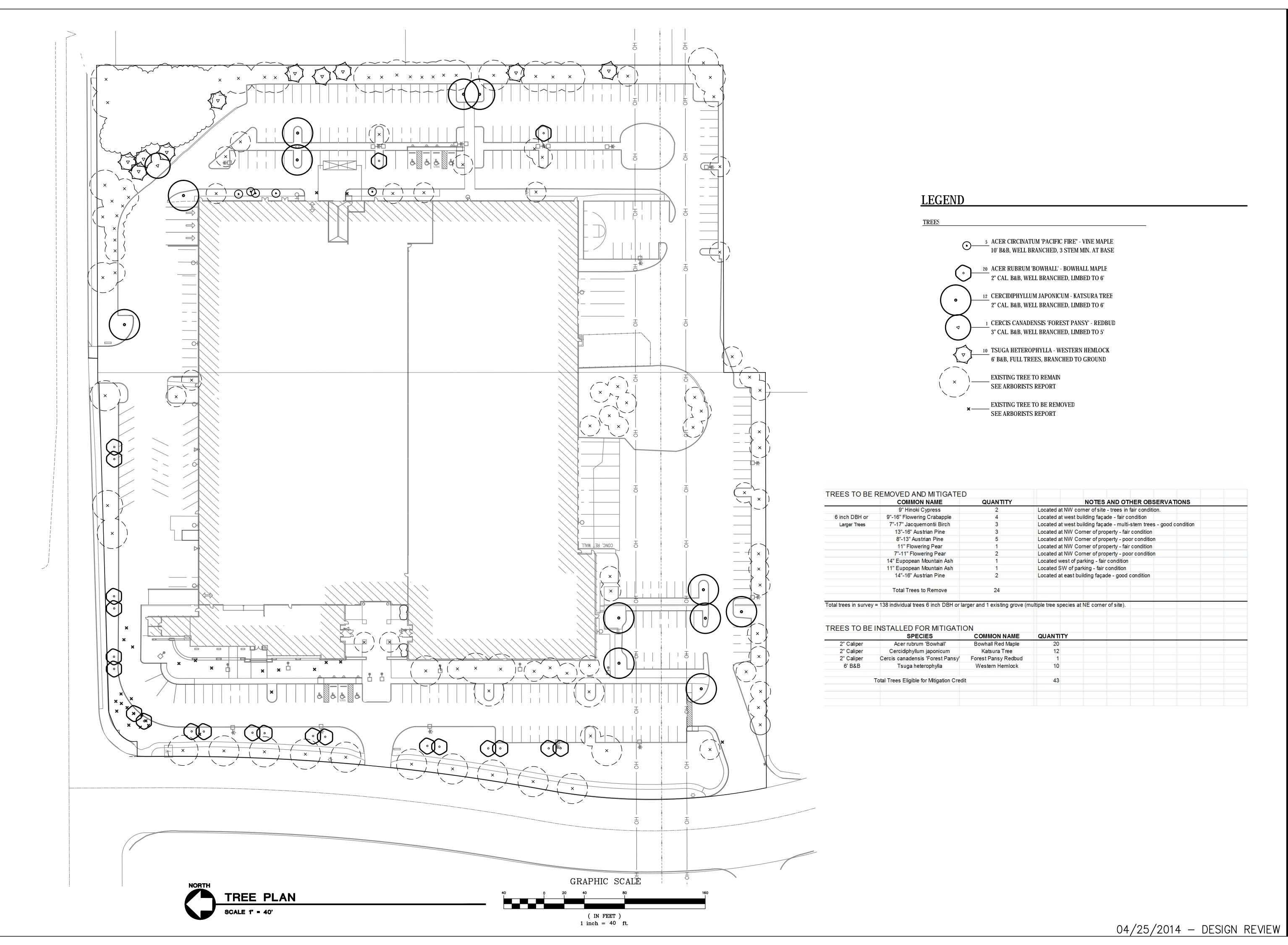
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SHEET

L1.01

JOB NUMBER: A14030.30



MICHAEL OPRIEN
OPESON
11/31/98

ENGINEERING
SW Griffith Drive | Suite 300 | Beaventon, OR | 97005

LSONVILLE DODGE
YSLER * JEEP * RAM

TREE PLAN

DATE: 04/25/14 **DRAWN**:

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SHEET

12.01

JOB NUMBER: A14030.30

Mounting Height for New Luminaires
Type S1 mounted at 20'-0" aff
Type S2 mounted at 12'-0" aff

Site Lighting Plan
0 80'

SCALE: 1"=40'-0"



708 SW Third Avenue
Suite 400
Portland, OR 97204
TEL 503.382.2266
FAX 503.382.2262
www.interfaceengineering.com

Wilsonville Chrysler

SHEET TITLE

REVISIONS

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CHECKED BY

2014-0166

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Site Lighting Plan

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INTERFACE ENGINEERING

708 SW Third Avenue
Suite 400
Portland, OR 97204
TEL 503.382.2266
FAX 503.382.2262
www.interfaceengineering.com

Vilsonville Chrysler

SHEET TITLE

EVISIONS

DRAWN BY

CHECKED BY

MKL
DB NO.
2014-0166

DATE April 4, 2014

SHEET NUMBER

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DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 9, 2014 6:30 PM

VII. Public Hearing:

B. Resolution No. 283. Building W3 at I-5 Corporate Park: VLMK Consulting Engineers - representative for Jack Martin, Martin Real Estate Development – owner/applicant. The applicant is requesting approval of a Revised Stage I Preliminary Plan, Stage II Final Plan, Waiver and Site Design Review for development of a 2-story 34,500 square foot industrial manufacturing/office building. The subject property is located on Tax Lot 1200 of Section 11D, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB14-0041 – Revised Stage I Preliminary Plan

DB14-0042 – Stage II Final Plan

DB14-0044 – Waiver

DB14-0043 – Site Design Review

DEVELOPMENT REVIEW BOARD RESOLUTION NO. 283

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, WAIVER AND SITE DESIGN REVIEW FOR DEVELOPMENT OF A 2-STORY APPROXIMATELY 34,414 SQUARE FOOT INDUSTRIAL MANUFACTURING/OFFICE BUILDING. THE SUBJECT PROPERTY IS LOCATED ON TAX LOT 1200 OF SECTION 11D, T3S, R1W, CLACKAMAS COUNTY, OREGON. VLMK CONSULTING ENGINEERS - REPRESENTATIVE FOR JACK MARTIN, MARTIN REAL ESTATE DEVELOPMENT – OWNER/APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated June 2, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on June 9, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated June 2, 2014, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB14-0041 through DB14-0044 Class 3 Stage I Preliminary Plan Revision, Stage II Final Plan, Class 3 Waivers, and Site Design Review to add Building W3 to I-5 Corporate Park along with associated improvements.

ADOPTED by the Development Review	w Board of the City of Wilsonville at a regular meeting
thereof this 9th day of June, 2014 and	I filed with the Planning Administrative Assistant
on This resolution is final	on the 15th calendar day after the postmarked date of the
written notice of decision per WC Sec 4.022(.09	9) unless appealed per WC Sec 4.022(.02) or called up for
review by the council in accordance with WC Se	
•	
	Mary Fierros Bower Chair, Panel A
	Wilsonville Development Review Board
	•
Attest:	
Shelley White, Planning Administrative Assis	stant

Exhibit A1 STAFF REPORT WILSONVILLE PLANNING DIVISION

Building W3 I-5 Corporate Park

DEVELOPMENT REVIEW BOARD PANEL 'A' QUASI-JUDICIAL PUBLIC HEARING STAFF REPORT

HEARING DATE	June 9, 2014
DATE OF REPORT:	June 2, 2014
APPLICATION NOS.:	DB14-0041 Stage I Preliminary Plan Revision
	DB14-0042 Stage II Final Plan
	DB14-0044 Waiver
	DB14-0043 Site Design Review

REQUEST/SUMMARY: The Development Review Board is being asked to review a Class 3 Stage I Preliminary Plan Revision, Stage II Final Plan, Class 3 Waivers, and Site Design Review to add Building W3 to I-5 Corporate Park along with associated improvements

LOCATION: East side of SW Parkway Avenue midway between SW Ellingsen Road and SW Boeckman Road The property is specifically known as Tax Lot 1200, Section 11D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

OWNER: Jack Martin

Martin Real Estate Development

APPLICANT/OWNER'S

REPRESENTATIVE: Jennifer Kimura

VLMK Consulting Engineers

COMPREHENSIVE PLAN MAP DESIGNATION: Industrial

ZONE MAP CLASSIFICATION: PDI (Planned Development Industrial)

STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner

Steve Adams PE, Civil Engineer

Kerry Rappold, Natural Resource Program Manager

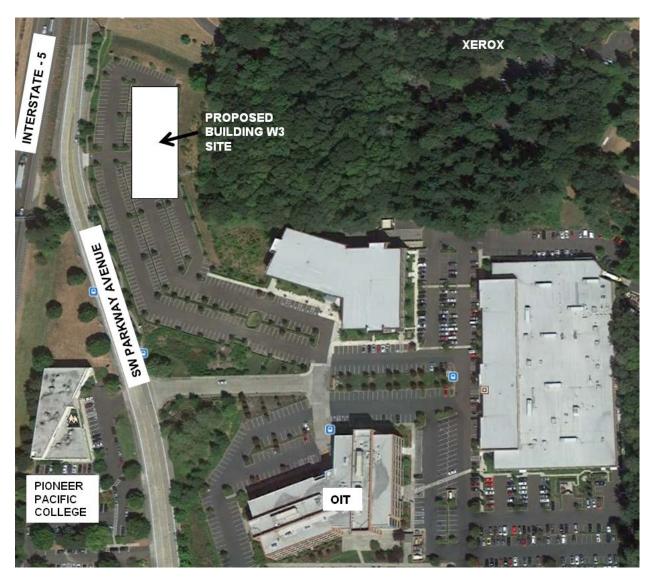
Don Walters, Building Plans Examiner

STAFF RECOMMENDATION: <u>Approve with conditions</u> the requested revised Stage I Master Plan, State II Final Plan, Waivers and Site Design Review request.

APPLICABLE REVIEW CRITERIA

Development Code:		
Section 4.008	Application Procedures-In General	
Section 4.009	Who May Initiate Application	
Section 4.010	How to Apply	
Section 4.011	How Applications are Processed	
Section 4.014	Burden of Proof	
Section 4.031	Authority of the Development Review Board	
Subsection 4.035 (.04)	Site Development Permit Application	
Subsection 4.035 (.05)	Complete Submittal Requirement	
Section 4.110	Zones	
Section 4.117	Standards Applying to Industrial Development in	
	All Zones	
Section 4.118	Standards Applying to Planned Development	
	Zones	
Section 4.135	Planned Development Industrial Zone (PDI)	
Sections 4.139.00 through 4.139.11	11 Significant Resource Overlay Zone (SROZ)	
as applicable	-	
Section 4.140	Planned Development Regulations	
Section 4.154	On-site Pedestrian Access and Circulation	
Section 4.155	Parking, Loading, and Bicycle Parking	
Section 4.167	Access, Ingress, and Egress	
Section 4.171	Protection of Natural Features and Other	
	Resources	
Section 4.175	Public Safety and Crime Prevention	
Section 4.176	Landscaping, Screening, and Buffering	
Section 4.177	Street Improvement Standards	
Section 4.179	Mixed Solid Waste and Recyclables Storage	
Sections 4.199.20 through 4.199.60		
Sections 4.300 through 4.320	Underground Utilities	
Sections 4.400 through 4.440 as	as Site Design Review	
applicable		
Other Planning Documents:		
Wilsonville Comprehensive Plan		

Vicinity Map



BACKGROUND

In 2006 the DRB approved a revised Stage I Preliminary Plan and Stage II Final Plan to complete Phases 2 and 3 for 300,000 square feet office space and 100,000 square feet of manufacturing space complex which are now occupied by Rockwell Collins and DWFritz (Buildings W1 and W2). Oregon Institute of Technology (OIT) occupies the former In Focus building (Phase 1).

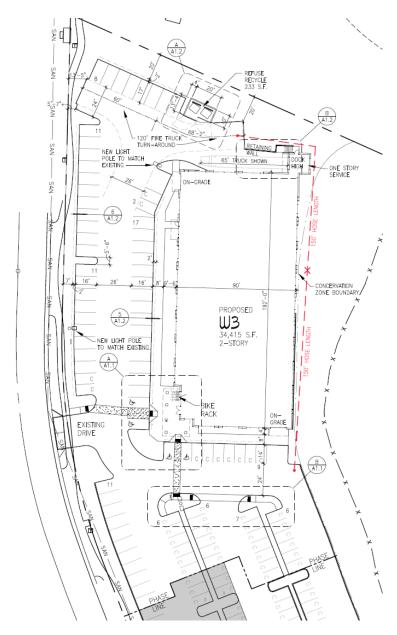
SUMMARY:

Stage I Master Plan Revision (DB14-0041)

The request adds an additional building within the previously approved master plan area.

Stage II Final Plan (DB14-0042)

A 34,414 square foot 2-story building known as Building W3 of the I-5 Corporate Campsu is proposed with retained forested wetlands to the east, a truck delivery area to the north, and parking to the west and south.



Site Analysis Data for W3 Parcel (only):

Existing Site Analysis Data (Before W3):

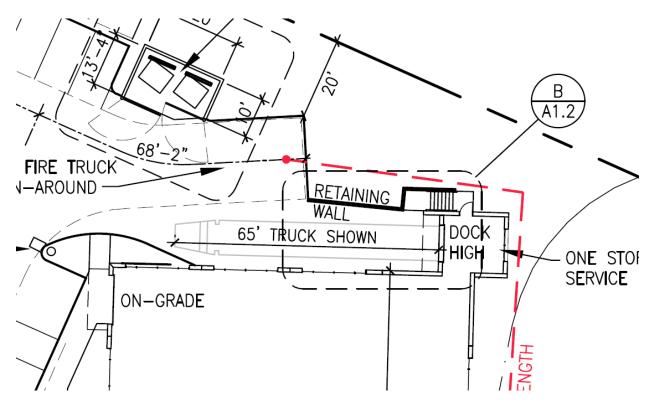
Item:	Lot Coverage (s.f.)	Lot Coverage (%)
Building Area	0	0
Parking & Drives	44,960	67 %
Landscaping	22,223	33
Total Site Area	67,183	

Proposed Site Analysis Data (Proposed with W3):

Item:	Lot Coverage (s.f.)	Lot Coverage (%)
Building Area	17,343 sf	26 %
Parking & Drives	36,080	54
Landscaping	13,760	20
Total Site Area	67,183	

Waivers (DB14-0044)

A waiver to the 30 foot setback requirement is requested on the north of the property for allowance of the placement of a loading dock. The requested waiver meets the criteria for approval.



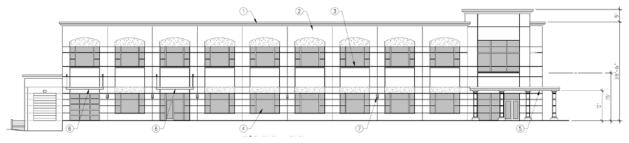
Site Design Review (DB14-0043)

Architectural Design

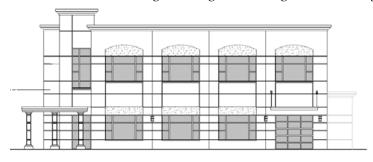
Building W3 has similar massing, construction, and coloring as neighboring Buildings W1 and W2, but many architectural details are different, including the architectural treatments above the upper windows and the design of the main entry area to create a building that is complimentary to architectural of nearby buildings while not creating excessive uniformity.

Proposed Building W3

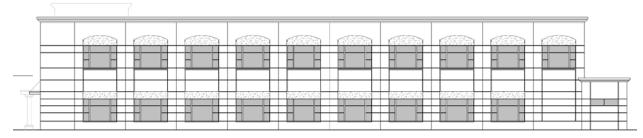
West Elevation Facing Parking Area/SW Parkway Avenue



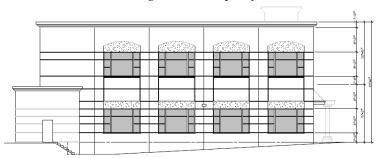
South Elevation Facing Parking Area/Oregon Institute of Technology



East Elevation Facing Preserved Forested Wetland



North Elevation Facing Xerox Property



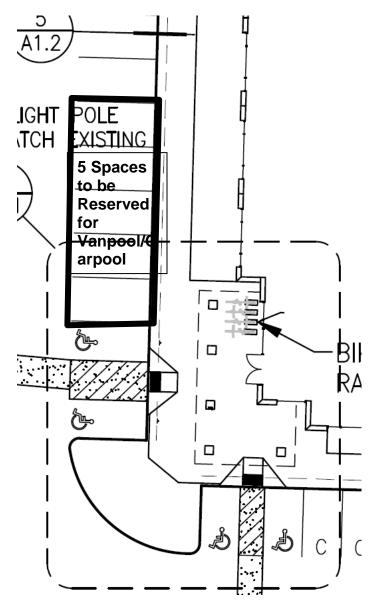
Landscape Design

As shown on the applicant's planting plan (sheet L1.0 of Exhibit B3) landscaping including variety of trees, shrubs, and ground cover with a professionally designed layout that in the opinion of staff is appropriate for the site.

DISCUSSION POINTS:

Vanpool/Carpool Parking

With the recent development code updates related to the 2013 Transportation Systems Plan vanpool and carpool parking is required to be at least five percent (5%) of parking for parking areas greater than 75 spaces. The submitted plans don't show any of these spaces. With 94 parking spaces 5 vanpool/carpool spaces are required. Condition of Approval PDB 5 ensures the required vanpool/carpool spaces are provided and appropriately marked.



Outdoor Lighting Review

On sheet SL.1 of Exhibit B3 the applicant provides some information on outdoor lighting, but not the level of detail needed to review compliance with the outdoor lighting standards. The subject standards are clear and objective and are able to be reviewed through the Class I administrative review process. Condition of Approval PDD 7 requires review of outdoor lighting through the Class I process meeting either the performance or prescriptive option prior to issuance of the Building Permit.

Parking Lot Tree Identification

The landscape plan on sheet L1.0 of Exhibit B3 identifies the latin name of 12 trees planted around the parking lot as *Carpinus Bet*. 'Frans Fontaine'. The common name is listed as Vine Maple, which does not match the latin name. As confirmed by the applicant in email correspondence on May 30, 2014 (Exhibit B10) the 12 trees are *Carpinus Bet*. 'Frans Fontaine' which has a common name of Frans Fontaine Hornbeam.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff has reviewed the Applicant's analysis of compliance with the applicable criteria. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed application (DB14-0041 through DB14-0044) with the following conditions:

Planning Division Conditions:

REQUEST A: DB14-0041 Stage I Preliminary Plan Revision

No conditions for this request

REOUEST B: DB14-0042 Stage II Final Plan

- PDB 1. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Planning Director through the Class I Administrative Review Process if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements." See Finding B16.
- **PDB 2.** All crosswalks hall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast). See Finding B35.
- **PDB 3.** Parking spaces along the boundaries of the parking lot shall be provided with a sturdy bumper guard or curb at least six inches (6") high and located far enough

- within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with the required screening or sidewalks. See Finding B38.
- **PDB 4.** Exterior bicycle parking spaces shall meet the spacing, space size, and anchoring requirements in Subsection 4.155 (.04) B. which include:
 - Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.
 - An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
 - When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly.
 - Bicycle lockers or racks, when provided, shall be securely anchored. See Finding B48.
- **PDB 5.** At least five (5) of the standard sized spaces along the west side of the building nearest the ADA spaces shall be reserved for carpool and vanpool parking. The spaces shall be clearly marked "Reserved-Carpool/Vanpool Only" See Finding B51.
- **PDB 6.** Building addressing meeting building and fire code shall be provided. See Finding B56.
- **PDB 7.** All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding B70.

REQUEST C: DB14-0044 Setback Waiver

No conditions for this request

REQUEST D: DB14-0043 Site Design Review

- **PDD 1.** Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030.
- PDD 2. All landscaping required and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant.
- **PDD 3.** The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan

- shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code.
- **PDD 4.** All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville's Development Code.
- **PDD 5.** The following requirements for planting of shrubs and ground cover shall be met:
 - Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.
 - Native topsoil shall be preserved and reused to the extent feasible.
 - Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.
 - All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.
 - Shrubs shall reach their designed size for screening within three (3) years of planting.
 - Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum.
 - No bare root planting shall be permitted.
 - Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.
 - Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.
 - Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns.
- PDD 6. Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- PDD 7. Prior to Planning Division approval of the Building Permit for the proposed building the applicant/owner shall receive approval of the final outdoor lighting design through the Class I administrative review process. Materials shall be submitted demonstrating compliance with either the performance or prescriptive option identified in Section 4.199.40. Required submission material listed in Section 4.199.50 shall be submitted for review. See Findings D39.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City's Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to

criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division Conditions:

REQUEST B: DB14-0042 Stage II Final Plan

Standar	d Comments:	
PFB 1.	Engineering PF conditions previously issued for project (00DB10) and the Jack Martin / In-Focus by DB08-0032)) are still in effect with this applications.	project (DB07-0035, as modified
PFB 2.	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.	
PFB 3.	Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:	
	Coverage (Aggregate, accept where noted) Commercial General Liability	Limit
	General Aggregate (per project)	\$ 2,000,000
	Fire Damage (any one fire)	\$ 50,000
	Medical Expense (any one person)	\$ 10,000
	Business Automobile Liability Insurance	
	Each Occurrence	\$ 1,000,000
	Aggregate	\$ 2,000,000
	Workers Compensation Insurance	\$ 500,000
PFB 4.	All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.	
PFB 5.	Plans submitted for review shall meet the following general criteria:	
	a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.	
	b. Design of any public utility improvements sh	all be approved at the time of the

- issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
- c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
- d. All elevations on design plans and record drawings shall be based on NAVD 88
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
- 1. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.
- **PFB 6.** Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
- **PFB 7.** The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
- **PFB 8.** Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
- **PFB 9.** Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
- **PFB 10.** No surcharging of sanitary or storm water manholes is allowed.
- **PFB 11.** The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Stormwater or rainwater LID facilities

may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.

PFB 12. Mylar Record Drawings:

At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.

Specific Comments:

PFB 13. At the request of Staff, DKS Associates completed a traffic Trip Generation Memo dated May 5, 2014. The project is hereby limited to no more than the following impacts.

Estimated New PM Peak Hour Trips 35

Estimated Weekday PM Peak Hour Trips 21

Through Elligsen Road Interchange Area

Estimated Weekday PM Peak Hour Trips 5
Through Wilsonville Road Interchange Area

- **PFB 14.** In the 2013 Transportation Systems Plan (TSP) Parkway Avenue is identified as a Minor Arterial. Sufficient right-of-way presently exists, and the street is fully constructed; no additional right-of-way or improvements to Parkway Avenue are identified.
- **PFB 15.** Access to the site shall be from the existing driveways located on Parkway Avenue.
- **PFB 16.** Existing storm facilities are sized for current impervious surfaces. Should the addition of Building 3 have a net increase in impervious surface, the applicant shall be required to provide storm water detention and water quality facilities for the net increase in impervious surface. A memo providing the total area of impervious surfaces to be removed and the total area of impervious surfaces being added with the project shall be prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City.
- **PFB 17.** Should a net increase in impervious surface occur, a storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to address appropriate pipe and detention facility sizing and water quality treatment.

Building Division Conditions:

REQUEST B: DB14-0042 Stage II Final Plan & REQUEST D: Site Design Review

BD 1.	SITE CONDITIONS. It is the responsibility of the applicant to insure that all
	existing underground utilities, piping, drain systems and easements of any kind are shown correctly on the site plan.
BD 2.	ACCESSIBLE PARKING cannot be fully reviewed at this time. Accessible
DD 21	parking will be fully reviewed as part of the plan review of the building permit
	plans. The additional information available at plan review may require changes to
	the number and location of accessible parking spaces shown on these preliminary
DD 4	plans. (107.2.1)
BD 3.	FIRE CALCS. Fire calcs shall be submitted with the building permit application.
	These calc sheets and instructions are available from the TVF&R web site. (2010
	OFC 507.3) The fire calcs will define how many hydrants are required, and if a
	building fire alarm or fire sprinkler system may be necessary. Neither hydrant
	location, number of required hydrants, nor building plan review can proceed
	without the completed fire calcs.
BD 4.	FIRE DEPARTMENT CONNECTION. With respect to hydrants, driveways,
	buildings and landscaping, fire department connections shall be so located that fire
	apparatus and hose connected to supply the system will not obstruct access to the
	buildings for other fire apparatus. The location of the fire department connections
	shall be approved by the fire chief. Fire department connections shall be located on
	the street side of buildings, fully visible and recognizable from the street or nearest
	point of fire department vehicle access or as otherwise approved by the chief. (OFC
	912.2, 912.2.1)
BD 5.	
ър 5.	FDC CLEAR SPACE. A working space of not less than 36" in width, 36" in depth,
	and 78" in height shall be provided and maintained in front of and to the sides of
	wall-mounted fire department connections and around the circumference of free-
	standing fire department connections, except as otherwise required or approved by
	the fire chief. (912.3.2) Please confirm that the proposed planting plan respects the
	required clear space.
BD 6.	HYDRANT – CLEAR SPACE. A 3' clear space shall be maintained around the
	circumference of fire hydrants except as otherwise required or approved. [Low
	growing ground covers that do not create a trip hazard are acceptable when
	approved by the fire marshal.] (OFC 508.5.5) Please confirm that the proposed
	planting plan respects the required 3' clearance.
BD 7.	RED CURBS and No Parking signs shall be installed when so required by the fire
	marshal. (OFC 503.3) It is recommended that you supply 2 copies of the site plan
	to the Fire Marshal at or before submittal of the building permit package to the
	Building Division for review of any possible no parking areas.
BD 8.	ADVISORY. VAULT. It is recommended - not required - that backflow devices
DD 0.	The first in the following in the following with the first that buckness we determine

Development Review Board Panel 'A' Staff Report June 2, 2014 Building W3 I-5 Corporate ParkDB14-0041 through DB14-0044

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for fire lines be placed inside the buildings and not in underground vaults. This eliminates the continuing maintenance problems with sump pumps and valve monitoring, and saves the project the cost of a vault installation, about \$10000. Where the backflow device is placed in a vault a public utility waterline easement

will be required that extends to the upstream edge of the vault. Without a vault the waterline easement will extend to the exterior wall of the building.

Natural Resources Division Conditions:

REQUEST B: DB14-0042 Stage II Final Plan & REQUEST D: Site Design Review

SROZ:		
NR 1.	Provide documentation the proposed temporary impacts have been reviewed and approved by the Oregon Department of State Lands.	
NR 2.	All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the Significant Resource Overlay Zone (SROZ)/Conservation Easement and the Impact Area shall be reviewed and approved by the Natural Resources Program Manager.	
NR 3.	Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ/Conservation Easement. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the Impact Area.	
NR 4.	Pursuant to Section 4.139.03 (.05) of the Wilsonville Code, the applicant is required to use habitat-friendly development practices (Table NR-2) to the extent practicable for any encroachment into the SROZ and the Impact Area.	
NR 5.	The applicant shall minimize the impact to the SROZ and the Impact Area during construction of the proposed building.	
Other:		
NR 6.	The applicant shall comply with all applicable state and federal requirements for the proposed construction activities (e.g. DEQ NPDES #1200–CN permit).	

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB14-0041 through DB14-0044.

PLANNING STAFF MATERIALS

- **A1.** Staff report and findings (this document)
- **A2.** Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

MATERIALS FROM APPLICANT

- **B1.** Application Form Signed by Applicant's Authorized Representative
- **B2.** Applicant's Narrative
- **B3.** Drawings and Plans (reduced and full size under separate cover)
 - P1 Site Plan Comparison
 - P2 Floor Plan
 - P3 Exterior Elevations
 - P4 Second Floor Plan
 - SL1 Isofootcandle Horizontal Illuminance Lighting Site Plan
 - C1.0 Site Grading Plan
 - C2.0 Site Utility Plan
 - C3.0 Erosion & Sediment Control Plan
 - L1.0 Landscape Plan
- **B4.** Photo of Building W2 to show materials example (Applicant's Exhibit 1.0)
- **B5.** Exterior Materials and Finishes Drawing (Applicant's Exhibit 2.0)
- **B6.** Geotechnical Engineering Report (Applicant's Exhibit 3.0)
- **B7.** Traffic Report (Applicant's Exhibit 4.0)
- **B8.** Preliminary Title Report (Applicant's Exhibit 5.0)
- **B9.** Letter from Republic Services approving Refuse Enclosure Dated March 28, 2014
- **B10.** Email dated May 30, 2014 clarifying the variety of 12 trees planted on the site.

DEVELOPMENT REVIEW TEAM CORRESPONDENCE

- **C1.** Engineering Conditions from Steve Adam PE, Development Engineering Manager
- **C2.** Building Conditions from Don Walters, Plans Examiner
- C3. Natural Resource Conditions from Kerry Rappold, Natural Resources Program Manager
- **C4.** Comments from Public Works
- **C5.** Comments from NW Natural Gas

OTHER CORRESPONDENCE

Correspondence in favor (none received)

Correspondence opposed (none received)

Correspondence neutral (none received)

FINDINGS OF FACT:

- 1. The statutory 120-day time limit applies to this application. The application was received on April 16, 2014. On April 23, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on May 5, 2014, the Applicant submitted new materials. On May 8, 2014 the application was deemed complete. The City must render a final decision for the request, including any appeals, by September 5, 2014.
- 2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDI	Xerox
East:	PDI	Preserved natural area
South:	PDI	OIT
West:		Parkway Ave./Interstate 5

- 1. Previous Planning Approvals: Buildings W1 (office building in the application) and W2 (Rockwell Collins tenant) were approved in case-file DB07-0035. The project site was originally located within the Mentor Graphics Master Plan that was approved in 1988 (Resolution 89PC05). The Stage I Preliminary Plan that approved the In Focus Systems Inc., campus at build-out included three major buildings; offices, research and development, manufacturing and distribution uses. (Resolution 00DB10). In Resolution 138, Mr. Jack Martin/I-5 Corporate Park revised the In Focus master Plan and Buildings W1 and W2 were built. Case File DB08-0032 Site Design Review for Building W1.
- 3. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

CONCLUSIONARY FINDINGS:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: These criteria are met.

<u>Details of Finding</u>: The application is being processed in accordance with the applicable general procedures of this Section.

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Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The application has been submitted on behalf of the property owner, Wilsonville 2006 NW LLC. The application form is signed by Jack Martin as the property owner.

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

<u>Details of Finding</u>: Pre-application conferences were held on January 30, 2014 (PA14-0002) in accordance with this subsection.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

Finding: This criterion is satisfied.

<u>Details of Finding:</u> No applicable liens exist for the subject property. The application can thus move forward.

Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements

Review Criteria: "An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code." Listed 1. through 6. j.

Finding: These criteria are satisfied.

<u>Details</u> of **Finding:** The applicant has provided all of the applicable general submission requirements contained in this subsection.

Section 4.110 Zoning-Generally

Review Criteria: "The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192." "The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise."

Finding: These criteria are satisfied.

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<u>Details of Finding</u>: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

REQUEST A: DB14-0041 STAGE I PRELIMINARY PLAN REVISION

Planned Development Regulations

Subsection 4.140 (.01) Purpose of Planned Development Regulations

A1. <u>Review Criterion</u>: The proposed revised Stage I Master Plan shall be consistent with the Planned Development Regulations purpose statement.

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The proposed building is an extension of multi-building, multi-tenant, industrial campus that has been master planned pursuant to the stated purpose of the Planned Development Regulations including a harmonious combination of multiple buildings including compatible uses and architecture creating an attractive and efficient industrial campus.

Subsection 4.140 (.02) Lot Qualifications for Planned Developments

A2. **Review Criterion:** "Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The I-5 Corporate Park is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140.

A3. **Review Criteria:** "Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code."

Finding: These criteria are satisfied.

Details of Finding: The subject property is greater than 2 acres, is designated for industrial development in the Comprehensive Plan, and is zoned Planned Development Industrial. The property has been and continues to be developed as a planned development in accordance with this subsection.

Subsection 4.140 (.03) Ownership Requirements for Submitting Planned Development Application

A4. **Review Criterion:** "The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included."

Finding: This criterion is satisfied.

Details of Finding: All the land subject to change under the proposal is under one

Development Review Board Panel 'A'Staff Report June 2, 2014 Building W3 I-5 Corporate ParkDB14-0041 through DB14-0044 Exhibit A1 Page 20 of 55 ownership.

Subsection 4.140 (.04) Professional Design Team Required for Planned Developments

A5. **Review Criteria:** "The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development. One of the professional consultants chosen by the applicant shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan."

Finding: These criteria are satisfied.

Details of Finding: As can be found in the applicant's submitted materials, appropriate professionals have been involved in the planning and permitting process. Jennifer Kimura of VLMK Consulting Engineers has been designated the coordinator for the planning portion of the project.

Subsection 4.140 (.05) Planned Development Permit Process

- A6. **Review Criteria:** "All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
 - 1. Be zoned for planned development;
 - 2. Obtain a planned development permit; and
 - 3. Obtain Development Review Board, or, on appeal, City Council approval."

Finding: These criteria are satisfied.

<u>Details of Finding:</u> The subject property is greater than 2 acres, is designated for industrial development in the Comprehensive Plan, and is zoned Planned Development Industrial. The property has been and continues to be developed as a planned development in accordance with this subsection.

Subsection 4.140 (.06) Stage I Master Plan Consistent with Comprehensive Plan

A7. **Review Criteria:** "The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan." "The applicant may proceed to apply for Stage I - Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan."

Finding: These criteria are satisfied.

Details of Finding: The proposed project, as found elsewhere in this report, complies with the Planned Development Industrial zoning designation, which implements the Comprehensive Plan designation of 'Industrial' for this property. All other applicable Development Code criteria that implement the Comprehensive Plan are being met, or will be met as conditions of approval.

Subsection 4.140 (.07) Stage I Master Plan Application Requirements and Hearing Process

A8. Review Criteria: This subsection establishes that the Development Review Board shall consider a Stage I Master Plan after completion or submission of a variety of application requirements. Finding: These criteria are satisfied.

Development Review Board Panel 'A'Staff Report June 2, 2014

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<u>Details of Finding</u>: Review of the proposed revised Stage I Master Plan has been scheduled for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the revised Stage I Master Plan is under the sole ownership of Wilsonville 2006 NW LLC. The application has been signed by Jack Martin as an authorized Our Associates representative.
- The application for a revised Stage I Master Plan has been submitted on a form prescribed by the City.
- The professional design team and coordinator has been identified. See Finding A5.
- The applicant has stated the various uses involved in the Master Plan and their locations.
- In terms of a boundary survey, no change to the current Stage I Master Plan area is proposed, therefore no boundary survey is necessary.
- Sufficient topographic information has been submitted.
- A tabulation of the land area to be devoted to various uses has been provided.
- Most of the Stage I Area has already been constructed. The proposed changes will be constructed in a single phase.
- Any necessary performance bonds will be required.
- A setback waiver is anticipated, and will be reviewed with the Stage II Final Plan which is concurrent with this application. See Request C.

Section 4.023 Expiration of Development Approvals

A9. **Review Criterion:** "Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: It is understood the requested approval with expire after two (2) years unless extended.

Planned Development Industrial (PDI) Zone

Subsection 4.135 (.01) Purpose of Planned Development Industrial Zone

A10. **Review Criterion:** "The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The proposed flex-space building will allow industrial uses consistent with the purpose of the PDI zone. No commercial uses are proposed.

Subsection 4.135 (.02) PDI Zone Governed by Planned Development Regulations

A11. **Review Criterion:** "The PDI Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code."

Finding: This criterion is satisfied.

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<u>Details of Finding:</u> As seen in the findings for this request and the associated Stage II and Site Design Review requests, the proposal is being reviewed in accordance with Section 4.140.

Subsection 4.135 (.03) Allowed Uses in PDI Zone

A12. **Review Criteria:** Uses that are typically permitted: Listed A. through T.

Finding: These criteria are satisfied.

<u>**Details of Finding:**</u> The proposed flex-space building will allow industrial uses listed as permitted in the PDI zone. No commercial uses are proposed.

Subsection 4.135 (.04) Block and Access Standards in PDI Zone

A13. **Review Criterion:** "The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03)."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The previously approved block spacing and access is not being changed. The Stage I Master Plan area will continue to be in compliance with these standards including adequate connectivity.

REQUEST B: DB14-0042 STAGE II FINAL PLAN

Planned Development Regulations

Subsection 4.140 (.01) Purpose of Planned Development Regulations

B1. <u>Review Criterion</u>: The proposed Stage II Final Plan shall be consistent with the Planned Development Regulations purpose statement.

Finding: This criterion is satisfied.

Details of Finding: Based on the information provided by the applicant in their narrative, staff is of the professional opinion that the purpose of the planned development regulations is met by the proposed Stage II Final Plan.

Subsection 4.140 (.02) Lot Qualifications for Planned Developments

B2. **Review Criterion:** "Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140."

Finding: This criterion is satisfied.

<u>Details of Finding:</u> The lot of the subject development site is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140.

B3. **Review Criteria:** "Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned 'PD.' All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code."

Finding: These criteria are satisfied.

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<u>Details of Finding</u>: The development site is greater than 2 acres, is designated for industrial development in the Comprehensive Plan, and is zoned Planned Development Industrial. The property will be developed as a component of a planned development in accordance with this subsection.

Subsection 4.140 (.03) Ownership Requirements for Submitting Planned Development Application

B4. **Review Criterion:** "The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The land included in the proposed Stage II Final Plan is under the single ownership of Wilsonville 2006 NW LLC and an authorized representative, Jack Martin, has signed the application.

Subsection 4.140 (.04) Professional Design Team Required for Planned Developments

B5. **Review Criteria:** "The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development. One of the professional consultants chosen by the applicant shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan."

Finding: These criteria are satisfied.

Details of Finding: As can be found in the applicant's submitted materials, appropriate professionals have been involved in the planning and permitting process. Jennifer Kimura of VLMK Consulting Engineers has been designated the coordinator for the planning portion of the project

Subsection 4.140 (.05) Planned Development Permit Process

- B6. <u>Review Criteria</u>: "All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:
 - 1. Be zoned for planned development;
 - 2. Obtain a planned development permit; and
 - 3. Obtain Development Review Board, or, on appeal, City Council approval."

Finding: These criteria are satisfied.

Details of Finding: The subject property is greater than 2 acres, is designated for industrial development in the Comprehensive Plan, and is zoned Planned Development Industrial. The property has been and continues to be developed as a planned development in accordance with this subsection.

Stage II Final Plan Submission Requirements and Process

Subsection 4.140 (.09) A. Timing of Submission

B7. **Review Criterion:** "Unless an extension has been granted by the Development Review Board, within two (2) years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development"

Finding: This criterion is satisfied.

<u>Details of Finding:</u> The applicant is submitting a Stage II Master Plan concurrently with a revised Stage I Master Plan.

Subsection 4.140 (.09) B. Determination by Development Review Board

B8. **Review Criterion:** "the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application".

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The Development Review Board is considering all applicable permit criteria set forth in the Planning and Land Development Code and staff is recommending the Development Review Board approve the application with conditions of approval.

Subsection 4.140 (.09) C. Conformance with Stage I and Additional Submission Requirements

B9. **Review Criteria:** "The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:" listed 1. through 6.

Finding: These criteria are satisfied.

Details of Finding: The applicant states, and staff concurs, that the Stage II plans substantially conforms to the proposed revised Stage I Master plan. The applicant has provided the required drawings and other documents showing all the additional information required by this subsection.

Subsection 4.140 (.09) D. Stage II Final Plan Detail

B10. **Review Criterion:** "The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The applicant has provided sufficiently detailed information to indicate fully the ultimate operation and appearance of the development, including a detailed site plan, landscape plans, elevation drawings, and material information.

Subsection 4.140 (.09) E. Submission of Legal Documents

B11. **Review Criterion:** "Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: No additional legal documentation is required for dedication or reservation of public facilities.

Subsection 4.140 (.09) I. and Section 4.023 Expiration of Stage II Approval

B12. **Review Criterion:** This subsection and section identify the period for which Stage II approvals are valid.

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The Stage II Approval, along other associated applications, will expire two (2) years after approval, unless an extension is approved in accordance with these subsections.

Subsection 4.140 (.09) J. 1. Planned Development Permit Requirements: Conformance with Comprehensive Plan and other Applicable Plans and Ordinances

B13. **Review Criteria:** "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."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The subject property has previously been zoned Planned Development Industrial consistent with the Industrial designation in the Comprehensive Plan. To staff's knowledge, the location, design, size, and uses are consistent with other applicable plans, maps, and ordinances, or will be by specific conditions of approval.

Subsection 4.140 (.09) J. 2. Planned Development Permit Requirements: Traffic Concurrency

B14. Review Criteria: "That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as 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. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5." Additional qualifiers and criteria listed a. through e.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: As explained on page 4 of 8 of the memo from DKS Associates dated May 5, 2014 (Exhibit B7) the new building is anticipated to general 35 (8 in, 27 out) p.m. peak hour trips. Existing counts suggest that 264 p.m. peak hour trips are still available

from what was previously approved for the master plan providing ample capacity for the new building and not leading to any congestion in excess of Level of Service D.

Subsection 4.140 (.09) J. 3. Planned Development Permit Requirements: Facilities and Services Concurrency

B15. <u>Review Criteria</u>: "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."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: Facilities and services, including utilities, are available and sufficient to serve the proposed development.

Subsection 4.140 (.09) L. Adherence to Approved Plan and Modification Thereof

B16. Review Criteria: "The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements."

<u>Finding</u>: These criteria are satisfied or will be satisfied by Condition of Approval PDB 1. <u>Details of Finding</u>: Condition of Approval PDB 1 ensures adherence to approved plans except for minor revisions by the Planning Director.

Industrial Development in Any Zone

Subsection 4.117 (.01) Standards Applying to Industrial Development in Any Zone

B17. Review Criteria: "All industrial developments, uses, or activities are subject to performance standards. If not otherwise specified in the Planning and Development Code, industrial developments, uses, and activities shall be subject to the performance standards specified in Section 4. 135 (.05) (PDI Zone)."

Finding: These criteria are satisfied.

Details of Finding: All applicable performance standards are being or will be met. See Finding B29.

Standards Applying in All Planned Development Zones

Subsection 4.118 (.01) Additional Height Guidelines

B18. <u>Review Criterion</u>: "In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows:

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
- B. To provide buffering of low density developments by requiring the placement of three or more story buildings away from the property lines abutting a low density zone.
- C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: Staff does not recommend the Development Review Board require a height less than the applicant proposes as the proposed height provides for fire protection access, does not abut a low density zone, and does not impact scenic views of Mt. Hood or the Willamette River.

Subsection 4.118 (.02) Underground Utilities

B19. Review Criteria: "Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: All additional utilities on the property are required to be underground. See also Finding B74.

Subsection 4.118 (.03) Waivers

B20. **Review Criteria:** "Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may" waive a number of standards as listed in A. through E.

Finding: These criteria are satisfied.

<u>Details of Finding:</u> A waiver to the thirty foot (30') setback from the north property line has been requested with findings supporting the requirements of this subsection. See Request C.

Subsection 4.118 (.03) E. Other Requirements or Restrictions

B21. **Review Criteria:** "Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may adopt other requirements or restrictions, inclusive of, but not limited to, the following:" Listed 1. through 12.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: No additional requirements or restrictions are recommended pursuant to this subsection.

Subsection 4.118 (.04) Effect of Determination of Compliance and Conditions of Approval on Development Cost

B22. <u>Review Criteria:</u> "The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on

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availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code."

Finding: These criteria are satisfied.

Details of Finding: It is staff's professional opinion that the determination of compliance or attached conditions do not unnecessarily increase the cost of development, and no evidence has been submitted to the contrary.

Subsection 4.118 (.05) Requirements to Set Aside Tracts for Certain Purposes

B23. **Review Criteria:** "The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:" Recreational Facilities, Open Space Area, Easements."

Finding: These criteria are satisfied.

Details of Finding: No additional tracts are being required for the purposes given.

Subsection 4.118 (.09) Habitat Friendly Development Practices

- B24. <u>Review Criteria:</u> "To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:
 - A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
 - B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;
 - C. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and
 - D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03."

Finding: These criteria are satisfied.

Details of Finding: The proposed development replaces an existing parking lot, and surrounding landscape areas. The adjacent preserved natural area is not being impacted.

Planned Development Industrial Zone

Subsection 4.135 (.01) Purpose of Planned Development Industrial Zone

B25. Review Criterion: "The purpose of the PDI zone is to provide opportunities for a variety of industrial operations and associated uses."

Finding: This criterion is satisfied.

Details of Finding: The proposed flex-space building will allow industrial uses consistent with the purpose of the PDI zone. No commercial uses are proposed.

Subsection 4.135 (.02) PDI Zone Governed by Planned Development Regulations

B26. <u>Review Criterion</u>: "The PDI Zone shall be governed by Section 4.140, Planned Development Regulations, and as otherwise set forth in this Code."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: As seen in the findings for this request and associated Stage I and Site Design Review requests, the proposal is being reviewed in accordance with Section 4.140.

Subsection 4.135 (.03) Allowed Uses in PDI Zone

B27. **Review Criteria:** "Uses that are typically permitted:" Listed A. through T.

Finding: These criteria are satisfied.

<u>Details of Finding:</u> The proposed flex-space building will allow industrial uses listed as permitted in the PDI zone. No commercial uses are proposed.

Subsection 4.135 (.04) Block and Access Standards in PDI Zone

B28. Review Criteria: "The PDI zone shall be subject to the same block and access standards as the PDC zone, Section 4.131(.02) and (.03)."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The previously approved block spacing and access is not being changed. The Stage II Master Plan area will continue to be in compliance with these standards including adequate connectivity.

Subsection 4.135 (.05) Industrial Performance Standards

B29. **Review Criteria:** "The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property." Standards listed A. through N.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The proposed project meets the performance standards of this subsection as follows:

- Pursuant to standard A (enclosure of uses and activities), all non-parking/loading activities and uses will be completely enclosed.
- Pursuant to standard B (vibrations), there is no indication that the proposed development will produce vibrations detectable off site without instruments.
- Pursuant to standard C (emissions), there is no indication the odorous gas or other odorous matter would be produced by the proposed use.
- Pursuant to standard D (open storage), no outdoor storage is proposed.
- Pursuant to standard E (night operations and residential areas), the proposed use is not in the vicinity of any residential areas.
- Pursuant to standard F (heat and glare), no exterior operations are proposed creating heat and glare.

- Pursuant to standard G (dangerous substances), there are no prohibited dangerous substances expected on the development site.
- Pursuant to standard H (liquid and solid wastes), staff has no evidence that the standards defined for liquid and solid waste in this subsection would be violated.
- Pursuant to standard I (noise), staff has no evidence that noise generated from the proposed operations would violate the City's Noise Ordinance and noises produced in violation of the Noise Ordinance would be subject to the enforcement procedures established in WC Chapter 6 for such violations.
- Pursuant to standard J (electrical disturbances), staff has no evidence that any prohibited electrical disturbances would be produced by the proposed project's operations.
- Pursuant to standard K (discharge of air pollutants), staff has no evidence that any prohibited discharge would be produced by the proposed project.
- Pursuant to standard L (open burning), no open burning is proposed on the development site.
- Pursuant to standard M (outdoor storage), no outdoor storage is proposed
- Pursuant to standard N (unused area landscaping), no unused areas will be left on the subject property.

Subsection 4.135 (.06) Other PDI Standards

B30. <u>Review Criteria</u>: This section lists other standards of the PDI zone including: minimum individual lot size, maximum lot coverage, front yard setback, rear and side yard setback, corner vision, off street parking and loading, and signs.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The proposed development meets these standards, as applicable, as follows:

- The lots are of sufficient size to allow for the required amount of landscaping, parking, and other applicable site requirements along with lot coverage of the proposed development.
- The required thirty foot (30') front and side yard are met except on the north for which a waiver is being requested. See Request C.
- Nothing affecting vision clearance is affected by the application.
- Off-street parking and loading requirements are met. See Findings B38-B44.
- No signs subject to the sign regulations are proposed.

Section 4.139.02 Applicability of SROZ Regulations

B31. **Review Criteria:** This section identifies where the Significant Resource Overlay Zone (SROZ) regulations apply.

Finding: These criteria are satisfied.

<u>Details of Finding:</u> While adjacent to the SROZ and a previously recorded conservation easement, no work or changes are proposed in the SROZ

On-site Pedestrian Access and Circulation

Subsection 4.154 (.01) B. 1. Continuous Pathway System

B32. **Review Criterion:** "A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable."

Finding: This criterion is satisfied.

Explanation of Finding: The applicant has proposed a network of pathways along the building, from the main entrance to Parkway Avenue, and from the main entrance to parking areas. See sheet L1.0 in Exhibit B3.

Subsection 4.154 (.01) B. 2. Safe, Direct, and Convenient Pathways

- B33. **Review Criteria:** "Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:
 - a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.
 - b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.
 - c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.
 - d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.)."

Finding: These criteria are satisfied.

Explanation of Finding:

- All proposed pathways are of smooth and consistent concrete and no hazards are evident on the site plan.
- All proposed pathways are reasonably direct. The path from the main entrance to Parkway Avenue is nearly a straight line as is the path from the main entrance to the parking area to the south.
- The pathways around the building connects to all primary building entrances.
- Where required, pathways meet ADA requirements or will be required to by the building code.
- The parking lot is not larger than 3 acres in size.

Subsection 4.154 (.01) B. 3. Vehicle/Pathway Separation

B34. **Review Criterion:** "Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards."

Finding: This criterion is satisfied.

Explanation of Finding: All pathways affected by this review are separated consistent

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Subsection 4.154 (.01) B. 4. Crosswalks

B35. **Review Criterion:** "Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast)."

Finding: This criterion will be satisfied by Condition of Approval PDB 2.

Explanation of Finding: The method of marking the crosswalks is not clear from the plans. The condition of approval requires the crosswalks to be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast)."

Subsection 4.154 (.01) B. 5. Pathway Width and Surface

B36. **Review Criteria:** "Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA."

Finding: These criteria are satisfied.

Explanation of Finding: Primary pathways are the required width and will be constructed of concrete or asphalt.

Subsection 4.154 (.01) B. 6. Signs for Pathways

B37. **Review Criteria:** "All pathways shall be clearly marked with appropriate standard signs."

Finding: These criteria are satisfied.

Explanation of Finding: No pathways requiring signs are proposed.

Parking and Loading

Subsection 4.155 (.02) General Parking Provisions

B38. **Review Criteria:** This subsection lists a number of general provisions for parking.

Finding: These criteria are satisfied or will be satisfied by Conditions of Approval PDB 3. **Details of Finding:** The applicant has provided sufficient information demonstrating compliance with the provisions in this subsection applicable to Stage II Final Plan review. Among the information provided is sheet P1. Staff specifically points out the following:

- In relation to provision A. no waivers to parking standards have been requested
- In relation to provision B. all parking areas are accessible and usable for parking.
- In relation to provision C. current parking development standards are only being applied to new parking areas.
- In relation to provisions D. and F. parking is being calculated summing the requirements of different uses and considering existing parking.
- In relation to provision J. Condition of Approval PDB 3 ensures parking spaces along the boundaries of the parking lot shall be provided with a sturdy bumper guard or curb at least six inches (6") high and located far enough within the boundary to prevent any

- portion of a car within the lot from extending over the property line or interfering with the required screening or sidewalks.
- In relation to provision K. the parking area is paved and provided with adequate drainage.
- In relation to provision L. compliance with the outdoor lighting ordinance and vegetative screening will prevent artificial lighting from shining into adjoining structures or affecting passersby
- In relation to provision M. all the proposes uses are listed in the Code
- In relation to provision N. 40% of the parking is proposed as compact.
- In relation to provision O. all planting areas that vehicles may overhang are seven feet (7') or greater in depth.

Subsection 4.155 (.03) A. Functional Design of Parking, Loading, and Delivery Areas

- B39. **Review Criteria:** "Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
 - 1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.
 - 2. To the greatest extent possible, separate vehicle and pedestrian traffic."

Finding: These criteria are satisfied.

Details of Finding: The functional needs of the site for vehicles include employee and visitor parking of standard passenger vehicles during work hours and truck access of shipping and delivery. The required amount of parking is required, with drive aisles of widths 24' to 26' adequate to accommodate two-way truck and passenger vehicle traffic. All turning radii are adequate as shown on sheet P1 of Exhibit B3. The existing access points from Parkway Avenue are being maintained which provide adequate access to prevent choke points or excessive queuing. Loading berths meeting number of size requirements of the development code are provided and is considered adequate to serve the expected amount of delivery and shipping from the site. The needs for Solid Waste and Recycling pick up vehicles and fire apparatus are being reviewed separately and have been approved by Republic Services and TVF&R.

The required loading and delivery berths are located at the extreme northeast and southeast of the proposed building, as well as the northern end of the west facade maximizing separation from customer/employee parking and pedestrian areas. No parking is shown around the main loading and delivery berth on the north side of the building. The other loading berths are at the end of pedestrian paths to remove interruptions to the pedestrian network. The access drives are shared, but separate access drives are not required or practical with the site design.

Circulation patterns are clearly evident by the standard width of the drive aisles which are equivalent to a local street without pavement markings, and the clear delineation of the edge of the drive aisles by painted parking stalls, landscape planters, and the building. The only places where vehicle and pedestrian traffic is not separated are marked crosswalks

across drive aisles. Otherwise the pedestrian circulation system is on raised sidewalks meeting the separation standards of Section 4.154.

Subsection 4.155 (.03) B. 1.-3. Parking Area Landscaping

B40. <u>Review Criteria</u>: "Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:" Listed 1. through 3.

Finding: These criteria are satisfied.

Details of Finding: While the applicant has not provided summary findings specific to parking landscape area, Sheet P1 indicates 20% of the site area will be landscaped. Nearly all of the landscaping is adjacent to parking areas. Subtracting the building footprint of 17,343 square feet leaves 49,480 square feet of site area in landscaping and parking and circulation. Of the remaining area 13,760 square feet or 27.8% is landscaping.

The proposed landscape includes perimeter landscaping as well as interior landscape islands which would be identified as parking area landscaping. The proposed landscaping strips/areas provide screening from the public right-of-way.

Subsection 4.155 (.03) C. Parking and Loading Areas-Safe and Convenient Access

B41. **Review Criterion:** "Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces., provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: 90 standard and compact parking stalls are provided and 4 ADA stalls, meeting the standard established in this subsection. ADA parking will also be reviewed as part of the review of the Building Code requirements for the Building Permit.

Subsection 4.155 (.03) D. Parking Connectivity and Efficient On-site Circulation

B42. **Review Criteria:** "Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The parking areas are connected to parking areas for adjoining buildings within the same master plan and share a main entrance from Parkway Avenue. Drive aisles create direct connectivity through the site for efficient on-site circulation.

Subsection 4.155 (.03) F. On-Street Parking

B43. **Review Criteria:** "On-street parking spaces, directly adjoining the frontage of and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards."

Finding: These criteria are satisfied.

Details of Finding: No on-street parking is available or proposed.

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Subsection 4.155 (.03) G. Parking Minimum and Maximum

B44. **Review Criteria:** "Tables 5, below, shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: On applicant's sheet P1 of Exhibit B3 provides parking calculations which staff has reviewed and found to be accurate. The applicant's tables are as follows:

W3 Parcel Parking:

Required: PDI Flex Space: 2.7/1,000sf Min. or 4.1/1,000sf Max

34,415sf Flex Space = 93 min. or 141 max

Proposed: 94 stalls (56 standard; 38 compacts or 40% compacts)

W1 – W3 Overall Parking:

815 **W1 – W3 Existing stalls total

-122 Lost for W3

63 Gained at W3

756 Total (or 3.30/1,000sf) overall W1 - W3

- ** Existing parking spaces are based upon:
 - 832 stalls approved max for W1 & W2 on 7/10/07 at DRB.
 - Use 815 max for W1 & W2 for later revised smaller W1 (because 17 stalls eliminated in NW corner)

Subsection 4.155 (.03) H. Electric Vehicle Charging

- B45. **Review Criteria:** "Electrical Vehicle Charging Stations:
 - 1. Parking spaces designed to accommodate and provide one or more electric vehicle charging stations on site may be counted towards meeting the minimum off-street parking standards.
 - 2. Modification of existing parking spaces to accommodate electric vehicle charging stations on site is allowed outright."

Finding: These criteria are satisfied.

<u>Details of Finding:</u> No electric vehicle charging stations are proposed.

Subsection 4.155 (.03) I. Motorcycle Parking

B46. **Review Criteria:** "Motorcycle parking:

- 1. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.
- 2. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.

Finding: These criteria are satisfied.

Details of Finding: No motorcycle parking is proposed.

Subsection 4.155 (.04) Bicycle Parking

Subsection 4.155 (.04) A. Bicycle Parking-General Provisions

- B47. **Review Criteria:** "Required Bicycle Parking General Provisions.
 - 1. The required minimum number of bicycle parking spaces for each use category is shown in Table 5, Parking Standards.
 - 2. Bicycle parking spaces are not required for accessory buildings. If a primary use is listed in Table 5, bicycle parking is not required for the accessory use.
 - 3. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
 - 4. Bicycle parking space requirements may be waived by the Development Review Board per Section 4.118(.03)(A.)(9.) and (10.).

Finding: These criteria are satisfied.

Details of Finding: No motorcycle parking is proposed.

Subsection 4.155 (.04) B. Bicycle Parking-Standards

- B48. **Review Criteria:** "Standards for Required Bicycle Parking
 - 1. Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.
 - 2. An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
 - 3. When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly.
 - 4. Bicycle lockers or racks, when provided, shall be securely anchored.
 - 5. Bicycle parking shall be located within 30 feet of the main entrance to the building or inside a building, in a location that is easily accessible for bicycles. For multi-tenant developments, with multiple business entrances, bicycle parking may be distributed on-site among more than one main entrance."

Finding: These criteria are satisfied or will be met by Condition of Approval PDB 4.

<u>Details of Finding</u>: The minimum of seven (7) bicycle parking spaces are provided. Four (4) are in a covered area near the main entrance. A Condition of Approval ensures the prescriptive requirements for spacing, space size, and anchoring are met, which will be inspected before final occupancy.

Subsection 4.155 (.04) C. 2. Long-term Bicycle Parking Requirements and Standards

- B49. **Review Criteria:** "For a proposed multi-family residential, retail, office, or institutional development, or for a park and ride or transit center, where six (6) or more bicycle parking spaces are required pursuant to Table 5, 50% of the bicycle parking shall be developed as long-term, secure spaces. Required long-term bicycle parking shall meet the following standards:
 - a. All required spaces shall meet the standards in subsection (B.) above, and must be covered in one of the following ways: inside buildings, under roof overhangs or permanent awnings, in bicycle lockers, or within or under other structures.
 - b. All spaces must be located in areas that are secure or monitored (e.g., visible to employees, monitored by security guards, or in public view).

c. Spaces are not subject to the locational criterion of (B.)(5.)."

Finding: These criteria are satisfied.

<u>Details of Finding:</u> All seven (7) bicycle parking spaces meet the standard for long-term bicycle parking. They are either inside the building or in an easily monitored covered area near the main entrance of the building.

Subsection 4.155 (.05) Required Number of Loading Berths

B50. Review Criteria: "Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:" listed 1. through 2. "A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased to accommodate the larger vehicles."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: A minimum of two (2) loading berths are required. Three (3) are provided meeting the standards of this subsection.

Subsection 4.155 (.06) Carpool and Vanpool Parking Requirements

B51. Review Criteria: This subsection lists the requirements for carpool and vanpool parking.

Finding: This criterion will be satisfied by Condition of Approval PDB 5.

Details of Finding: The proposed development does involve 75 or more parking spaces, therefore carpool or vanpool parking is required pursuant to this subsection. Five percent (5%) of the 94 parking spaces is 4.7. A condition of approval therefore requires at least five (5) parking stalls be marked for exclusive use for vanpool/carpool and meet the location standard of this subsection.

Section 4.167 Access, Ingress, and Egress

B52. **Review Criterion:** "Each access onto streets or private drives shall be at defined points as approved by the City and shall be consistent with the public's health, safety and general welfare. Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit."

Finding: This criterion is satisfied.

Details of Finding: No changes in access points are proposed. No changes to access are recommended by DKS in their traffic study.

Section 4.169 Double-Frontage Lots

B53. **Review Criterion:** "Buildings on double frontage lots (i.e., through lots) and corner lots must meet the front yard setback for principal buildings on both streets or tracts with a private drive."

Finding: This criterion does not apply.

Details of Finding: No double frontage or corner lots are part of the subject application

Natural Features

Section 4.171 Protection of Natural Features and Other Resources

B54. **Review Criteria:** This section provides for the protection of a number of natural features and other resources including: general terrain preparation, hillsides, trees and wooded areas, high voltage powerline easements and rights of way and petroleum pipeline easements, earth movement hazard areas, soil hazard areas, historic resources, and cultural resources.

Finding: These criteria are satisfied.

Details of Finding: The proposed improvements are within the previously constructed parking area and the surrounding landscape area. No natural features or resources listed in this section are being impacted. Specifically, no impacts or changes are proposed to the SROZ area which was previously put into a conservation easement.

Public Safety and Crime Prevention

Subsection 4.175 (.01) Design to Deter Crime and Ensure Public Safety

B55. <u>Review Criteria</u>: "All developments shall be designed to deter crime and insure public safety." **Finding:** These criteria are satisfied.

<u>Details of Finding:</u> The applicant has not provided any summary findings in response to these criteria. Staff finds no evidence and has not received any testimony that the design of the site and buildings would lead to crime or negatively impact public safety. The design is similar to other nearby development in the zone.

Subsection 4.175 (.02) Addressing and Directional Signing

B56. Review Criteria: "Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public."

Finding: These criteria will be satisfied by Condition of Approval PDB 6.

<u>Details of Finding</u>: The address is not shown on submitted building elevations. The condition of approval requires addressing to meet building and fire code requirements.

Subsection 4.175 (.03) Surveillance and Police Access

B57. Review Criterion: "Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties."

Finding: This criterion is satisfied.

Details of Finding: The parking and loading areas are easily assessable and no areas of particular vulnerability to crime have been identified warranting additional surveillance.

Subsection 4.175 (.04) Lighting to Discourage Crime

B58. Review Criterion: "Exterior lighting shall be designed and oriented to discourage crime."

Finding: This criterion is satisfied.

<u>Details of Finding:</u> Lighting has been designed in accordance with the City's outdoor lighting standards, which will provide sufficient lighting to discourage crime.

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Landscaping Standards

Subsection 4.176 (.01) Purpose of Landscape, Screening, and Buffering

B59. **Review Criteria:** "This Section consists of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to:" Listed A. through K.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: In complying with the various landscape standards in Section 4.176 the applicant has demonstrated the Stage II Final Plan is in compliance with the landscape purpose statement.

Subsection 4.176 (.02) B. Landscaping Standards and Code Compliance

B60. Review Criteria: "All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length"

Finding: These criteria are satisfied.

<u>Details of Finding:</u> No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

Subsection 4.176 (.02) C. 1. General Landscape Standards-Intent

B61. **Review Criteria:** "The General Landscaping Standard is a landscape treatment for areas that are generally open. It is intended to be applied in situations where distance is used as the principal means of separating uses or developments and landscaping is required to enhance the intervening space. Landscaping may include a mixture of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees."

Finding: These criteria are satisfied.

Details of Finding: The applicant's submitted landscape plans (applicant's sheet L1.1) shows a variety of plant materials and placement consistent with the general landscape standard. The general landscape standard is being followed where the low screen standard is not being followed.

Subsection 4.176 (.02) C. 2. General Landscape Standards-Required Materials

- B62. Review Criteria: "Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:
 - a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
 - b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet."

Development Review Board Panel 'A'Staff Report June 2, 2014 Building W3 I-5 Corporate ParkDB14-0041 through DB14-0044 Exhibit A1 Page 40 of 55 **Finding:** These criteria are satisfied.

<u>Details of Finding:</u> The applicant's submitted landscape plans (sheet L1.0) shows landscaping meeting the functional requirements of this subsection.

Subsection 4.176 (.02) D. 1. Low Screen Landscape Standard-Intent

B63. **Review Criteria:** "The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: Landscaping meeting the low screen standard is provided in the landscape area between the parking areas and the public streets adjacent to the site.

Subsection 4.176 (.02) D. 2. Low Screen Landscape Standard-Required Materials

B64. Review Criteria: "The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area."

Finding: These criteria are satisfied.

Details of Finding: The applicant's submitted landscape plans (sheet L1.0) shows landscaping meeting or exceeding the functional requirements of this subsection. They are going to relocate the existing hedge along Parkway Avenue but maintain the same level of screening as previously approved for the parking area at this location.

Subsection 4.176 (.03) Landscape Area and Locations

B65. Review Criteria: "Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable." Finding: These criteria are satisfied.

Details of Finding: Applicant's sheet A0.1 indicates landscaping will cover 20 percent of the site associated with the new Building W3. 48.4 percent of the overall I-5 Corporate Park property will be in landscaping. Landscaping is proposed in more than three distinct areas of the development, including the frontage areas along Parkway Avenue. Planting areas are provided around many of the buildings, including those portions of the buildings

visible from streets. A wide variety of plants have been proposed to achieve a professional design. The design includes consideration of using native plants.

Subsection 4.176 (.04) Buffering and Screening

- B66. <u>Review Criteria</u>: "Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.
 - C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
 - D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.
 - E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.
 - F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: All required areas and equipment will be screened including roof top equipment and the small truck loading area.

Subsection 4.176 (.09) Landscape Plans

B67. Review Criteria: "Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated."

Finding: These criteria are satisfied.

Details of Finding: Applicant's sheet L1.0 provides the required information.

Section 4.177 Street Improvement Standards

Subsection 4.177 (.01) General Conformance with Public Works Standards and TSP

B68. <u>Review Criteria</u>: "Except as specifically approved by the Development Review Board, all street and access improvements shall conform to the Transportation Systems Plan and the Public Works Standards."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: No changes to public streets or street access points are proposed and none are no changes are recommended by the City or DKS Associates.

Subsection 4.177 (.01) B. Curbs, Utility Strips, and Sidewalks Required

B69. **Review Criteria:** "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."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: All the adjoining street sections are developed with the appropriate curbs, utility strips, sidewalks, etc. according to the Public Works Standards.

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Subsection 4.177 (.01) E. Access Drives and Travel Lanes

B70. **Review Criteria:** This subsection sets standards for access drives and travel lanes.

<u>Finding</u>: These criteria are satisfied or will be satisfied by Condition of Approval PDB 7. **Details of Finding**:

- All access drives are designed to provide a clear travel lane, free from obstructions.
- All travel lanes will be asphalt. Condition of Approval PDB 7 will ensure they are capable of carrying a 23-ton load.
- Emergency access lanes are improved to a minimum of 12 feet and the development has been reviewed and approved by the Fire District.

Subsection 4.177 (.01) F. Corner or Clear Visions Area

B71. **Review Criteria:** "A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:" Listed a. through e.

Finding: These criteria are satisfied.

Details of Finding: No changes are proposed affecting clear vision.

Section 4.179 Mixed Solid Waste and Recyclables Storage

B72. <u>Review Criteria</u>: This section establishes standards for mixed solid waste and recyclables storage in new multi-family residential and non-residential buildings.

Finding: These criteria are satisfied.

Details of Finding: Adequate storage meeting City dimensional standards and approved by Republic Services is proposed. A letter from Republic Services is included as Exhibit B9. A storage area of 233 square feet is provided. This exceeds the amount required for office, wholesale/warehouse/manufacturing, or other and any combination of these uses.

Sections 4.199.20 through 4.199.60 Outdoor Lighting

B73. **Review Criterion:** This section states that the outdoor lighting ordinance is applicable to "Installation of new exterior lighting systems in public facility, commercial, industrial and multifamily housing projects with common areas" and "Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas." In addition the exempt luminaires and lighting systems are listed.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The proposal is not a major addition, however all new luminaires must comply with the Outdoor Lighting Standards. See Request D Finding D37 through D39 and Condition of Approval PDD 7.

Sections 4.300-4.320 Underground Installation of Utilities

B74. **Review Criteria:** These sections list requirements regarding the underground installation of utilities.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: There are no existing overhead facilities that require undergrounding as part of this development. All new utilities associated with the development are proposed to be installed underground.

REQUEST C: DB14-0044 WAIVER

Waiver Request: Reduced Setback from North Property Line

Subsection 4.118 (.03) A. Waiver of Typical Development Standards

C1. **Review Criteria:** This subsection establishes that "notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purpose and objectives of Section 4.140, and based on findings of fact supported by the record" may waive a number of typical development standards including height and yard requirements.

Finding: These criteria are satisfied.

Details of Finding: The waiver is proposed to reduce the setback for from the north property line from from 30 feet to 20 feet. A refuse enclosure and a one story portion of the building serving as a loading dock and service area will be near the reduced setback line. This setback is among the typical development standards the Development Review Board can waive, the applicant has provided reasonable rational for the reduced setback See Finding C2 for information on how the proposed waiver better implements the purpose and objectives of Section 4.140.

Subsection 4.140 (.01) B. Purpose and Objectives of Planned Development Regulations

- C2. **Review Criteria:** This subsection establishes the purpose of the Planned Development Regulations which are as follows:
 - To take advantage of advances in technology, architectural design, and functional land use design:
 - To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
 - To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
 - To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
 - To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan

- and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
- To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Finding: These criteria are satisfied.

Details of Finding: The purpose statement relative to the requested waiver is "to permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;" The proposed building is being set primarily within an existing parking area. The building location maximizes preservation of existing parking as circulation. The portion of the building needing the reduced setback is a loading area on the north side. Allowing this projection of the building to have a reduced setback better allows for separation of the truck loading area from pedestrian and auto parking areas.

REQUEST D: DB14-0043 SITE DESIGN REVIEW

Site Design Review

Subsection 4.400 (.01) and Subsection 4.421 (.03) Excessive Uniformity, Inappropriateness of Design, Etc.

D1. Review Criteria: "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor."

Finding: These criteria are satisfied.

Explanation of Finding: Staff summarizes the compliance with this subjection as follows: *Excessive Uniformity*: The building has similar massing, construction, and coloring as Buildings W1 and W2, but many architectural details are different, including the architectural treatments above the upper windows and the design of the main entry area to create a building that is complimentary to architectural of nearby buildings while not creating excessive uniformity.

Inappropriate or Poor Design of the Exterior Appearance of Structures: The proposed building in professionally designed with attention given to treatment around windows,

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entry areas, and the top of the parapet. The concrete will be stained similar to Buildings W1 and W2.

Inappropriate or Poor Design of Signs: No signs are proposed with this application.

Lack of Proper Attention to Site Development: The appropriate professional services have been used to design the site incorporating unique features of the site including site size and shape and available access, demonstrating appropriate attention being given to site development.

Lack of Proper Attention to Landscaping: Landscaping is provided exceeding the area requirements, has been professionally designed by a landscape architect, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

Subsection 4.400 (.02) and Subsection 4.421 (.03) Purposes of Objectives of Site Design Review

D2. **Review Criteria:** "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:" Listed A through J.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has demonstrated compliance with the listed purposes and objectives. In short, the proposal provides a high quality design appropriate for the site and its location in Wilsonville.

Section 4.420 Site Design Review-Jurisdiction and Power of the Board

D3. <u>Review Criteria</u>: The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

Finding: These criteria will be satisfied by Condition of Approval PDD 1.

<u>Details of Finding</u>: A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No building permits will be granted prior to development review board approval. No variances are requested from site development requirements.

Subsection 4.421 (.01) Site Design Review-Design Standards

D4. **Review Criteria:** "The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards." Listed A through G.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The applicant has provided sufficient information demonstrating compliance with the standards of this subsection. Among the information provided is a written response to these standards on pages 13 and 14 of their compliance narrative, Exhibit B2.

Subsection 4.421 (.02) Applicability of Design Standards to Various Site Features

D5. <u>Review Criteria</u>: "The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: Design standards have been applied to all buildings, structures, and other site features.

Subsection 4.421 (.03) Objectives of Section 4.400 Serve as Additional Criteria and Standards

D6. <u>Review Criteria</u>: "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The purposes and objectives in Section 4.400 are being used as additional criteria and standards. See Finding D2 above.

Subsection 4.421 (.05) Site Design Review-Conditions of Approval

D7. **Review Criterion:** "The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development.

Subsection 4.421 (.06) Color or Materials Requirements

D8. **Review Criterion:** "The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: It is the professional opinion of staff that the proposed coloring is appropriate for the proposed development and no additional requirements are necessary. See Exhibits B4 and B5.

Section 4.430 Design of Trash and Recycling Enclosures

D9. <u>Review Criteria</u>: "The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code." Listed (.02) A. through (.04) C.

Finding: These criteria are satisfied.

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<u>Details of Finding:</u> Sheet P1 of Exhibit B3 shows an enclosure meeting all the standards listed in this Section. The enclosure has also been approved by the franchise solid waste hauler.

Section 4.440 Site Design Review-Procedures

D10. **Review Criteria:** "A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:" Listed A through F.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The applicant has submitted the required additional materials, as applicable.

Section 4.442 Time Limit on Approval

D11. **Review Criterion:** "Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Finding: This criterion is satisfied.

<u>Details of Finding:</u> The Applicant has indicated that they will pursue development within two (2) years and it is understood that the approval will expire after 2 years if a building permit hasn't been issued unless an extension has been granted by the board.

Subsection 4.450 (.01) Landscape Installation or Bonding

D12. Review Criterion: "All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant."

Finding: This criterion will be satisfied by Condition of Approval PDD 2.

<u>Details of Finding</u>: The condition of approval will assure installation or appropriate security at the time occupancy is requested.

Subsection 4.450 (.02) Approved Landscape Plan Binding

D13. **Review Criterion:** "Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code."

Finding: This criterion will be satisfied by Condition of Approval PDD 3.

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<u>Details of Finding:</u> The condition of approval shall provide ongoing assurance this criterion is met.

Subsection 4.450 (.03) Landscape Maintenance and Watering

D14. **Review Criterion:** "All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval."

Finding: This criterion will be satisfied by Condition of Approval PDD 4.

<u>Details of Finding</u>: The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

Subsection 4.450 (.04) Addition and Modifications of Landscaping

D15. **Review Criterion:** "If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City's development review process, that removal or modification must first be approved through the procedures of Section 4.010."

Finding: This criterion will be satisfied by Condition of Approval PDD 4.

<u>**Details of Finding:**</u> The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.

Parking

Subsection 4.155 (.02) Provision and Maintenance of Off-Street Parking

D16. Review Criteria: This subsection lists general provisions for parking, A. through O.

Finding: These criteria are satisfied.

Details of Finding: The design of the parking described and illustrated in the applicant's submitted narrative and plans in relation to these provisions are consistent with the purpose of site design review and the proposed Stage II Final Plan for the proposed project, or will be made so by conditions of approval. See Finding B38 under Request B.

Subsection 4.155 (.03) B. 1.-3. Landscaping of Parking Areas

D17. **Review Criteria:** "Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:" Listed 1. through 3.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The landscaping of parking areas is consistent with the purpose of site design review and the proposed Stage II Final Plan for the proposed project. See Finding B40 under Request B.

Section 4.171 Protection of Natural Features and Other Resources

D18. **Review Criterion:** This section provides for the protection of a number of natural features and other resources including: general terrain preparation, hillsides, trees and wooded areas, high

voltage powerline easements and rights of way and petroleum pipeline easements, earth movement hazard areas, soil hazard areas, historic resources, and cultural resources.

Finding: This criterion is satisfied.

<u>Details of Finding:</u> The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of site design review. See Finding B54 under Request B.

Landscaping

Subsection 4.176 (.02) B. Landscape Standards and Compliance with Code

D19. **Review Criterion:** "All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length"

Finding: This criterion is satisfied.

<u>Details of Finding</u>: No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

Subsection 4.176 (.02) C. 2. General Landscape Standards-Required Materials

- D20. <u>Review Criteria</u>: "Shrubs and trees, other than street trees, may be grouped. Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:
 - a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
 - b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet."

Finding: These criteria are satisfied.

<u>Details of Finding:</u> The applicant's submitted landscape plans (sheet L1.0 of Exhibit B3) shows landscaping meeting the plant material and spacing requirements of this subsection.

Subsection 4.176 (.02) D. 1. Low Screen Standard-Intent

D21. Review Criteria: "The Low Screen Landscaping Standard is a landscape treatment that uses a combination of distance and low screening to separate uses or developments. It is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of-way."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: Landscaping meeting the low screen standard is provided in the landscape area between the parking areas and the public streets adjacent to the site like exists on the site today.

Subsection 4.176 (.02) D. 2. Low Screen Standard-Required Materials

D22. Review Criteria: "The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area."

Finding: These criteria are satisfied.

Details of Finding: The applicant's submitted landscape plans (sheet L1.0 of Exhibit B3) shows landscaping meeting or exceeding the material and spacing requirements of this subsection. The existing hedge along Parkway Avenue will be relocated, but retained.

Subsection 4.176 (.03) Landscape Area and Locations

D23. Review Criteria: "Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable." Finding: These criteria are satisfied.

<u>Details of Finding</u>: Consistent with the proposed Stage II Final Plan for the site, applicant's sheet A0.1 indicates landscaping will cover 20 percent of the site associated with the new Building W3. 48.4 percent of the overall I-5 Corporate Park property will be in landscaping. Landscaping is proposed in more than three distinct areas of the development, including the frontage areas along Parkway Avenue. Planting areas are provided around many of the buildings, including those portions of the buildings visible from streets. A wide variety of plants have been proposed to achieve a professional design. The design includes consideration of using native plants.

Subsection 4.176 (.04) Buffering and Screening

- D24. **Review Criteria:** "Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.
 - C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
 - D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.
 - E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.
 - F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval."

Finding: These criteria are satisfied.

<u>Details of Finding</u>: Consistent with the proposed Stage II Final Plan, adequate screening is proposed. See Finding B66 under Request B.

Subsection 4.176 (.06) A. Plant Materials-Shrubs and Groundcover

D25. <u>Review Criteria</u>: This subsection establishes plant material and planting requirements for shrubs and ground cover.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDD 5. **Details of Finding:** The condition of approval requires that the detailed requirements of this subsection are met.

Subsection 4.176 (.06) B. Plant Materials-Trees

D26. **Review Criteria:** This subsection establishes plant material requirements for trees.

Finding: These criteria are satisfied.

<u>Details of Finding:</u> The plants material requirements for trees will be met as follows:

- The applicant's planting plan (sheet L1.0) shows all trees as B&B (Balled and Burlapped)
- A note on sheet L1.0 states "plant materials installed shall conform in size and grade to "American Standard for Nursery Stock" current edition."
- The applicant's planting plan lists tree sizes meeting requirements.

Subsection 4.176 (.06) C. Plant Materials-Large Buildings

D27. **Review Criteria:** "Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:" Listed 1.-3.

Finding: These criteria are satisfied.

<u>Details of Finding:</u> Appropriate plant materials are provided for the development.

Subsection 4.176 (.06) D. Plant Materials-Street Trees

D28. **Review Criteria:** This subsection establishes plant material requirements for street trees.

Finding: These criteria are satisfied.

Details of Finding: The existing street trees along Parkway Avenue are being retained.

Subsection 4.176 (.06) E. Types of Plant Species

D29. **Review Criteria:** This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information in their landscape plan (sheet L1.0) showing the proposed landscape design meets the standards of this subsection.

Subsection 4.176 (.06) F. Tree Credit

D30. Review Criteria: "Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows: Existing trunk diameter

Number of Tree Credits

18 to 24 inches in diameter 3 tree credits 25 to 31 inches in diameter 4 tree credits 32 inches or greater 5 tree credits:"

Maintenance requirements listed 1. through 2.

Finding: These criteria are satisfied.

<u>Details of Finding</u>: The applicant is not requesting any of preserved trees be counted as tree credits pursuant to this subsection.

Subsection 4.176 (.06) G. Exceeding Plant Material Standards

D31. **Review Criterion:** "Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met."

Finding: This criterion is satisfied.

<u>Details of Finding:</u> The selected landscape materials do not violate any height or visions clearance requirements.

Subsection 4.176 (.07) Installation and Maintenance of Landscaping

D32. Review Criteria: This subsection establishes installation and maintenance standards for landscaping.

<u>Finding</u>: These criteria are satisfied or will be satisfied by Condition of Approval PDD 6. **<u>Details of Finding</u>**: The installation and maintenance standards are or will be met as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- Note 3 on the applicant's sheet L1.0 states "project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material."

Subsection 4.176 (.09) Landscape Plans

D33. **Review Criterion:** "Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: Applicant's sheets L1.0 of Exhibit B3 provides the required information.

Subsection 4.176 (.10) Completion of Landscaping

D34. Review Criterion: "The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review."

Finding: This criterion is satisfied.

<u>Details of Finding:</u> The applicant has not requested to defer installation of plant materials.

Section 4.177 Street Improvement Standards

D35. **Review Criteria:** This section establishes standards for sidewalks and pathways.

Finding: These criteria are satisfied.

Details of Finding: No changes to streets or street access is proposed.

Section 4.179 Mixed Solid Waste and Recyclables Storage

D36. **Review Criterion:** This section establishes standards for mixed solid waste and recyclables storage in new multi-family residential and non-residential buildings.

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The design of the proposed trash enclosure area is consistent with the proposed Stage II Final Plan in relation to this section and the location, design, and access standards for mixed solid waste and recycling areas. See Findings B72 and D9.

Outdoor Lighting

Sections 4.199.20 and 4.199.60 Applicability of Outdoor Lighting Standards and Major Additions

D37. **Review Criterion:** Section 4.199.20 states that the outdoor lighting ordinance is applicable to "Installation of new exterior lighting systems in public facility, commercial, industrial and multifamily housing projects with common areas" and "Major additions or modifications (as defined in this Section) to existing exterior lighting systems in public facility, commercial, industrial and multi-family housing projects with common areas." In addition the exempt luminaires and lighting systems are listed. Section 4.199.60 identifies the threshold for major additions.

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The proposal would not be a major addition, so the outdoor lighting standards would only apply to new luminaires.

Section 4.199.30 Outdoor Lighting Zones

D38. **Review Criterion:** "The designated Lighting Zone as indicated on the Lighting Overlay Zone Map for a commercial, industrial, multi-family or public facility parcel or project shall determine the limitations for lighting systems and fixtures as specified in this Ordinance."

Finding: This criterion is satisfied.

<u>Details of Finding</u>: The project site is within LZ 2 and the proposed outdoor lighting systems will be reviewed under the standards of this lighting zone.

Sections 4.199.40 and 4.199.50

D39. **Review Criteria:** These sections identify the Outdoor Lighting Standards for Approval and Submittal Requirements.

Finding: This criterion will be satisfied by Condition of Approval PDD 7.

<u>Details of Finding</u>: On sheet SL.1 the applicant provides some information on outdoor lighting, but not the level of detail needed to review compliance with the outdoor lighting standards. The subject standards are clear and objective and are able to be reviewed through the Class I administrative review process. A condition of approval requires review of outdoor lighting through the Class I process meeting either the performance or prescriptive option prior to issuance of the Building Permit.

CITY OF WILSONVILLE

29799 SW Town Center Loop East Wilsonville, OR 97070 Phone: 503.682.4960 Fax: 503,682,7025

Web: www.ci.wilsonville.or.us

Pre-Application meeting date:

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Planning Division Development Permit Application

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

Applicant:	prompt of the pr	Authorized Repre	sentative:	·			
VLMK - Jennifer Kimura	÷						
	ve Portland, OR 97239						
Address: 3933 SVV Kelly AV	7e Fortiand, Ort 97239	Address:					
Phone: 503.222.4453		Phone:		<u> </u>			
Fax:		Fax:					
E-mail: jenniferk@vlmk.co	om	E-mail:					
Property Owner: Martin Real Estate Develo	opment	Printed Name:	∕ (A1270 Date: 10 APR 14			
	Dr Jackson WY 83001			mi from Property Owner):			
306 660 8483							
Phone: 200.000.0403				Date:			
Fax:		Printed Name:					
E-mail: jack1949@me.co	m; thlink.net;						
Site Location and Description:		DARL III- OF	07070				
Site Location and Description: Project Address if Available: 2	7200 SW Parkway Ave	Wilsonville, Or	897070	Suite/Unit			
Project Location:			<u> </u>				
Tax Map #(s): 31W11D	Tax Lot #(s):012	200	County	y: □ Washington 🕱 Clackamas			
Request: Proposed building is to be a two story 34,500 sq. ft structure forty feet in height of stained concrete tilt-up walls which will incorporate large amounts of storefront windows along with glass canopy covered entrances and surrounded by enhanced landscaping and pedestrian ways.							
Project Type: Class I Class			:	0.1 (1 7 1 1 1			
□ Residential	X Commercial	□ Industrial	·	□ Other (describe below)			
Application Type: Annexation Final Plat Plan Amendment Request for Special Meeting SROZ/SRIR Review Type C Tree Removal Plan	 □ Appeal □ Major Partition □ Planned Development □ Request for Time Extension □ Staff Interpretation □ Tree Removal Permit (B or Compared to the compared to th	□ Stage I Mas	ion Plat ter Plan	 □ Conditional Use □ Parks Plan Review □ Request to Modify Conditions X Site Design Review X Stage II Final Plan □ Variance 			
□ Villebois SAP	□ Villebois PDP	□ Villebois PI		□ Waiver			
□ Zone Map Amendment	□ Other			a∯a			

Exhibit #4

MEMORANDUM

DATE: May 5, 2014

TO: Steve Adams, P.E., City of Wilsonville

FROM: Brad Coy, P.E. 3

Joseph Reid, E.I.T

B5649

B5649

BFADLY B.

EXPIRES: 12/31/2015



117 Commercial Street NE Suite 310 Salem, OR 97301 503.391.8773 www.dksassociates.com

SUBJECT: I-5 Corporate Park – Jack Martin Building W-3 Trip Generation Memo

P14006-013

This memorandum documents projected trip generation estimates for the proposed site changes and expansion of the I-5 Corporate Park Mixed Use Campus located at 27200 SW Parkway Avenue in Wilsonville, Oregon. The applicant is proposing a new 34,500 square foot flex use building located on the North West corner of the site. This portion of the campus is currently used for overflow parking and outdoor storage. The sections of this memorandum identify the project background, trip generation estimates, site plan review, parking evaluation, and a summary of findings.

Project Background

The project site's original master plan was initially approved as 300,000 square feet of office space and 100,000 square feet of manufacturing space. This plan was never fully built out, with only 357,200 square feet of flex use space spread over three buildings being constructed. In 2011, a major change of land use occurred when the Oregon Institute of Technology (OIT) acquired 139,228 square feet of the available space. OIT's utilization of the space was a significant departure from the original approved land use, requiring a new traffic impact study. The OIT traffic study also considered the full trip generation for the site, which indicated the site would exceed the prior approved trip levels. The impact study then evaluated the impacts associated with the additional trips.

Currently, the site includes 229,300 square feet of office space with over 600 employees and 139,228 square feet of college campus with 675 students and 50 staff. The applicant is now proposing to construct a new 2-story, 34,500 square-foot flex-use building on the northwest corner of the site. This new building will decrease the available parking by 65 stalls. The following sections of this memorandum evaluate the trip generation and site plan changes associated with this current proposal.

Trip Generation

Trip generation is the method used to estimate the number of vehicles added to site driveways and the adjacent roadway network by a development during a specified period (i.e., such as the p.m. peak hour). Trip rates published by the Institute of Transportation Engineers (ITE) *Trip Generation Manual* and existing counts were the primary resources used to estimate the site's trip generation level for each land use scenario. These

² Oregon Institute of Technology Traffic Impact Study, DKS Associates, December 2011.



¹ In-Focus Transportation Impact Study, DKS Associates, March 2000.



scenarios include the original approval, revisions for the Oregon Institute of Technology (OIT), currently observed trip generation, revised trip generation for the total site based on existing counts, and proposed flexuse building trip generation.

Original Approval

Office (Land Use 710)

Manufacturing (Land Use 140)

In 2000, InFocus envisioned construction of a three-building campus at this site. The trip generation estimates used for the initial approval for the InFocus Development were prepared in March 2000³ and are reproduced below in Table 1. The original p.m. peak hour trip rates used to estimate the project trips were provided by a prior version of the ITE Trip Generation Manual.⁴ The original InFocus development was approved with an estimate of 481 (94 in, 387 out) PM peak hour trips.

Land Use (ITE Code)

Size

P.M. Peak Hour
Trip Rate

P.M. Peak Hour Trips
In Out Total

1.39 trips/KSF^a

0.65 trips/KSF^a

71

23

94

345

42

387

416

65

481

Table 1: Original Site Approved Trip Generation (March 2000)

300.0 KSF^a

100.0 KSF^a

Revisions for the Oregon Institute of Technology

When InFocus chose not to expand beyond the single building it constructed (W-0), the site was renamed the I-5 Corporate Park and two additional office/flex buildings were constructed. Since the original construction, the most significant land use revision was due to OIT purchasing the InFocus building (W-0) in 2011 and subsequently occupying three of its four floors (Rockwell Collins occupies the remaining floor). This changed the land use of these three floors from the approved use (office or manufacturing) to that of a College or University, a land use type with a much higher trip generation rate. This considerably altered the trip generation rates of the site. Because of this significant change, a new OIT Traffic Impact Study⁵ was prepared.

Table 2 lists the p.m. peak hour vehicle trip generation estimate assumed for the OIT Wilsonville Campus at full capacity (i.e., 1,000 students and 80 faculty and staff) as part of the prior traffic study. As shown, the campus is expected to generate 351 (167 in, 184 out) p.m. peak hour trips. In addition, Table 2 lists the trip generation estimates for the remaining buildings on the site, which includes the remaining story in the In-Focus building (W-0), the Rockwell Collins building (referred to as Building W-2), and the building that had been recently constructed but was still vacant (referred to as Building W-1). As shown, these additional buildings are expected to generate 318 (54 in, 264 out) p.m. peak hour trips. When combined with the OIT trips, the site is expected to generate a total of 669 (221 in, 448 out) p.m. peak hour trips. Because this was a net increase of 188 (127 in, 61 out) p.m. peak hour trips for the site as compared with the original approval (669 trips minus 481 trips from

TOTAL 400.0 KSF^a

a KSF = 1,000 square feet

³ *In-Focus Transportation Impact Study,* DKS Associates, March 2000.

⁴ Trip Generation, 6th Edition, Institute of Transportation Engineers, 1997.

⁵ Oregon Institute of Technology Traffic Impact Study, DKS Associates, December 2011.



Table 1), additional traffic analysis was performed as part of the *OIT Traffic Impact Study* to account for the impacts from the additional 188 p.m. peak hour trips.

Table 2: Trip Generation with Addition of OIT (December 2011)

Land Use (ITE Code)	Size	P.M. Peak Hour	P.M. Peak Hour Trips		
Land Ose (ITE Code)	Size	Trip Rate	In	Out	Total
New College Campus					
OIT – Building W-0 (3 of 4 floors)	1,000 students, 80 faculty/staff	0.35 trips/student ^a	167	184	351
Remaining Buildings					
Office (710) – Building W-0 (1 of 4 floors)	34.8 KSF ^b	1.39 trips/KSF ^b	8	40	48
Office (710) – Building W-2 (Rockwell Collins)	124.5 KSF ^b	1.39 trips/KSF ^b	29	144	173
Office (710) - Building W-1 (Vacant in 2011)	70.0 KSF ^b	1.39 trips/KSF ^b	<u>17</u>	<u>80</u>	<u>97</u>
Total Remaining Buildings	229.3 KSF ^b		54	264	318
TOTAL SITE			221	448	669

^a Trip generation estimates were based on assumptions regarding the number of students, faculty, and staff that arrive at and leave campus using the various travel modes during the p.m. peak hour on a high use day.

Currently Observed Trip Generation

Since the *OIT Traffic Impact Study* was prepared, DW Fritz Automation has now occupied Building W-1. To understand the current traffic levels actually generated by the site, driveway traffic counts were performed during the p.m. peak period (4:00 p.m. to 6:00 p.m.) on Tuesday, April 8, 2014. Table 3 lists the results of counts, which indicate the site currently generates 291 (161 in, 130 out) p.m. peak hour trips. This is 378 p.m. peak hour trips lower than the 669 p.m. peak hour trips expected for the site at full occupancy. However, OIT enrollment is at approximately two-thirds of its capacity (675 current students out of an approximate occupancy level of 1,000 students). Therefore, the observed trips do not account for full capacity of the existing buildings but they do indicate generally lower actual trip generation levels than expected based on prior trip generation assumptions.

Table 3: Observed I-5 Corporate Park Trip Generation

Driveway		P.M. Peak Hour Trips			
		Out	Total		
North Driveway on Parkway Avenue (All Traffic)	1	26	27		
Center Driveway on Parkway Avenue (All Traffic)	42	112	154		
South Driveway on Parkway Avenue (Only Traffic from I-5 Corporate Park) ^a	23	87	110		
TOTAL	66	225	291		

^a The south driveway provides access to both the I-5 Corporate Park and the adjacent FLIR Systems building to the south. There are two locations where the parking lots have cross access. Traffic from the I-5 Corporate Park was determined by counting these two internal connections between the two parking areas.

^b KSF = 1,000 square feet



Revised Trip Generation for Total Site Based on Existing Counts

Table 4 lists the total expected trips for the site when it reaches full capacity based on the existing counts. Based on prior trip generation assumptions for OIT (0.35 trips/student), the additional 325 students that can be served by the campus are expected to generate 114 (54 in, 60 out) p.m. peak hour trips. When combined with the existing counts, the total expected trips at full capacity is 405 (120 in, 285 out) p.m. peak hour trips. As shown in Table 5, this means the site can accommodate 264 (101 in, 285 out) additional p.m. peak hour trips before exceeding the trip levels assumed and analyzed as part of the *OIT Traffic Impact Study*. 6

Table 4: Total Expected Trips at Full Capacity Based on Existing Counts

Trip Generation Scenario		P.M. Peak Hour Trips			
		Out	Total		
Total Existing Trips Counted April 8, 2014 (See Table 3)	66	225	291		
Additional Trips for Remaining OIT Capacity (325 students)	54	60	114		
TOTAL	120	285	405		

Table 5: Remaining Trip Generation Available Based on Existing Counts

Trip Generation Scenario		P.M. Peak Hour Trips			
		Out	Total		
Total Trips Analyzed for Site (See Table 2)	221	448	669		
Total Expected Trips at Full Capacity Based on Existing Counts (See Table 4)	-120	-285	-405		
REMAINING TRIPS AVAILABLE	101	163	264		

Proposed Flex-Use Building Trip Generation

Currently, the applicant proposes to construct a new two-story 34,500 square-foot flex-use building located on the northwest corner of the campus (Building W-3). The new structure is anticipated to be an even split between office and manufacturing uses. Table 6 lists the trip generation estimates for the building, which were based on the original trip rates used for the site. The new building is anticipated to generate 35 (8 in, 27 out) p.m. peak hour trips. Because the *OIT Traffic Impact Study*⁷ already accounted for all other site changes, a new traffic impact analysis would typically be needed to determine any impacts associated with these 35 p.m. peak hour trips. However, existing counts suggest that 264 p.m. peak hour trips are still available on the site, which provides ample capacity for the new building. Therefore, no additional traffic impact analysis is needed at this time.

⁶ Oregon Institute of Technology Traffic Impact Study, DKS Associates, December 2011.

⁷ Oregon Institute of Technology Traffic Impact Study, DKS Associates, December 2011.



Table 6: Proposed 2-Story Office Building W-3

Land Use (ITE Code)	Size	P.M. Peak Hour	P.M. Peak Hour Trips			
	Size	Trip Rate	In	Out	Total	
Office (Land Use 710)	17.25 KSF ^a	1.39 trips/KSF ^a	4	20	24	
Manufacturing (Land Use 140)	17.25 KSF ^a	0.65 trips/KSF ^a	4	7	11	
TOTAL	34.5 KSF ^a		8	27	35	

^a KSF = 1,000 square feet

Project Trips through City of Wilsonville Interchange Areas

An estimation was made of how many of the 35 p.m. peak hour project trips are expected to travel through the two City of Wilsonville I-5 interchange areas (i.e., at Wilsonville Road⁸ and Elligsen Road). This estimate was based on trip distribution assumptions used for previous studies completed at the I-5 Corporate Park.^{9,10} The proposed expansion to the I-5 Corporate Park would generate 21 p.m. peak hour trips through the I-5/Elligsen Road interchange area (60 percent of project traffic) and 5 p.m. peak hour trips through the I-5/Wilsonville Road interchange area (15 percent of project traffic).

Site Plan Review

A preliminary site plan (dated January 16, 2014) was reviewed to evaluate internal circulation for vehicles and pedestrians. This site plan review focused on the new building planned for the northwest corner of the site. A copy of the site plan is provided in the appendix.

Internal Circulation

Access to the I-5 Corporate Park is provided by three accesses onto Parkway Avenue, one of which is shared with the neighboring FLIR Systems building. The main entrance is at the midpoint of the campus, which feeds into parking directly between OIT, Rockwell Collins, and DWFritz Automation. The southern entrance leads to parking south of OIT and parking south and east of Rockwell Collins. The northern driveway enters into overflow parking as well as the location of the planned development. Additionally, the northern driveway is limited to right-in, right-out operations due to proximity of the neighboring Tektronix Drive intersection as recommended by previous traffic studies. Therefore, trips heading south from the new building will be required to use one of the two southern driveways.

Sidewalks exist along Parkway drive for the entirety of the site; however, the planned development does not include a pedestrian access way to the existing sidewalk. Additionally, no connection to current pedestrian facilities that serve existing buildings is identified on the site plan. It is recommended that pedestrian

⁸ The I-5/Wilsonville Road interchange area includes the Wilsonville Road/Boones Ferry Road and Wilsonville Road/Town Center Loop West intersections.

⁹ Oregon Institute of Technology Traffic Impact Study, DKS Associates, December 2011.

¹⁰ Updated *In Focus/Jack Martin Trip Generation Memorandum*, DKS Associates, July 2008.

¹¹ Updated In Focus/Jack Martin Trip Generation Memorandum, DKS Associates, July 2008.



connections be provided to the external sidewalk and existing facilities that serve the existing campus. All sidewalks within the site should conform to ADA requirements.¹²

Parking

Because the proposed building will reduce the available parking on the site by 65 stalls, a parking analysis was performed to determine whether this would adversely impact the site. First, a parking survey was performed for the entire site to determine percent utilization. City Code requirements were then evaluated.

Existing Parking Survey

To determine the impact of the parking loss, a parking utilization survey was conducted on Thursday, April 10, 2014, during the peak parking period associated with office use, which is 10:00 a.m. to 11:00 a.m. ¹³ To perform this survey, the site was divided into five separate areas, as shown in the aerial image included in the appendix. Table 7 lists the number of stalls, estimated peak demand, and percent utilization for each of these areas. Based on site plan and aerial imagery, it is estimated that approximately 1,220 parking spaces currently exist on the entire site. As shown, approximately 58 percent of all parking stalls on the site are currently filled during peak usage (705 of 1,220 stalls, which leaves 515 remaining stalls). However, only 25 percent utilization was observed for the parking in the northwest parking lot near the proposed location of the new building (88 of 352 stalls, which leaves 264 stalls). This is expected because this area is farthest from the existing buildings.

Table 7: Parking Demand Survey Results

Parking Area (See Diagram in Appendix)	Available Stalls	Estimated Peak Demand ^a	Percent Utilization
A – Southwest of W-0 (OIT)	177 stalls	100 vehicles	56%
B – South of W-2 (Rockwell Collins)	268 stalls	205 vehicles	76%
C – North and East of W-2 (Rockwell Collins)	198 stalls	163 vehicles	82%
D – Between W-0 (OIT), W-1 (DWFritz), and W-2 (Rockwell Collins)	225 stalls	149 vehicles	66%
E – Northwest area of site	352 stalls	88 vehicles	25%
Total	1,220 stalls	705 vehicles	58%

^a Estimated demand based on parking survey performed during peak parking period on April 10, 2014.

City Code Requirements

The proposed 34,500 square-foot flex-use building is required to comply with the City of Wilsonville Planning and Land Development code for the number of vehicular parking stalls and bicycle parking spaces that are provided on site. ¹⁴ Table 8 lists the vehicular and bicycle parking requirements for both the proposed building and the entire site, which are based on the types and square footage of the various building uses. The table also

¹² ADA Accessibility Guidelines for Buildings and Facilities, Department of Justice, January 2004.

¹³ Parking Generation, 4th Edition, Institute of Transportation Engineers, 2010; Land Use 701.

¹⁴ City of Wilsonville, Planning and Land Development Ordinance, Sections 4.154-4.198, Updated Feb. 2004.



lists the peak parking demand, which is estimated based on parking data published by the Institute of Transportation Engineers (ITE). ¹⁵

As shown in Table 8, 75 vehicular stalls are needed to meet the minimum City Code requirements for the new building and 91 stalls are needed to satisfy the estimated peak parking demand. For the entire site, 819 vehicular stalls are needed to meet the minimum City Code requirements and 1,122 stalls are needed to satisfy the estimated peak parking demand. Because the site is expected to have 1,155 available stalls (1,220 existing stalls as identified in Table 7 minus the 65 stalls being removed), the site is expected to have sufficient available parking. Table 8 also indicates that 10 bicycle parking spaces are needed at the new building needs to meet the minimum City Code requirements. The bicycle parking spaces should be located near building entrances in order to provide convenient access.

Table 8: Proposed Building Vehicular and Bicycle Parking Summary

		Fatimento d	Spaces Required by City Code ^c			
Land Use (ITE Code)	Size	Estimated Peak Demand ^b	Vehicle Minimum	Vehicle Maximum	Bicycle Minimum	
New Building						
Office (Land Use 710)	17.25 KSF ^a	60	47	71	4	
Manufacturing (Land Use 140)	17.25 KSF ^a	<u>31</u>	<u>28</u>	N/A	<u>6</u>	
Total New Building	34.5 KSF ^a	91	75	N/A	10	
Existing Site						
Office (Land Use 710)	229.3 KSF ^a	651	619	940	46	
University/College (Land Use 550)	39 Classes	<u>380</u>	<u>200</u>	<u>300</u>	<u>39</u>	
Total Existing Site		1,031	819	1,240	85	
TOTAL SITE	34.5 KSF ^a	1,122	894	N/A	95	

^a KSF = 1,000 square feet

Summary

Key trip generation findings for the proposed expansion of the I-5 Corporate Park are as follows:

• The new two-story 34,500 square-foot flex-use building is anticipated to generate 35 (8 in, 27 out) p.m. peak hour trips. Because the *OIT Traffic Impact Study*¹⁶ already accounted for all other site changes, a new traffic impact analysis would typically be needed to determine any impacts associated with these additional trips. However, existing counts suggest that 264 p.m. peak hour trips are still available on the

^b Estimated demand based on 85th percentile identified in the *Parking Generation*, 4th Edition, Institute of Transportation Engineers, 2010.

^c City of Wilsonville, Planning and Land Development Ordinance, Section 4.155, Updated Feb. 2004.

¹⁵ Parking Generation, 4rd Edition, Institute of Transportation Engineers, 2010.

¹⁶ Oregon Institute of Technology Traffic Impact Study, DKS Associates, December 2011.



site, which provides ample capacity for the new building. Therefore, no additional traffic impact analysis is needed at this time.

- Pedestrian facilities in the site plan are limited to the immediate surroundings of the planned building. It
 is recommended pedestrian connections between sidewalk on Parkway Avenue and the existing
 buildings be incorporated into the project. All sidewalks within the site should conform to ADA
 requirements.¹⁷
- The site is expected to have sufficient available parking available for the new building even with the proposed reduction of 65 stalls.
- City code requires a minimum of 10 bicycle parking spaces be provided at the new building to accommodate the proposed uses. These spaces should be located near building entrances in order to provide convenient access.

Please let us know if you have any questions.

¹⁷ ADA Accessibility Guidelines for Buildings and Facilities, Department of Justice, January 2004.



Appendix

City of Wilsonville Community Development Department Engineering and Planning Divisions 29799 SW Town Center Loop E Wilsonville, OR 97070 Phone: 503 682-4960; Fax 503 682-7025

adams@ci.wilsonville.or.us

This form must be completed and returned to Steve Adams, Deputy City Engineer, to initiate a traffic Scope of Services, a request for a traffic study waiver, a determination of de minimus traffic impact, or other traffic-related issues.

REQUEST FOR TRAFFIC STUDY – PLEASE READ COMPLETELY Traffic Study Scope of Services ______Waiver from Traffic Study requirement Other Traffic Related Request ______{Date:} January 31, 2014 Brian Dubal Requested by: 27200 SW Parkway Avenue **Property address:** Tax lot(s)1200 & 1202 Section 11D Legal description: W3 Tech Building: I-5 Corporate Park Project name: Jack Martin **Property owner:** Name: 3955 South Trail Drive, Jackson WY 83001 Address: Brian Dubal, VLMK Consulting Engineers Applicant: Name: 3933 SW Kelly Avenue Address: **Authorized representative:** (Contact person)* **Brian Dubal** Name: VLMK Consulting Engineers Company: 3933 SW Kelly Avenue Address: Email: briand@vlmk.com 503.222.4453 Phone:

Process: A Request, along with a site plan and project description must be submitted to the Engineering Division. The request is forwarded to the City's traffic consultant who will prepare a Scope of Services, which will include the necessary fee. The prepared Scope will be reviewed by the Engineering Division, and once approved, will be forwarded to the authorized representative listed above. When the applicant reviews and submits the fee indicated in the Scope of Services, the scope will be authorized by Staff and forwarded to the traffic consultant. When the traffic study has been received and approved by the City's Engineering Division, it will be forwarded to the applicant and the Planning Division.

A request for a Waiver from a traffic study will be reviewed by the Community Development Director and the Engineering Division and the requestor will be notified by mail.

Note: If the project description and/or site plan change from what was originally submitted, additional traffic analysis and fees may be required.

^{*}Note: This person will receive all correspondence regarding traffic analysis.



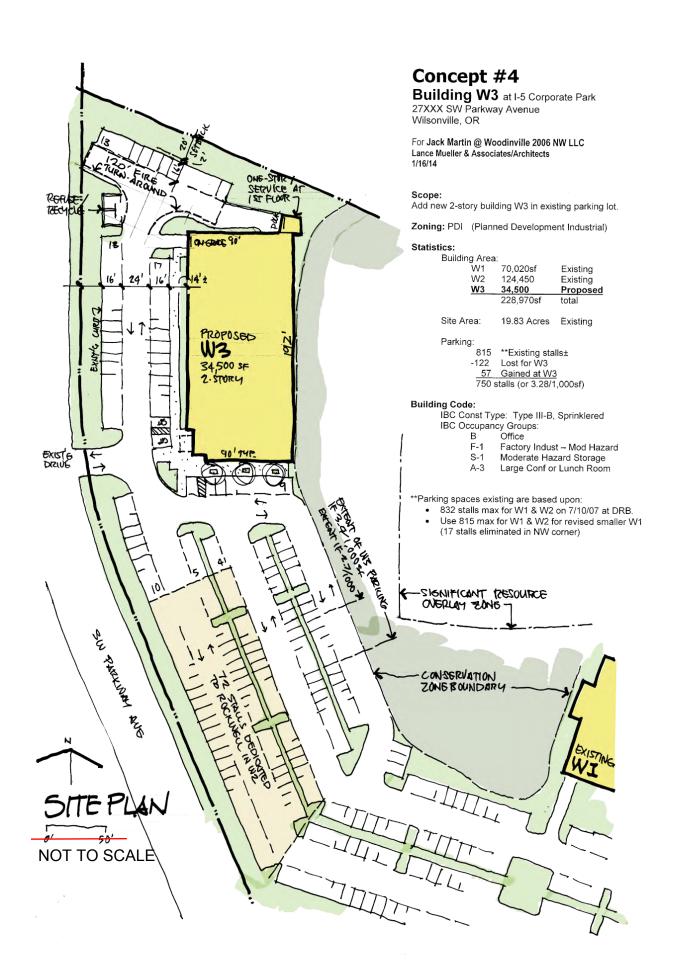


W3 Tech Building

Project Description

Proposed construction of a 34,500 sf 2 story - speculative building, associated site work, and partition to create new lot for building.

Building use will be similar as uses in W1 and W2 buildings. We anticipate 50% office and 50% manufacturing uses.





Tuesday, April 08, 2014 4:00 PM to 6:00 PM

SW Parkway Ave & North Driveway

HV 2.0% PHF 0.88 393 Out 0 26 In In 0 1 Out HV 0.0% PHF 0.00 **†** 主 Peak Hour Summary 4:40 PM to 5:40 PM

5-Minute Interval Summary 4:00 PM to 6:00 PM

Interval		bound			South				ound			Westl						trians	
Start	SW Park	kway Av	e		SW Park	way Ave	1	North D	riveway			North D	riveway	,	Interval		Cross	swalk	
Time	Т	R	Bikes	L	Т	Bikes				Bikes	L		R	Bikes	Total	North	South	East	West
4:00 PM	42	0	0	0	21	0				0	0		1	0	64	0	0	0	0
4:05 PM	31	0	0	0	40	0				0	0		3	0	74	0	0	0	0
4:10 PM	44	0	0	0	21	0				0	0		1	0	66	0	0	0	0
4:15 PM	32	0	0	0	33	0				0	0		0	0	65	0	0	0	0
4:20 PM	26	0	0	0	32	0			[0	0		0	0	58	0	0	0	0
4:25 PM	29	0	0	0	22	0				0	0		0	0	51	0	0	0	0
4:30 PM	30	0	0	0	40	0				0	0		1	0	71	0	0	0	0
4:35 PM	39	0	0	0	25	0				0	0		1	0	65	0	0	0	0
4:40 PM	38	0	0	0	37	0				0	0		2	0	77	0	0	0	0
4:45 PM	30	0	0	0	35	1				0	0		3	0	68	0	0	0	0
4:50 PM	39	0	0	0	30	0				0	0		0	0	69	0	0	0	0
4:55 PM	35	0	0	0	22	0				0	0		1	0	58	0	0	0	0
5:00 PM	31	0	0	0	24	0				0	0		2	0	57	0	0	0	0
5:05 PM	52	0	0	0	33	0	ii			0	0		3	0	88	0	0	0	0
5:10 PM	52	0	0	0	38	0				0	0		6	0	96	0	0	1	0
5:15 PM	44	0	0	0	37	0				0	0		2	0	83	0	0	0	0
5:20 PM	36	0	0	0	37	0	I			0	0		3	0	76	0	0	0	0
5:25 PM	34	0	0	0	23	0				0	0		0	0	57	0	0	0	0
5:30 PM	44	1	0	0	38	0				0	0		2	0	85	0	0	0	0
5:35 PM	36	0	0	0	39	0				0	0		2	0	77	0	0	0	0
5:40 PM	37	0	0	0	34	0				0	0		11	0	72	0	0	0	0
5:45 PM	25	0	0	0	26	0				0	0		3	0	54	0	0	1	0
5:50 PM	31	0	0	0	24	0				0	0		3	0	58	0	0	0	0
5:55 PM	38	0	0	0	24	0				0	0		1	0	63	0	0	0	0
Total Survey	875	1	0	0	735	1				0	0		41	0	1,652	0	0	2	0

15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start			ound way Av	re.			bound way Ave		Eastbo			West! North D	oound riveway	,	Interval		Pedes	trians swalk	
Time	1	•	R	Bikes	L	Т	Bikes	T I		Bikes	L	T	R	Bikes	Total	North	South		West
4:00 PM	11	7	0	0	0	82	0			0	0		5	0	204	0	0	0	0
4:15 PM	8	7	0	0	0	87	0			0	0		0	0	174	0	0	0	0
4:30 PM	10	7	0	0	0	102	0			0	0		4	0	213	0	0	0	0
4:45 PM	10)4	0	0	0	87	1			0	0		4	0	195	0	0	0	0
5:00 PM	13	5	0	0	0	95	0			0	0		11	0	241	0	0	1	0
5:15 PM	11	4	0	0	0	97	0			0	0		5	0	216	0	0	0	0
5:30 PM	11	7	1	0	0	111	0			0	0		5	0	234	0	0	0	0
5:45 PM	9	4	0	0	0	74	0			0	0		7	0	175	0	0	1	0
Total Survey	87	'5	1	0	0	735	1			0	0		41	0	1,652	0	0	2	0

Peak Hour Summary 4:40 PM to 5:40 PM

By	9	North SW Park		е			bound way Av	е		Easth North D	ound riveway				bound Priveway		Total
Approach	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	
Volume	472	393	865	0	393	497	890	1	0	0	0	0	26	1	27	0	891
%HV		1.1	1%			2.0	0%			0.0)%			0.0	0%		1.5%
PHF		0.	80			0.	88			0.	00			0.	59		0.83

L	Cros	swalk	
North	South	East	West
0	0	1	0

Pedestrians

By Movement		North SW Park	bound way Av	e	9	South SW Park				Easth North D	oound riveway	,		Westl North D	oound riveway	,	Total
Movement		Т	R	Total	L	Т		Total				Total	L		R	Total	
Volume		471	1	472	0	393		393				0	0		26	26	891
%HV	NA	1.1%	0.0%	1.1%	0.0%	2.0%	NA	2.0%	NA	NA	NA	0.0%	0.0%	NA	0.0%	0.0%	1.5%
PHF		0.80	0.25	0.80	0.00	0.88		0.88				0.00	0.00		0.59	0.59	0.83

Interval	North	oound			South	bound	E	stbound			West	oound				Pedes	strians	
Start	SW Park	way Av	'e	:	SW Park	kway Ave	Nor	h Drivewa	у		North D	riveway	,	Interval		Cros	swalk	
Time	Т	R	Bikes	L	T	Bikes			Bikes	L		R	Bikes	Total	North	South	East	West
4:00 PM	415	0	0	0	358	1			0	0		13	0	786	0	0	0	0
4:15 PM	433	0	0	0	371	1			0	0		19	0	823	0	0	1	0
4:30 PM	460	0	0	0	381	1			0	0		24	0	865	0	0	1	0
4:45 PM	470	1	0	0	390	1			0	0		25	0	886	0	0	1	0
5:00 PM	460	1	0	0	377	0			0	0		28	0	866	0	0	2	0

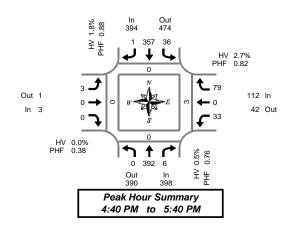


Clay Carney (503) 833-2740

SW Parkway Ave & South Driveway

Tuesday, April 08, 2014 4:00 PM to 6:00 PM

5-Minute Interval Summary 4:00 PM to 6:00 PM



Interval		North	bound			South	bound			Eastl	ound				bound				Pedes	strians	
Start		SW Park	way Av	e		SW Park	way Av	e		South D	riveway	/		South D	Driveway	/	Interval			swalk	
Time	L	Т	R	Bikes	L	Т	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	Total	North	South	East	West
4:00 PM	0	32	2	0	2	19	0	0	0	0	0	0	0	0	10	1	65	0	0	0	0
4:05 PM	0	25	0	0	1	38	1	0	0	0	0	0	2	0	6	0	73	0	0	0	0
4:10 PM	0	38	0	0	0	19	0	0	0	0	0	0	0	0	4	0	61	0	0	0	0
4:15 PM	0	28	0	0	2	32	0	0	0	0	0	0	1	0	5	0	68	0	0	0	0
4:20 PM	0	22	0	0	11	31	0	0	0	0	0	0	2	0	5	0	61	0	0	0	0
4:25 PM	0	25	3	0	11	21	0	0	0	0	0	0	0	0	4	0	54	1	0	1	0
4:30 PM	0	27	1	0	11	38	1	0	0	0	0	0	3	0	2	0	73	.0	0	0	0
4:35 PM	0	33	0	0	11	25	0	0	11	0	0	0	2	0	6	0	68	0	0	0	0
4:40 PM	0	34	2	0	5	32	0	0	0	0	0	0	3	0	3	0	79	0	0	0	0
4:45 PM	0	25	1	0	4	32	0	0	0	0	0	0	1	0	5	0	68	0	0	2	0
4:50 PM	0	35	1	0	3	29	0	0	0	0	0	0	4	0	6	0	78	0	0	1	0
4:55 PM	0	28	0	111	3	19	0	0	0	0	0	0	0	0	6	0	56	0	0	0	0
5:00 PM	0	24	0	0	111	22	0	0	11	0	0	0	2	0	6	0	56	0	0	0	0
5:05 PM	0	47	0	0	3	30	0	0	0	0	0	0	4	0	7	0	91	0	0	0	0
5:10 PM	0	45	1	0	4	34	0	0	0	0	0	0	5	0	6	0	95	0	0	0	0
5:15 PM	0	38	0	0	4	32	1	0	0	0	0	0	3	0	8	0	86	0	0	0	0
5:20 PM	0	23	0	0	3	34	0	0	1	0	0	0	2	0	10	0	73	0	0	0	0
5:25 PM	0	28	0	0	11	22	0	0	11	0	0	0	5	0	6	0	63	0	0	0	0
5:30 PM	0	35	0	0	0	37	0	0	0	0	0	0	1	0	9	0	82	0	0	0	0
5:35 PM	0	30	1	0	5	34	0	0	0	0	0	0	3	0	7	0	80	0	0	0	0
5:40 PM	0	25	1	0	1	33	0	0	0	0	0	0	2	0	11	0	73	0	0	0	0
5:45 PM	1	18	2	0	4	21	0	0	0	0	0	0	2	0	10	0	58	0	0	1	0
5:50 PM	0	17	0	0	4	21	0	0	0	0	0	0	0	0	10	0	52	0	0	0	0
5:55 PM	0	34	0	0	5	19	0	0	0	0	0	0	2	0	5	0	65	0	0	0	0
Total Survey	1	716	15	1	59	674	3	0	4	0	0	0	49	0	157	1	1,678	1	0	5	0

15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start		Northl SW Park	bound way Av	re		South SW Park				Eastle South D	oound Orivewa	y		West South D	bound Oriveway	,	Interval			strians swalk	
Time	L	Т	R	Bikes	L	Т	R	Bikes	L	T	R	Bikes	L	Т	R	Bikes	Total	North	South	East	West
4:00 PM	0	95	2	0	3	76	1	0	0	0	0	0	2	0	20	1	199	0	0	0	0
4:15 PM	0	75	3	0	4	84	0	0	0	0	0	0	3	0	14	0	183	1	0	1	0
4:30 PM	0	94	3	0	7	95	1	0	1	0	0	0	8	0	11	0	220	0	0	0	0
4:45 PM	0	88	2	1	10	80	0	0	0	0	0	0	5	0	17	0	202	0	0	3	0
5:00 PM	0	116	1	0	8	86	0	0	1	0	0	0	11	0	19	0	242	0	0	0	0
5:15 PM	0	89	0	0	8	88	1	0	2	0	0	0	10	0	24	0	222	0	0	0	0
5:30 PM	0	90	2	0	6	104	0	0	0	0	0	0	6	0	27	0	235	0	0	0	0
5:45 PM	1	69	2	0	13	61	0	0	0	0	0	0	4	0	25	0	175	0	0	1	0
Total Survey	1	716	15	1	59	674	3	0	4	0	0	0	49	0	157	1	1,678	1	0	5	0

Peak Hour Summary 4:40 PM to 5:40 PM

By	9	North SW Park	bound way Av	е	Ş	South SW Park	bound way Av	е			ound Oriveway				oound Oriveway	,	Total
Approach	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	
Volume	398	390	788	1	394	474	868	0	3	1	4	0	112	42	154	0	907
%HV		0.5	5%			1.8	3%			0.0)%			2.7	7%		1.3%
PHF		0.	76			0.	88			0.	38			0.	82		0.83

	Pedes	trians												
Crosswalk														
North	South	East	West											
0	0	3	0											

By Movement	5	North SW Park	bound way Av	re	5	South SW Park	bound way Av	re		Easth South D	ound Oriveway	,		Westl South D		,	Total
Movement	L	Т	R	Total	L	Т	R	Total	L	Т	R	Total	L	Т	R	Total	
Volume	0	392	6	398	36	357	1	394	3	0	0	3	33	0	79	112	907
%HV	0.0%	0.5%	0.0%	0.5%	11.1%	0.8%	0.0%	1.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.8%	2.7%	1.3%
PHF	0.00	0.75	0.38	0.76	0.75	0.89	0.25	0.88	0.38	0.00	0.00	0.38	0.69	0.00	0.79	0.82	0.83

Interval			bound				bound				ound				oound				Pedes	trians	
Start		SW Park	way Av	'e		SW Park	way Av	re		South D	Priveway	'		South D	riveway	/	Interval		Cross	swalk	
Time	L	Т	R	Bikes	L	T R Bikes L				Т	R	Bikes	L	Т	R	Bikes	Total	North	South	East	West
4:00 PM	0	352	10	1	24	335	2	0	1	0	0	0	18	0	62	1	804	1	0	4	0
4:15 PM	0	373	9	1	29	345	1	0	2	0	0	0	27	0	61	0	847	1	0	4	0
4:30 PM	0	387	6	1	33	349	2	0	4	0	0	0	34	0	71	0	886	0	0	3	0
4:45 PM	0	383	5	1	32	358	1	0	3	0	0	0	32	0	87	0	901	0	0	3	0
5:00 PM	1	364	5	0	35	339	1	0	3	0	0	0	31	0	95	0	874	0	0	1	0

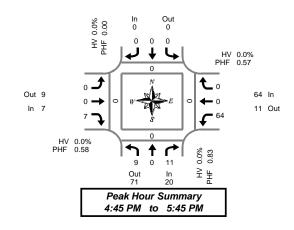


Clay Carney (503) 833-2740

West Driveway & West Access

Tuesday, April 08, 2014 4:00 PM to 6:00 PM

5-Minute Interval Summary 4:00 PM to 6:00 PM



Interval		North	bound			South	bound			Eastk	ound			Westl	oound				Pedes	trians	
Start		West D	riveway			West D	riveway			West	Access			West A	Access		Interval		Cross	swalk	
Time	L	Т	R	Bikes	L	Т	R	Bikes	L	Т	R	Bikes	L	T	R	Bikes	Total	North	South	East	West
4:00 PM	0	0	0	0	0	0	0	0	0	0	1	0	2	0	0	0	3	0	0	0	0
4:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	0	0	0	0
4:10 PM	0	0	0	0	0	0	0	0	0	0	2	0	1	0	0	0	3	0	0	0	0
4:15 PM	1	0	0	0	0	0	0	0	0	0	11	0	3	0	0	0	5	0	0	0	0
4:20 PM	0	1	1	0	0	0	0	0	0	0	1	0	3	0	0	0	6	0	0	0	0
4:25 PM	0	0	0	0	0	0	0	0	0	0	1	0	3	0	0	0	4	0	0	0	0
4:30 PM	0	1	0	0	0	0	0	0	0	11	2	0	. 7	0	0	0	11	0	0	0	0
4:35 PM	0	0	0	0	0	0	0	0	0	0	11	0	3	0	0	0	4	0	0	0	0
4:40 PM	0	0	0	0	0	0	0	0	0	0	2	0	2	0	0	0	4	0	0	0	0
4:45 PM	1	0	11	0	0	0	0	0	0	0	0	0	4	0	0	0	6	0	0	0	0
4:50 PM	1	0	2	0	0	0	0	0	0	0	0	0	6	0	0	0	9	0	0	0	0
4:55 PM	0	0	0	0	0	0	0	0	0	0	1	0	8	0	0	0	9	0	0	0	0
5:00 PM	2	0	1	0	0	0	0	0	0	0	1	0	4	0	0	0	8	0	0	0	0
5:05 PM	1	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	0	0	0
5:10 PM	0	0	0	0	0	0	0	0	0	0	11	0	3	0	0	0	4	0	0	0	0
5:15 PM	0	0	1	0	0	0	0	0	0	0	0	0	3	0	0	0	4	0	0	0	0
5:20 PM	1	0	1	0	0	0	0	0	0	0	11	0	4	0	0	0	7	0	0	0	0
5:25 PM	0	0	11	0	0	0	0	0	0	0	0	0	3	0	0	0	4	0	0	0	0
5:30 PM	1	0	0	0	0	0	0	0	0	0	2	0	9	0	0	0	12	0	0	0	0
5:35 PM	1	0	1	0	0	0	0	0	0	0	1	0	10	0	0	0	13	0	0	0	0
5:40 PM	1	0	2	0	0	0	0	0	0	0	0	0	9	0	0	0	12	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	0	0	0	0
5:50 PM	0	1	0	0	0	0	0	0	0	0	1	0	1	0	0	0	3	0	0	0	0
5:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	0	0	0	0
Total Survey	10	3	12	0	0	0	0	0	0	1	19	0	98	0	0	0	143	0	0	0	0

15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start		North West D	bound riveway	,		South West D	bound riveway				oound Access				oound Access		Interval			strians swalk
Time	L	Т	R	Bikes	L	Т	R	Bikes	L	T	R	Bikes	L	Т	R	Bikes	Total	North	South	East
4:00 PM	0	0	0	0	0	0	0	0	0	0	3	0	6	0	0	0	9	0	0	0
4:15 PM	1	1	1	0	0	0	0	0	0	0	3	0	9	0	0	0	15	0	0	0
4:30 PM	0	1	0	0	0	0	0	0	0	1	5	0	12	0	0	0	19	0	0	0
4:45 PM	2	0	3	0	0	0	0	0	0	0	1	0	18	0	0	0	24	0	0	0
5:00 PM	3	0	2	0	0	0	0	0	0	0	2	0	8	0	0	0	15	0	0	0
5:15 PM	1	0	3	0	0	0	0	0	0	0	1	0	10	0	0	0	15	0	0	0
5:30 PM	3	0	3	0	0	0	0	0	0	0	3	0	28	0	0	0	37	0	0	0
5:45 PM	0	1	0	0	0	0	0	0	0	0	1	0	7	0	0	0	9	0	0	0
Total Survey	10	3	12	0	0	0	0	0	0	1	19	0	98	0	0	0	143	0	0	0

Peak Hour Summary 4:45 PM to 5:45 PM

By			bound riveway				bound riveway				ound Access				oound Access		Total
Approach	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	ln	Out	Total	Bikes	
Volume	20	71	91	0	0	0	0	0	7	9	16	0	64	11	75	0	91
%HV		0.0)%			0.0	0%			0.0)%			0.0	0%		0.0%
PHF		0.	83			0.	00			0.	58			0.	57		0.61

	Pedes	trians	
	Cross	swalk	
North	South	East	West
0	0	0	0

By Movement		North West D	bound riveway	,		South West D	bound riveway	,		Eastb West /	ound Access			West! West /	oound Access		Total
wovernent	L	Т	R	Total	L	Т	R	Total	L	Т	R	Total	L	Т	R	Total	
Volume	9	0	11	20	0	0	0	0	0	0	7	7	64	0	0	64	91
%HV	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PHF	0.75	0.00	0.92	0.83	0.00	0.00	0.00	0.00	0.00	0.00	0.58	0.58	0.57	0.00	0.00	0.57	0.61

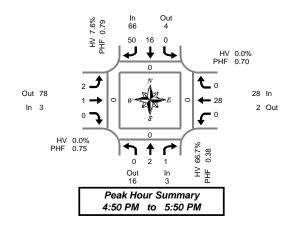
Interval		North	bound			South	bound			Eastl	ound			Westl	oound				Pedes	trians	
Start		West D	riveway			West D	riveway	,		West	Access			West	Access		Interval		Cross	swalk	
Time	L	T	R	Bikes	L	Т	R	Bikes	L	T	R	Bikes	L	Т	R	Bikes	Total	North	South	East	West
4:00 PM	3	2	4	0	0	0	0	0	0	1	12	0	45	0	0	0	67	0	0	0	0
4:15 PM	6	2	6	0	0	0	0	0	0	1	11	0	47	0	0	0	73	0	0	0	0
4:30 PM	6	1	8	0	0	0	0	0	0	1	9	0	48	0	0	0	73	0	0	0	0
4:45 PM	9	0	11	0	0	0	0	0	0	0	7	0	64	0	0	0	91	0	0	0	0
5:00 PM	7	1	8	0	0	0	0	0	0	0	7	0	53	0	0	0	76	0	0	0	0



East Driveway & East Access

Tuesday, April 08, 2014 4:00 PM to 6:00 PM

5-Minute Interval Summary 4:00 PM to 6:00 PM



Interval		North	bound			South	bound			Eastl	ound			Westl	oound				Pedes	trians	
Start		East D	riveway			East Di	riveway			East A	Access			East A	Access		Interval	l L	Cross	swalk	
Time	L	Т	R	Bikes	L	Т	R	Bikes	L	Т	R	Bikes	L	Т	R	Bikes	Total	North	South	East	West
4:00 PM	0	1	0	0	0	1	2	0	0	0	0	0	0	1	0	0	5	0	0	0	0
4:05 PM	0	0	0	0	0	0	4	0	0	0	0	0	0	1	0	0	5	0	0	0	0
4:10 PM	0	1	0	0	0	2	1	0	1	0	0	0	0	1	0	0	6	0	0	0	0
4:15 PM	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	0	0	0	0
4:20 PM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
4:25 PM	0	0	0	0	0	0	2	0	11	0	0	0	0	1	0	0	4	0	0	0	0
4:30 PM	0	0	0	0	0	1	4	0	0	1	0	0	0	2	0	0	8	0	0	0	0
4:35 PM	0	1	0	0	0	1	2	0	0	0	0	0	0	0	0	0	4	0	0	0	0
4:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	1	0	0	0	2	3	0	0	0	0	0	0	2	0	0	8	0	0	0	0
4:50 PM	0	0	0	0	0	1	4	0	11	0	0	0	0	2	0	0	8	0	0	0	0
4:55 PM	0	0	0	0	0	4	6	0	0	0	0	0	0	5	0	0	15	0	0	0	0
5:00 PM	0	0	0	0	0	2	3	0	0	0	0	0	0	3	0	0	8	0	0	0	0
5:05 PM	0	0	0	0	0	2	4	0	0	0	0	0	0	2	0	0	8	0	0	0	0
5:10 PM	0	0	1	0	0	1	7	0	0	0	0	0	0	2	0	0	11	0	0	0	0
5:15 PM	0	1	0	0	0	2	3	0	0	0	0	0	0	0	0	0	6	0	0	0	0
5:20 PM	0	0	0	0	0	0	1	0	0	1	0	0	0	3	0	0	5	0	0	0	0
5:25 PM	0	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0	4	0	0	0	0
5:30 PM	0	0	0	0	0	1	3	0	0	0	0	0	0	2	0	0	6	0	0	0	0
5:35 PM	0	0	0	0	0	0	3	0	11	0	0	0	0	1	0	0	5	0	0	0	0
5:40 PM	0	0	0	0	0	1	6	0	0	0	0	0	0	4	0	0	11	0	0	0	0
5:45 PM	0	1	0	0	0	1	7	0	0	0	0	0	0	4	0	0	13	0	0	0	0
5:50 PM	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	4	0	0	0	0
5:55 PM	0	0	0	0	0	0	5	0	0	0	0	0	0	3	0	0	8	0	0	0	0
Total Survey	0	7	1	0	0	23	79	0	4	2	0	0	0	39	0	0	155	0	0	0	0

15-Minute Interval Summary 4:00 PM to 6:00 PM

Interval Start			bound riveway				bound riveway				ound Access				oound Access		Interval		Pedes		
Time	L	T	R	Bikes	L	T	R	Bikes	L	Т	R	Bikes	L	Т	R	Bikes	Total	North	South	East	West
4:00 PM	0	2	0	0	0	3	7	0	1	0	0	0	0	3	0	0	16	0	0	0	0
4:15 PM	0	1	0	0	0	0	4	0	1	0	0	0	0	1	0	0	7	0	0	0	0
4:30 PM	0	1	0	0	0	2	6	0	0	1	0	0	0	2	0	0	12	0	0	0	0
4:45 PM	0	1	0	0	0	7	13	0	1	0	0	0	0	9	0	0	31	0	0	0	0
5:00 PM	0	0	1	0	0	5	14	0	0	0	0	0	0	7	0	0	27	0	0	0	0
5:15 PM	0	1	0	0	0	3	7	0	0	1	0	0	0	3	0	0	15	0	0	0	0
5:30 PM	0	0	0	0	0	2	12	0	1	0	0	0	0	7	0	0	22	0	0	0	0
5:45 PM	0	1	0	0	0	1	16	0	0	0	0	0	0	7	0	0	25	0	0	0	0
Total Survey	0	7	1	0	0	23	79	0	4	2	0	0	0	39	0	0	155	0	0	0	0

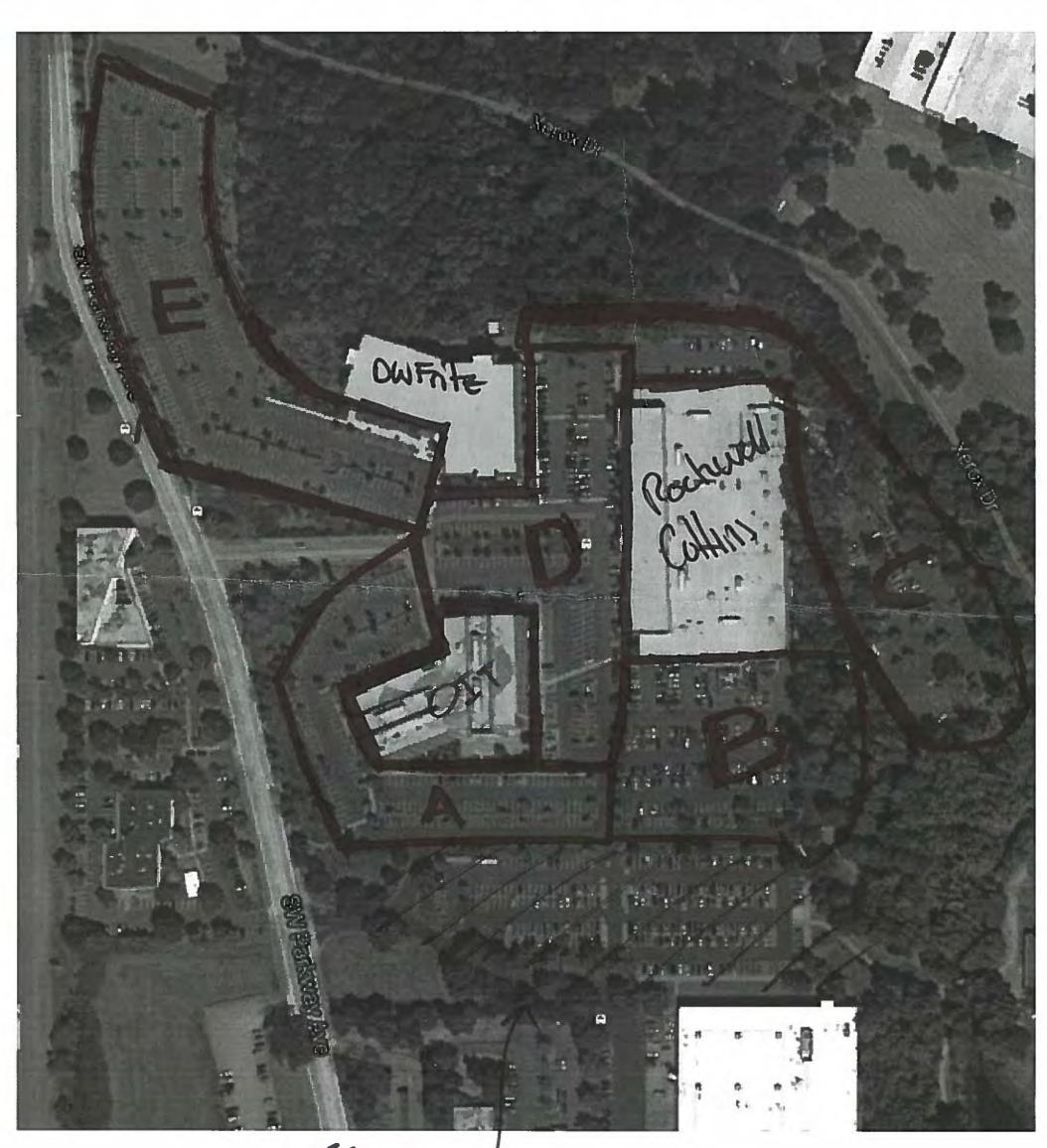
Peak Hour Summary 4:50 PM to 5:50 PM

By			bound riveway				bound riveway				ound Access				oound Access		Total
Approach	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	ln	Out	Total	Bikes	
Volume	3	16	19	0	66	4	70	0	3	78	81	0	28	2	30	0	100
%HV		66.	7%			7.0	5%			0.0)%			0.0	0%		7.0%
PHF		0.	38			0.	79			0.	75			0.	70		0.81

	Pedes	trians	
	Cross	swalk	
North	South	East	West
0	0	0	0

By Movement		Northi East Di				South East Di					ound			Westle East A			Total
Movement	L	Т	R	Total	L	Т	R	Total	L	Т	R	Total	L	Т	R	Total	
Volume	0	2	1	3	0	16	50	66	2	1	0	3	0	28	0	28	100
%HV	0.0%	#####	0.0%	66.7%	0.0%	31.3%	0.0%	7.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	7.0%
PHF	0.00	0.50	0.25	0.38	0.00	0.50	0.78	0.79	0.50	0.25	0.00	0.75	0.00	0.70	0.00	0.70	0.81

Interval		North	bound			South	bound			Eastk	ound			Westk	oound				Pedes	trians	
Start		East D	riveway			East Dr	riveway			East A	Access			East A	Access		Interval		Cross	swalk	
Time	L	Т	R	Bikes	L	Т	R	Bikes	L	T	R	Bikes	L	Т	R	Bikes	Total	North	South	East	West
4:00 PM	0	5	0	0	0	12	30	0	3	1	0	0	0	15	0	0	66	0	0	0	0
4:15 PM	0	3	1	0	0	14	37	0	2	1	0	0	0	19	0	0	77	0	0	0	0
4:30 PM	0	3	1	0	0	17	40	0	1	2	0	0	0	21	0	0	85	0	0	0	0
4:45 PM	0	2	1	0	0	17	46	0	2	1	0	0	0	26	0	0	95	0	0	0	0
5:00 PM	0	2	1	0	0	11	49	0	1	1	0	0	0	24	0	0	89	0	0	0	0



Sowth Parting For adjacent Eachty. Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS

	USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a.	Residential			
	1. Single and attached units and any apartments (9 or fewer units)	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	0
	2. Apartments of ten (10) or more units	1 per D.U. (less than 500 sq. ft.) 1.25 per D.U. (1 bdrm) 1.5 per D.U. (2 bdrm) 1.75 per D.U. (3 bdrm)	No Limit	1 per D.U.
	3. Manufactured or mobile home park	2 spaces/unit	No Limit	1 per D.U.
	4. Manufactured or mobile home subdivision	1 per D.U.	No Limit	1 per D.U.
b.	Commercial Residential			
	1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2
	2. Motel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

TARLE 5.	PARKING	STANDARDS
IADLE 3.		BIANDANDS

	USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
	3. Clubs, Lodges	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.	No Limit	1 per 20 parking spaces Min. of 2
c.	Institutions			
	Welfare or correctional institution	1 space/3 beds for patients or inmates	No Limit	1 per 50 beds Min. of 2
	2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space/2 beds for patients or residents	No Limit	1 per 6000 sq. ft. Min. of 2
	3. Hospital	2 spaces/bed	No Limit	1 per 20 parking spaces Min. of 2
d.	Places of Public Assembly			
	1. Church	1 space/4 seats, or 8 ft of bench length in the main auditorium	.8 per seat	1 per 50 seats Min. of 2
	2. Library, reading room, museum, art gallery	2.5 per 1000 sq. ft.	No Limit	1 per 1000 sq. ft. Min. of 6
	3. Preschool nursery, kindergarten	.2 per student and staff	.3 per student and staff	1 per 3500 sq. ft. Min. of 2

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
4. Elementary or Middle School	.2 per student and staff	.3 per student and staff	8 per class (above 2 nd grade) K – 2 nd grade: 1 per 3500 sq. ft.
5. High School	.2 per student and staff	.3 per student and staff	4 per class
6 College, commercial school for adults	.2 per student and staff	.3 per student and staff	1 per class Min. of 4
7 Other auditorium, meeting rooms	.3 per seat	.5 per seat	1 per 50 seats Min. of 4
8. Stadium, arena, theater	.3 per seat	.5 per seat	1 per 40 seats Min. of 4
9. Bowling alley	4 spaces/lane	No Limit	1 per 10 lanes Min. of 2
10. Dance hall, skating rink, gym, swim or fitness center	4.3 per 1000 sq. ft.	6.5 per 1000- sq. ft.	1 per 4000 sq. ft. Min. of 2
11. Tennis or racquetball facility	1 per 1000 sq. ft.	1.5 per 1000 sq. ft.	1 per court Min. of 2

TA	RI	E 5.	PARK	ING	STAN	IDARDS
\perp	LUL	11 J .		11111		(DAND)

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
e. Commercial			
1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores 1500 sq. ft. gross floor area or less	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 2
2. Commercial retail, 1501 sq. ft. or more	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft. Min. of 2
3. Service or repair shops	4.1 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 4000 sq. ft.
4. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major areas of the building	1.67 per 1000 sq. ft.	6.2 per 1000 sq. ft.	1 per 8000 sq. ft. Min. of 2
5. Office or flex space (except medical and dental)	2.7 per 1000 sq. ft.	4.1 per 1000 sq. ft.	1 per 5000 sq. ft Min. of 2
Bank with drive-thru	4.3 per 1000 sq. ft	6.5 per 1000 sq. ft.	
Medical and dental office or clinic area	3.9 per 1000 sq. ft.	5.9 per 1000 sq. ft.	1 per 5000 sq. ft. Min. of 2
7. Eating or drinking establishments	15.3 per 1000 sq. ft.	23 per 1000 sq. ft.	1 per 4000 sq. ft.

TABLE 5: PARKING STANDARDS

	USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
	Fast food (with drive-thru) Other	9.9 per 1000 sq. ft.	14.9 per 1000 sq. ft.	Min. of 4
	8. Mortuaries	1 space/4 seats, or 8ft. of bench length in chapels	No Limit	Min. of 2
f.	Industrial			
	1. Manufacturing establishment	1.6 per 1000 sq. ft.	No Limit	1 per 10,000 sq. ft. Min. of 6
	2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	.3 per 1000 sq. ft.	.5 per 1000 sq. ft.	1 per 20,000 sq. ft. Min. of 2
g.	Park & Ride or Transit Parking	As needed	No Limit	10 per acre, with 50% in lockable enclosures

[Table 5 amended by Ordinance No. 538, 2/21/02] [Table 5 amended by Ordinance No. 548, 10/9/02]



March 28, 2014

Patrick S. Haugen
Project coordinator
VLMK Consulting Engineers
3933 SW Kelly Avenue
Portland OR 97239-4393

DECEMBER 1975 2014

BY:

Re: W-3 Wilsonville
Waste / Recycling Collection Site Layout

Dear Patrick;

Thank you, for sending us the site plans for this new development in Wilsonville.

My Company: Republic Services of Clackamas & Washington Counties has the franchise agreement to service this area with the City of Wilsonville. We will provide complete commercial waste removal services and recycling services as needed on a weekly basis for this location.

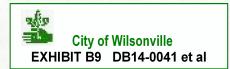
My drivers should be able to service this site as you have designed it. As we discussed; we will have two containers in the enclosure, thank you for the adjustments. Please make sure the gates open over 120 degrees and have some type of locking mechanism so they do not swing closed during service. Since you have made those changes I see this as a very serviceable enclosure.

Thanks Pat for your help and concerns for our services prior to this project being developed.

Sincerely,

Frank J. Lonergan
Operations Manager

Republic Services



Pauly, Daniel

From: Pat Haugen <path@vlmk.com>
Sent: Pat Haugen <path@vlmk.com>
Friday, May 30, 2014 11:17 AM

To: Pauly, Daniel

Subject: FW: FW: I-5 Corporate Park Landscape Legend Question

SEE BELOW

Patrick S. Haugen | Project Coordinator

VLMK Consulting Engineers

3933 SW Kelly Avenue, Portland, OR 97239-4393

P 503.222.4453 x150 | F 503.248.9263

From: Erin Holsonback [mailto:erin@ottenla.com]

Sent: Friday, May 30, 2014 11:16 AM

To: Pat Haugen

Subject: Re: FW: I-5 Corporate Park Landscape Legend Question

Oops! Sorry about that...we intend to have Frans Fontaine Hornbeam planted, not vine maples.

Thanks,

Erin

On 5/30/2014 7:10 AM, Pat Haugen wrote:

Please Confirm Daniel's question

Patrick S. Haugen | Project Coordinator

VLMK Consulting Engineers

3933 SW Kelly Avenue, Portland, OR 97239-4393

P 503.222.4453 x150 | F 503.248.9263

path@vlmk.com | http://www.vlmk.com | 1 in

From: Pauly, Daniel [mailto:pauly@ci.wilsonville.or.us]

Sent: Thursday, May 29, 2014 4:08 PM

CHRIBS

To: Pat Haugen

Subject: I-5 Corporate Park Landscape Legend Question

As seen below there seems to be an inconsistency identify Carpinus bet. "Franz Fountain" with the common name of Vine Maple. Please confirm you are planning on 12 Frans Fountain Columnar Hornbeam rather than vine maples.

		TREE	S		
	12	CBF	CARPINUS BET. 'FRANS FONTAINE' Vine Maple (Min. 4 Stem)	2" cal.	As shown
	25	CSG	CUPRESSUS SEMPERVIRENS 'GLAUCA' Blue Italian Cypress	4-5' ht.	As shown
	10	TCG	TILIA CORDATA "GREENSPIRE" Greenspire Little Leaf Linden	2" cal.	As shown
	6	TPF	THUJA PLICATA 'FASTIGIATA' Hogan Cedar	6' ht.	As shown
ı					

Thanks



Daniel Pauly, AICP | Associate Planner | City of Wilsonville | Planning Division

29799 SW Town Center Loop East | Wilsonville OR 97070 | ☎: 503.682.4960 | ⊠: pauly@ci.wilsonville.or.us

Disclosure: Messages to and from this E-mail address may be subject to Oregon Public Records Law.

Erin Holsonback

Otten Landscape Architects

Web: ottenla.com

Email: erin@ottenla.com Phone: (503) 972-0311 Fax: (503) 972-0314

EXHIBIT C1 PLANNING DIVISION STAFF REPORT

I-5 CORPORATE PARK JACK MARTIN BUILDING 3

DEVELOPMENT REVIEW BOARD PANEL 'A' QUASI JUDICIAL HEARING

Public Hearing Date:

Date of Report:

Application Numbers: Request B: DB14-0042

Property

Owners/Applicants:

PD = **Planning Division conditions**

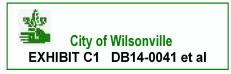
BD – Building Division Conditions

PF = Engineering Conditions.

NR = **Natural Resources Conditions**

TR = SMART/Transit Conditions

FD = Tualatin Valley Fire and Rescue Conditions



Standard Comments:

- PFB 1. Engineering PF conditions previously issued for the In Focus Corporate Complex project (00DB10) and the Jack Martin / In-Focus project (DB07-0035, as modified by DB08-0032)) are still in effect with this application, except as modified as follows.
- **PFB 2.** All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.
- **PFB 3.** Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

Coverage (Aggregate, accept where noted)	Limit
Commercial General Liability	
General Aggregate (per project)	\$ 2,000,000
Fire Damage (any one fire)	\$ 50,000
Medical Expense (any one person)	\$ 10,000
Business Automobile Liability Insurance	
Each Occurrence	\$ 1,000,000
Aggregate	\$ 2,000,000
Workers Compensation Insurance	\$ 500,000

- PFB 4. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- **PFB 5.** Plans submitted for review shall meet the following general criteria:
 - a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
 - b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
 - c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
 - d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
 - e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable,

- fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
- 1. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.

PFB 6. Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required. **PFB 7.** The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed. **PFB 8.** Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R. PFB 9. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board. **PFB 10.** No surcharging of sanitary or storm water manholes is allowed. **PFB 11.** The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed. PFB 12. Mylar Record Drawings: At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF. **Specific Comments: PFB 13.** At the request of Staff, DKS Associates completed a traffic Trip Generation Memo dated May 5, 2014. The project is hereby limited to no more than the following impacts. Estimated New PM Peak Hour Trips 35 Estimated Weekday PM Peak Hour Trips 21 Through Elligsen Road Interchange Area

	Estimated Weekday PM Peak Hour Trips 5
	Through Wilsonville Road Interchange Area
PFB 14.	In the 2013 Transportation Systems Plan (TSP) Parkway Avenue is
	identified as a Minor Arterial. Sufficient right-of-way presently exists, and
	the street is fully constructed; no additional right-of-way or improvements to
	Parkway Avenue are identified.
PFB 15.	Access to the site shall be from the existing driveways located on Parkway
	Avenue.
PFB 16.	Existing storm facilities are sized for current impervious surfaces. Should
	the addition of Building 3 have a net increase in impervious surface, the
	applicant shall be required to provide storm water detention and water
	quality facilities for the net increase in impervious surface. A memo
	providing the total area of impervious surfaces to be removed and the total
	area of impervious surfaces being added with the project shall be prepared
	by a Professional Engineer registered in the State of Oregon shall be
	submitted for review and approval by the City.
DED 15	
PFB 17.	Should a net increase in impervious surface occur, a storm water analysis
	prepared by a Professional Engineer registered in the State of Oregon shall
	be submitted for review and approval by the City to address appropriate pipe
	and detention facility sizing and water quality treatment.

Development Review Template

DATE: 5/28/14

TO: DAN PAULY AICP, ASSOCIATE PLANNER

FROM: DON WALTERS

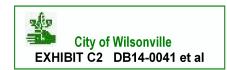
SUBJECT: DEVELOPMENT REVIEW # DB14-0042 and DB14-0043 JACK MARTIN

BUILDING W3

WORK DESCRIPTION: CONSTRUCTION OF A 2-STORY 34500SF OFFICE / MANUFACTURING / WAREHOUSE BUILDING IN I-5 CORPORATE PARK.

Building Division Conditions:

- BD 1. SITE CONDITIONS. It is the responsibility of the applicant to insure that all existing underground utilities, piping, drain systems and easements of any kind are shown correctly on the site plan.
- BD 2. ACCESSIBLE PARKING cannot be fully reviewed at this time. Accessible parking will be fully reviewed as part of the plan review of the building permit plans. The additional information available at plan review may require changes to the number and location of accessible parking spaces shown on these preliminary plans. (107.2.1)
- BD 3. FIRE CALCS. Fire calcs shall be submitted with the building permit application. These calc sheets and instructions are available from the TVF&R web site. (2010 OFC 507.3) The fire calcs will define how many hydrants are required, and if a building fire alarm or fire sprinkler system may be necessary. Neither hydrant location, number of required hydrants, nor building plan review can proceed without the completed fire calcs.
- BD 4. FIRE DEPARTMENT CONNECTION. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. *The location of the fire department connections shall be approved by the fire chief.* Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the chief. (OFC 912.2, 912.2.1)
- BD 5. FDC CLEAR SPACE. A working space of not less than 36" in width, 36" in depth, and 78" in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the fire chief. (912.3.2) Please confirm that the proposed planting plan respects the required clear space.
- BD 6. HYDRANT CLEAR SPACE. A 3' clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. [Low growing



- ground covers that do not create a trip hazard are acceptable when approved by the fire marshal.] (OFC 508.5.5) Please confirm that the proposed planting plan respects the required 3' clearance.
- BD 7. RED CURBS and No Parking signs shall be installed when so required by the fire marshal. (OFC 503.3) It is recommended that you supply 2 copies of the site plan to the Fire Marshal at or before submittal of the building permit package to the Building Division for review of any possible no parking areas.
- BD 8. ADVISORY. VAULT. It is recommended *not required* that backflow devices for fire lines be placed inside the buildings and not in underground vaults. This eliminates the continuing maintenance problems with sump pumps and valve monitoring, and saves the project the cost of a vault installation, about \$10000. Where the backflow device is placed in a vault a public utility waterline easement will be required that extends to the upstream edge of the vault. Without a vault the waterline easement will extend to the exterior wall of the building.

COMMUNITY DEVELOPMENT MEMORANDUM

To: Daniel Pauly, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: May 27, 2014

RE: Industrial Development (DB14-0041 – I-5 Corporate Bldg. W-3)

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

CONDITIONS OF APPROVAL:

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

Significant Resource Overlay Zone/Conservation Easement

- 1. Provide documentation the proposed temporary impacts have been reviewed and approved by the Oregon Department of State Lands.
- 2. All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the Significant Resource Overlay Zone (SROZ)/Conservation Easement and the Impact Area shall be reviewed and approved by the Natural Resources Program Manager.
- 3. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ/Conservation Easement. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the Impact Area.
- 4. Pursuant to Section 4.139.03 (.05) of the Wilsonville Code, the applicant is required to use habitat-friendly development practices (Table NR-2) to the extent practicable for any encroachment into the SROZ and the Impact Area.
- 5. The applicant shall minimize the impact to the SROZ and the Impact Area during construction of the proposed building.

Other

6.	The applicant shall comply with all applicable state and federal requirements for the
	proposed construction activities (e.g. DEQ NPDES #1200–CN permit).

Public Works Plan Review Comment Form

W-3 Bldg of I-5 Corporate Center Hoffman May 27, 2014 Plans for Review:

Return All Comments To:

Due Date:

Name	Page No.	Comments	Engineering's Response
Randy Watson		No Comments	
Matt Baker			
Sherer/SM/		No Comments	
Reeder			
Arnie Gray		No Comments	
Ralph Thorp			
Jason Labrie		No Comments	
House/Gering			
Folz/Havens			



Pauly, Daniel

Young, Andrew F. < Andrew. Young@nwnatural.com> From:

Sent: Monday, May 12, 2014 4:02 PM

To: Pauly, Daniel

Subject: FW: Development Review Team Mailing (DB14-0041 et al - W-3 Building)

Attachments: DB14-0041 et al - W-3 Building NWN.pdf

Hello Daniel:

Please inform the applicant that we have a 4" & 6" main in Parkway Ave. as well as a 2" service onsite.

Thank you.

Respectfully,

Andrew F. Young, P.E.

Resource Center Engineer - Sherwood

NW Natural | 20285 SW Cipole Rd. | Sherwood, Oregon 97140

office: 503.226.4211 ext. 2980|cell: 360.281.6169 |email: Andrew.Young@nwnatural.com

From: White, Shelley [mailto:swhite@ci.wilsonville.or.us]

Sent: Tuesday, May 06, 2014 12:48 PM

To: Amber Cross (Amber Cross@tvfr.com); Andrew Schafer (Andrew Schafer@pgn.com); Young, Andrew F.; Gray, Arnie; Jacobson, Barbara; Ben Baldwin (DevelopmentReview@trimet.org); Bill Rhoades (rhoadesw@wlwv.k12.or.us); Edmonds, Blaise; Bob Ebeling (Robert.W.EBELING@odot.state.or.us); Brian Harper (Brian.Harper@oregonmetro.gov); Kelley, Brian; Stevenson, Brian; Cosgrove, Bryan; Neamtzu, Chris; Stark, Dan; Pauly, Daniel; Kerber, Delora; Walters, Don; Parent, Gail; Heather Peck (heather.peck@aviation.state.or.us); Miller, Holly; James Rhodes (JRhodes@clackamas.us); Jason Arn (<u>Jason.Arn@tvfr.com</u>); Labrie, Jason; Massa Smith, Jen; Gail, Jon; Kenneth Parris (<u>kenneth_parris@cable.comcast.com</u>); Rappold, Kerry; Cheeley, Lance; Bushman, Luke; Ottenad, Mark; Brown, Martin; Baker, Matt; Ward, Mike; Wheeler, Mike; Kraushaar, Nancy; Duke, Pat; Region 1 Development Review Applications (Region1DEVREVApplications@odot.state.or.us); Keller, Robert; Simonton, Scott; Lashbrook, Stephan; Adams, Steve; Allen, Steve; Munsterman, Steve; Tiffany Ritchey (tiffany.ritchey@pgn.com); Tom Maier (Thomas.Maier@awin.com) Subject: Development Review Team Mailing (DB14-0041 et al - W-3 Building)

Development Review Team Members,

Please find the attached DRT mailing for your review:

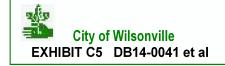
DB14-0041 et seq: W-3 Buildng/I-5 Corporate Park

Please note that comments and/or conditions of approval are due to the Planning Division by 4:00 pm on May 27, 2014 for a June 9, 2014 public hearing.

Thank you,

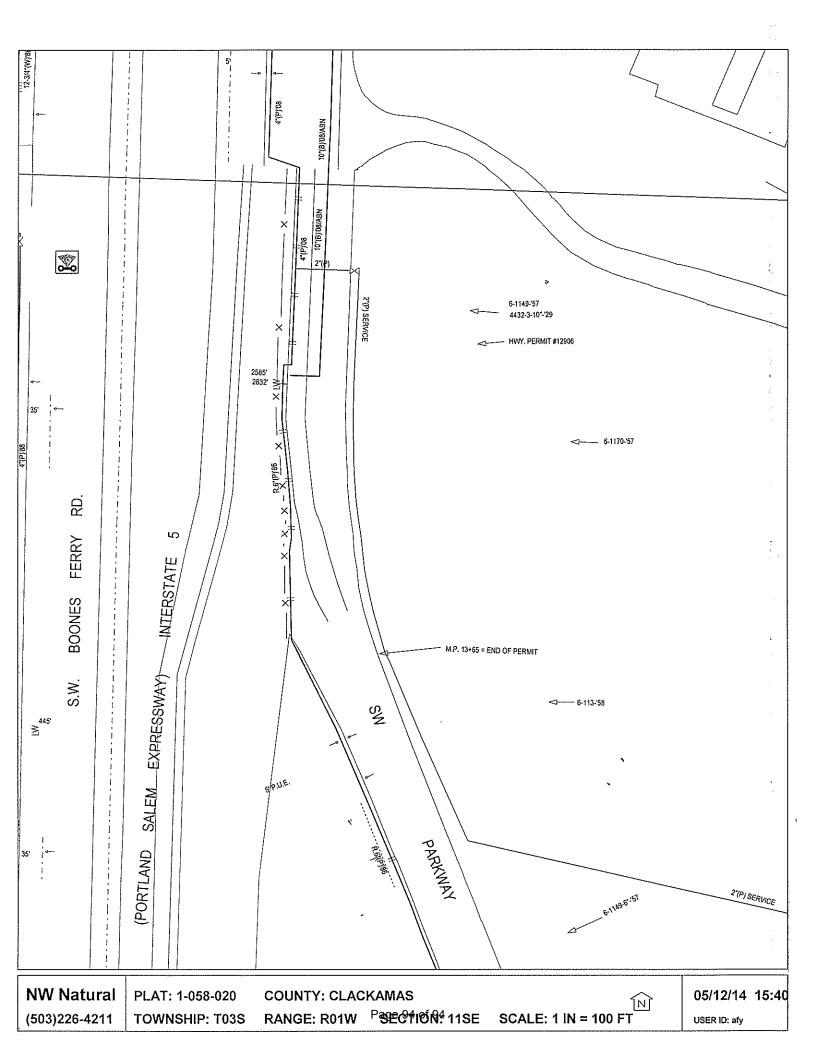
Shelley White

Administrative Assistant City of Wilsonville Ph: 503 570-1575



swhite@ci.wilsonville.or.us

DISCLOSURE NOTICE: Messages to and from this E-mail address may be subject to the Oregon Public Records Law.





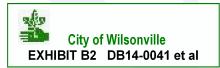


I-5 Corporate Park

Building W-3 SW Parkway Avenue Wilsonville, Oregon 97070

PRELIMINARY REVIEW PACKAGE SUBMITTAL

Stage 1 – Preliminary Plan Review Stage 2 – Final Plan Review Site Design Review



Structural Engineering • Civil Engineering • Industrial Engineering • Planning • Studies/Evaluations • Entitlement

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Exhibit 1.0 – Color Rendering / Photo

Exhibit 2.0 – Architectural Materials and Designs (Color Board)

Exhibit 3.0 – Geotech Report

Exhibit 4.0 – Traffic Study (To be Submitted at a Later Date)

Exhibit 5.0 – Preliminary Title Report

Exhibit 6.0 – Reduced (11" x 17") Drawings

Review Drawings (24" x 36" attached separately)

PROJECT NARRATIVE

Martin Real Estate Development is proposing to construct a fourth and final building (W-3) in the I-5 Corporate Park on SW Parkway Avenue south of Xerox Drive in Wilsonville, Oregon. The proposed building is to be a two story 34,500 sq. ft structure forty feet in height constructed of stained concrete tilt-up walls which will incorporate large amounts of storefront windows along with glass canopy covered entrances. Enhanced Landscaping will surround the building and pedestrian ways. The proposed location for the new building will be in the northwest corner of the site in what is currently a paved parking lot. Parking will be replace for the new structure at a ratio of 3.2 spaces per 1,000 square feet.

The above narrative and the following modifications are proposed to be made to the existing approved for the I-5 Corporate Park. This development will be a submitted as a 'Modification' to a previously approved Stage I Preliminary Plan (DR Case #DB08-0032 phase 3 buildings W-1 and W-2), a Stage II Master Plan and Site Design Review

STAGE I - 'PRELIMINARY PLAN REVIEW'

(Modification of a Previously Approved Stage I Preliminary Plan)

Case File #DB08-0032

Site Design Overview and Modifications:

In 2008 the City of Wilsonville approved a 'Modified' Stage I Preliminary Plan for Phase 2 and 3 of the I-5 Corporate Park at 27200 and 27300 SW Parkway Avenue. This new 'Modification' requests further revision from that approval for the construction of Phase 4 as described below and in the documents and drawings attached.

All work for Phases 2 and 3 are in place and completed at this time.

The parking design and circulation systems will still be consistent with File #DB08-0032 as a Master Plan and at a minimum 815 parking spaces will be maintained for buildings W-1 and W-2. The remaining parking area to the northwest beyond these spaces will be reconfigured for building W-3 which will be provided with 133 spaces. Total parking for all three building will be at 754 spaces or 3.8 per 1,000 sq. ft. The existing driveway is to be reused and a pedestrian pathway constructed from there to the new building. A truck dock and grade door loading area is provided at the north end of the building with a single grade door loading area in the southeast corner.

The revised landscape plan will follow along with the prior master landscape concept and continue with the use of similar materials. The areas outside of the parking lot to be removed will remain as previously shown, Little if any alterations is expected to occur to native vegetation.

Building Design Overview:

The building design concept continues using similar features as exist on the previously approved buildings in the I-5 Corporate Park. The architectural vocabulary is of a contemporary punched window office building with significant vertical and horizontal modulation. The tall window proportions, window transoms, strong coping element, high ceilings, and facade rustication all add influence from a building from an earlier era. Overall the timeless materials and design elements provide a corporate image of quality and durability. The exterior material vocabulary is classic and simple: stained precast concrete walls, green tinted glass and medium metallic bronze for metal surfaces. Metal is used at coping, window/door framing, canopies, and metal wall panels introduced on the upper deck. The owner is pushing to use verdigris copper for the coping, but while enthused about it we are not committing to that pending the budget.

STAGE 2 – "FINAL PLAN REVIEW"

(Industrial Development Standards)

Section 4.117. Standards Applying To Industrial Developments In Any Zone.

(.01) All industrial developments, uses, or activities are subject to performance standards. If not otherwise specified in the Planning and Development Code, industrial developments, uses, and activities shall be subject to the performance standards specified in Section 4. 135 (.05) (PDI Zone).

Response: Project meets the Performance standards as noted below

Section 4.118. Standards applying to all Planned Development Zones:

- (.01) <u>Height Guidelines:</u> In "S" overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows:
- (.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

Response: Project Is not in an 'S' overlay Zone and utilities are to be installed underground.

Section 4.135. PDI Planned Development Industrial Zone.

- (.05) Performance Standards. The following performance standards apply to all industrial properties and sites within the PDI Zone, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.
 - A. All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Stage II, Site Design or Administrative Review

Response: All activities are indoor

B. Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located.

Response: No vibrations are produced by the proposed/allowed uses.

C. Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.

Response:

No detectible odors would be generated by the allowed uses

D. Any open storage shall comply with the provisions of Section 4.176, and this Section.

Response:

No open storage would be required by the allowed uses

No building customarily used for night operation, such as a baker or bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any residential district.

Response:

project does not abut residential development

F. Heat and Glare:

- 1. Operations producing heat or glare shall be conducted entirely within an enclosed building.
- 2. Exterior lighting on private property shall be screened, baffled, or directed away from adjacent residential properties. This is not intended to apply to street lighting.

Response:

Operations are within the building. No adjacent residential zones.

G. Dangerous Substances: Any use which involves the presence, storage or handling of any explosive, nuclear waste product, or any other substance in a manner which would cause a health or safety hazard for any adjacent land use or site shall be prohibited.

Response:

No dangerous substances allowed with uses

H. Liquid and Solid Wastes:

- 1. Any storage of wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.
- 2. Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required in Section 4.176.
- 3. No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.
- 4. No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.
- 5. All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.
- 6. All operations shall be conducted in conformance with the City's standards and ordinances applying to sanitary and storm sewer discharges

<u>Response:</u>

All waste to be handled as not to create a health hazard. Outdoor trash/recycle areas are in screened enclosure. See plans. No discharge of industrial waste allowed and all storm or sanitary discharge are shown on plans to conform with this requirement

Noise: Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality and W.C. 6.204 governing noise control in the same or similar locations. [Amended by Ord. 631, 7/16/07]

Response:

No detectible noise would be generated by the allowed uses

J. Electrical Disturbances. Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the PDI zone which interfere with the normal operation of equipment or instruments within the PDI Zone are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential use areas are also prohibited.

Response:

No electrical disturbances generated by the allowed uses

K. Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause a nuisance or injury to human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

Response:

No operations will create or produce airborne pollutants

L. Open burning is prohibited.

Response:

No open burning allowed

M. Storage:

- 1. Outdoor storage must be maintained in an orderly manner at all times.
- 2. Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.
- 3. Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.

Response:

No outdoor storage areas are allowed

N. Landscaping:

- 1. Unused property, or property designated for expansion or other future use, shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such things as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass.
- 2. Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberries, English ivy, cherry Laurel, reed canary grass or other identified invasive plants shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located within a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.
- 3. Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.

Response:

All areas as required are being landscaped with this development, see Landscape Plans.

(.06) Other Standards:

- A. Minimum Individual Lot Size: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
- B. Maximum Lot Coverage: No limit save and except as shall be consistent with the other provisions of this Code (e.g., landscaping, parking, etc.).
- C. Front Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum front yard setback on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- D. Rear and Side Yard Setback: Thirty (30) feet. Structures on corner or through lots shall observe the minimum rear and side yard setbacks on both streets. Setbacks shall also be maintained from the planned rights-of-way shown on any adopted City street plan.
- E. No setback is required when side or rear yards abut on a railroad siding.
- F. Corner Vision: Corner lots shall have no sight obstruction to exceed the vision clearance standards of Section 4.177.
- G. Off-Street Parking and Loading: As provided in Section 4.155.
- H. Signs: As provided in Sections 4.156.01 through 4.156.11.

Response:

required

Project complies with lot size and coverage - No Limit

Project setback criteria WAIVER-02 Requested for (north) side yard setback from

(30) feet down to (20) feet. See attached Waiver request.

Parking complies per later criterion of this submittal under section 4.155

No signs are proposed with this application

Section 4.139. <u>Significant Resources Overlay Zone (SROZ) Ordinance.</u>

Response:

No work required within this zone. See Plans and zone map exhibit
Subject site contains the Significant Resource Overlay Zone. Work will take place within 100 feet outside the boundary, as shown.

Section 4.140. Planned Development Regulations

Response:

Plans are submitted for development on a legal lot under ownership as noted and being submitted by professional design firm for permit as required.

(.09) Final Approval (Stage Two):

A. Unless an extension has been granted by the Development Review Board, within two (2) years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013.

Response:

Applicant is filing a 'Final Plan' for the remaining development as attached with this proposal for review by the board. Plans contain all information as required for obtaining permit approval.,

B. After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.

Response:

No action item - Noted by applicant

- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
 - 1. The location of water, sewerage and drainage facilities; See Site Utilities Plan
 - 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development; See attached floor Plan, building elevations and Landscape plan
 - 3. The general type and location of signs; See signage plans and details
 - 4. Topographic information as set forth in Section 4.035; see Survey
 - 5. A map indicating the types and locations of all proposed uses; and See Site Data
 - 6. A grading plan. See grading Plans

Response:

Plans contain all information as required for obtaining permit approval.

D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.

Response:

Plans contain all information as required for obtaining permit approval

E. Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.

Response:

See Site Utility Plan and survey for all easements

F. Within thirty (30) days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board shall not act on a final development plan until it has first received a report from the agencies or until more than thirty

(30) days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.

Response:

No action item - Noted by applicant

- G. Upon receipt of the final development plan, the Development Review Board shall conduct a public hearing and examine such plan and determine:
 - 1. Whether it conforms to all applicable criteria and standards; and
 - 2. Whether it conforms in all substantial respects to the preliminary approval; or
 - 3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.

Response:

No action item - Noted by applicant

H. If the Development Review Board permits the applicant to revise the plan, it shall be resubmitted as a final development plan within sixty (60) days. If the Board approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.

Response:

No action item - Noted by applicant

I. All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the Development Review Board may extend these expiration times for up to three (3) additional periods of not more than one

Response:

No action item - Noted by applicant

- J. A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
 - 1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

Response:

Proposal as attached is in compliance and consistent with Sec 4.140

2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as 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. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

Response:

A Traffic Study is in the Process and will submitted at a later date as Exhibit 4.0.

- a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel; [Added by Ord. 561, adopted 12/15/03.]
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations. [Amended by Ord 561, adopted 12/15/03.]
- b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three (3) new p.m.

- peak hour traffic trips or less;
- ii. A planned development or expansion thereof which provides an essential governmental service.
- c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant. [Added by Ord 561, adopted 12/15/03.]
- d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations. [Added by Ord 561, adopted 12/15/03.]
- e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F". ([Added by Ord 561, adopted 12/15/03.]
- 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

Response: Existing Facilities are sufficient as per the letter of Concurrency

No action item - Noted by applicant

K. Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

Response:

L. Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

Response:

Plans shall not be modified from that approved. Revisions shall be approved by the Planning Department.

M. In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the stage development schedule, the Development Review Board may, after notice and hearing, revoke a Planned Development permit. General economic conditions that affect all in a similar manner may be considered as a basis for an extension of a development schedule. The determination of the Board shall become final thirty (30) days after the date of decision unless appealed to the City Council.

Response:

No action item - Noted by applicant

I-5 Corporate Park
Building W-3
SW Parkway Avenue
Wilsonville, Oregon 97070

"SITE DESIGN REVIEW"

(Design Review Application)

Section 4.400.

- (.02) The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:
 - A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.
- **Response:** Site has been designed in accordance with the City of Wilsonville planning and land development ordinance (see Site Plan sheet G1.0). Proposal complies with this criterion.
 - B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;
- **Response:** The building design combines the right amount and types of materials for a distinctive and attractive look which when combined with the generous landscaping design provides for and meets this criterion See attached plans and Exhibits
 - C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;
- **Response:** The proposed development as professionally designed, provides a clean design while providing for the function of the building in accordance with this criterion.
 - B. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;
- **Response:** A great deal of time and effort has been put into the planning of the building in order to achieve a balance and blending of the building and its site with the surrounding area to meet this criterion.
 - E. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;
- **Response:** Proposal brings employment opportunities which in turn stimulates other city economies.
 - F. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
- **Response:** The proposed development improves upon the existing conditions of the existing vacant parking area.
 - G. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.
- **Response:** Existing public facilities are able to handle the current demand. Parkway Avenue will provide an efficient traffic way to and from the site.
 - H. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all

areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;

Response:

The design as proposed allows for easy "drive by" visual inspection of the building and its goings on. All areas of parking and building entrance front onto the adjacent street frontage eliminating hidden areas where criminal activities could occur. With lighting to accommodate for safe movement around the site the design lends itself to the safety of patrons and pedestrians while keeping with good vehicular functions.

I. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;

Response:

This proposed design with its improvements to the site add to the surrounding the area, which creates a positive atmosphere of citizens pride and civic duty.

J. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.

Response:

Proposal provides services and goods for the community.

Section 4.421. Criteria and Application of Design Standards.

- (.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)
 - A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Response:

The area of disturbance for this project will be mostly limited to the removal of the existing parking area and the landscaping planted at the time of its construction. The existing areas surrounding the lot will remain with enhancement to the existing vegetation. See Site Plan, Grading Plan, and Landscape Plans, sheets, P1, C1.0, and L1.0.

B. Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.

Response:

The area of work is outside of the buffer area..

C. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

<u>Response:</u>

A single access into and out of the immediate parking area exists and is to remain. Pedestrian access is provided to the public way and separated as best allowed, the parking is connected to the parking areas of the existing W-1 building which also provides access to SW Parkway Avenue. See sheet P1 Site Plan

D. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.

Response:

Existing facilities are in place for storm water drainage and are to be reused with the new development which will occupy much the same area that is currently being served. See Site Utility Plan sheet G3.0

E. Utility Service. Any utility installations above ground shall be located so as to have an harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.

Response:

All utility locations are shown on the Site Utility Plan. Sanitary is to be piped below ground from the proposed building to the existing service in the street. See Site Utility Plan. The buildings storm system is to be provided from the roof to underground piping via exterior downspouts. See Site Utility Plan sheet G3.0

F. Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

Response:

No signage is proposed with this development submittal. When signage is proposed a "Master Signage Plan" application and exhibits will be submitted at that time.

G. Special Features. Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.

Response:

Proposed development includes a screened trash enclosure west of the building and truck loading dock north of the building. Both areas are buffered and designed as to comply with this requirement. Setbacks are in accordance with and as shown previously in Sec. 4.135,06 (Other Standards). See Site and Landscape Plans on sheets G1.0 and L1.0.

Section 4.176. <u>Landscaping, Screening, and Buffering</u>. (See Sheet L1.0 "Landscape Plan)

- (.01) Purpose. This Section consists of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to:
 - A. Promote the re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife habitat reasons;

Response:

Aesthetics provided by plant material with a variety of color and texture. Some native plant materials have been used and all plants have been chosen for their drought tolerance once established. See Sheet 1.1.0.

B. Restore native plant communities and conserve irrigation water through establishment, or reestablishment, of native, drought-tolerant plants;

Response:

As indicate in "A" above.

C. Mitigate for loss of native vegetation;

Response:

No loss of native vegetation no mitigation required.

D. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;

Response:

As indicate in "A" above.

E. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses;

Response:

Proposed plantings will create an effective buffering of both vision and sound between sites as indicated on the Landscape Plan. See sheet L1.0.

F. Unify development and enhance and define public and private spaces;

Response:

Proposed plantings as proposed comply with this criterion.

G. Promote the retention and use of existing vegetation;

Response:

Existing vegetation is being retained and enhanced to meet this criterion.

H. Aid in energy conservation by providing shade from the sun and shelter from the wind; and

Response:

Once mature the proposed trees will add to the existing tree coverage to provide for and meet this criterion for protection.

I. Screen from public view the storage of materials that would otherwise be considered unsightly.

Response:

Loading and trash/recycle areas have been screened as indicated in 4.421.

J. Support crime prevention, create proper sight distance clearance, and establish other safety factors by effective landscaping and screening.

Response:

Sight distances are unchanged and as allowed with previous development Parking is located to afford for the most effective views onto the site for crime prevention.

K. Provide landscaping materials that minimize the need for excessive use of fertilizers, herbicides and pesticides, irrigation, pruning, and mowing to conserve and protect natural resources, wildlife habitats, and watersheds.

Response:

All plant materials were chosen for their low maintenance (water, fertilizing, pruning, and weeding) and drought tolerance for use of minimal watering.

(.02) Landscaping and Screening Standards.

- D. Low Screen Landscaping Standard.
 - Intent. The Low Screen Landscaping Standard is a landscape treatment that uses a combination of
 distance and low screening to separate uses or developments. It is intended to be applied in situations
 where low screening is adequate to soften the impact of one use or development on another, or where
 visibility between areas is more important than a total visual screen. The Low Screen Landscaping
 Standard is usually applied along street lot lines or in the area separating parking lots from street
 rights-of-way.

Response:

Provided along street frontage bordering new parking lot.

2. Required materials. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 22: Low Screen Landscaping).

Response:

The existing hedge is being re-used to meet this requirement. See Landscape Plan Sheet L1.0

- E. High Screen Landscaping Standard.
 - 1. Intent. The High Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required.

Response:

Not required.

3. Required materials. The High Screen Landscaping Standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and 95% opaque, year-round. In addition, one tree is

required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 23: High Screen Landscaping).

Response:

Not applicable

F, G, H, I. Sub-section letters shown for continuity.

Sections are not applicable

(.03) Landscape Area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping-shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.

Response:

Landscaping has been provided in the applicable percentages as required. See "Project Summary" on Sheet .0. Plant material is provided in a variety of heights, textures, and color to soften and define the building and to provide screening where appropriate.

- (.04) Buffering and Screening. Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.
 - C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.

Response:

No mechanical units proposed at this time. Building is designed so that mechanical units when installed are behind parapet walls that will screen them from adjacent streets or properties.

D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.

Response:

No outdoor storage area allowed or proposed.

- (.06) Plant Materials.
 - A. Shrubs and Ground Cover. All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Surface mulch or bark dust is to be fully raked into soil of appropriate depth, sufficient to control erosion and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or bark dust are not to be used as substitutes for plants areas.

Response:

See sheet L1.0 "Landscape Plan" for sizes which meet this standard. No sheathing is to be used. Bark mulch is as described in the plan specifications.

1. Shrubs. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.

Response:

See specifications (sheet L1.0 "Landscape Plan") which comply with this standard.

2. Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: Gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.

Response:

See plant list (sheet L1.0 "Landscape Plan") which comply with this standard.

3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.

Response:

See Landscape plan (sheet L1.0) which meets this criterion.

4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.

Response:

All areas below trees have been landscaped as required to meet this standard. See sheet L1.0 "Landscape Plan".

B, C. Sub-section letters shown for continuity.

Response:

Not applicable.

D. Street Trees. In order to provide a diversity of species, the Development Review Board may require a mix of street trees throughout a development. Unless the Board waives the requirement for reasons supported by a finding in the record, different types of street trees shall be required for adjoining blocks in a development.

Response:

So Noted by Applicant

- 1. All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped (b&b). Street trees shall be planted at sizes in accordance with the following standards:
 - a. Arterial streets 3" minimum caliper

Response:

SW Parkway Avenue = Minor Arterial

All Street Trees exist. N/A

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

(.01) Purpose:

A, B, C

Response: No action items – noted by applicant.

(.02) General Provisions:

A. Sub-section letter shown for continuity

Response:

No action item – noted by applicant.

B. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.

Response:

All proposed parking spaces shown are 9'x 18' (standard space) (8'x 16' compact space) with a circulation isle of a minimum 24' in width to meet this criterion.

C. In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the additional floor area of the enlarged or additional building, or changed use, as set forth in this Section. Current development standards, including parking area landscaping and screening, shall apply only to the additional approved parking area.

Response: Not Applicable - New Building

D. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately, except as modified by subsection "E," below.

Response: Parking is as noted under the Project Data. See Site Plan

E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.

Response: Understood - Not required

F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.

Response: Not required

G. The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.

Response: Separation Not Applicable.

H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.

Response: No action item – noted by applicant.

I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.

Response: Not applicable – development does not adjoin a residential district.

J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.

Response: Extruded concrete curbs are provided at all boundaries of the parking area and are six (6)inches in height. See Site Plan, sheet

K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as "grasscrete" in lightly-used areas, that is found by the City Engineer to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City Engineer, shall be provided.

Response: All parking areas are to be paved and provided with positive drainage. See Site Grading and Utility Plans on , sheets and

L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.

Response: Parking lot and security lighting comply with this standard. See Lighting Plan Sheet SL1.

M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.

Response: Not applicable – Uses are specifically listed and calculated for.

N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.

Response: Not applicable as less than 40 percent is to be compact. See Site Plan Sheet.

O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall

apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

Response: Provided see site plan.

- (.03) Minimum and Maximum Off-Street Parking Requirements:
 - A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:
 - 1. Separate loading and delivery areas and circulation from customer and/or employee parking and pedestrian areas. Circulation patterns shall be clearly marked.

Response: Employee parking lot is separated from on-site loading and circulation areas. See Site Plan, sheet.

2. To the greatest extent possible, separate vehicle and pedestrian traffic.

Response: Vehicle and pedestrian traffic have been separated as much possible See Site Plan, sheet

- B. Parking and loading or delivery areas shall be landscaped to minimize the visual dominance of the parking or loading area, as follows:
 - 1. Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the fifteen percent (15%) total landscaping required in Section 4.176.03 for the site development.

Response: Parking and loading areas abutting the street have been screened. See Landscape Plan

- 2. Landscape tree planting areas shall be a minimum of eight (8) feet in width and length and spaced every eight (8) parking spaces or an equivalent aggregated amount.
 - a. Trees shall be planted in a ratio of one (1) tree per eight (8) parking spaces or fraction thereof, except in parking areas of more than two hundred (200) spaces where a ratio of one (1) tree per six (six) spaces shall be applied as noted in subsection (.03)(B.)(3.). A landscape design that includes trees planted in areas based on an aggregated number of parking spaces must provide all area calculations.
 - b. Except for trees planted for screening, all deciduous interior parking lot trees must be suitably sized, located, and maintained to provide a branching minimum of seven (7) feet clearance at maturity.

Response: Trees in excess of the minimum required have been provided to meet criterion "a" and are shown as such on the Landscape plan. As specified parking lot trees meet criterion "b". See Landscape Plan,

3. Due to their large amount of impervious surface, new development with parking areas of more than two hundred (200) spaces that are located in any zone, and that may be viewed from the public right of way, shall be landscaped to the following additional standards:

Response: (a, b, c, d, e, and f) Not applicable –the parking area being constructed for this development contains only 57 spacess.

4. Be designed for safe and convenient access that meets ADA and ODOT standards. All parking areas which contain ten (10) or more parking spaces, shall for every fifty (50) standard spaces, provide one ADA-accessible parking space that is constructed to building code standards, Wilsonville Code 9.000.

Response: ADA parking spaces have been provided in accordance with the International Building Code as amended by the state of Oregon. see Site Plan

5. Where possible, parking areas shall be designed to connect with parking areas on adjacent sites so as to eliminate the necessity of utilizing the public street for multiple accesses or cross movements. In addition, on-site parking shall be designed for efficient on-site circulation and parking.

Response: All parking areas are on site and do not require connection to adjacent sites.

6. In all multi-family dwelling developments, there shall be sufficient areas established to provide for parking and storage of motorcycles, mopeds and bicycles. Such areas shall be clearly defined and reserved for the exclusive use of these vehicles.

Response: Not applicable – development is not Multi-family.

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7. On-street parking spaces, directly adjoining and on the same side of the street as the subject property may be counted towards meeting the minimum off-street parking standards.

Response:

Not applicable – no "on-street" parking is proposed.

8. Tables 5, shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required. [Amended by Ordinance No. 538, 2/21/02.]

Response:

Minimums from "Table 5" have been used to determine the required amount of parking spaces and the amounts have been rounded up as required per this section.

(.04) Bicycle Parking:

- A. Required Bicycle Parking General Provisions.
 - 1. The required minimum number of bicycle parking spaces for each use category is shown in Table 5, Parking Standards.

Response:

Minimums provided at 1 space per 5,000 sq. ft. .see plan

2. Bicycle parking spaces are not required for accessory buildings. If a primary use is listed in Table 5, bicycle parking is not required for the accessory use.

Response:

Provided

3. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

Response:

Minimums provided are based on the speculative use

4. Bicycle parking space requirements may be waived by the Development Review Board per Section 4.118(.03)(A.)(9.) and (10.).

Response:

Understood

B. Standards for Required Bicycle Parking

- 1. Each space must be at least 2 feet by 6 feet in area and be accessible without moving another bicycle.
- 2. An aisle at least 5 feet wide shall be maintained behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of- way.
- 3. When bicycle parking is provided in racks, there must be enough space between the rack and any obstructions to use the space properly.
- 4. Bicycle lockers or racks, when provided, shall be securely anchored.
- 5. Bicycle parking shall be located within 30 feet of the main entrance to the building or inside a building, in a location that is easily accessible for bicycles. For multi-tenant developments, with multiple business entrances, bicycle parking may be distributed on-site among more than one main entrance.

Response:

Space requirements per items 1 thru 5 above have been met and are detailed in the plans

C. Long-term Bicycle Parking

- 1. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for several hours a weather-protected place to park bicycles.
- 2. For a proposed multi-family residential, retail, office, or institutional development, or for a park and ride or transit center, where six (6) or more bicycle parking spaces are required

pursuant to Table 5, 50% of the bicycle parking shall be developed as long-term, secure spaces. Required long-term bicycle parking shall meet the following standards:

- a. All required spaces shall meet the standards in subsection (B.) above, and must be covered in one of the following ways: inside buildings, under roof overhangs or permanent awnings, in bicycle lockers, or within or under other structures.
- b. All spaces must be located in areas that are secure or monitored (e.g., visible to employees, monitored by security guards, or in public view).
- c. Spaces are not subject to the locational criterion of (B.)(5.).

Response: All parking is under coverof the entrance canopy and at a ratio that complies with Table 5. See Site Plans

Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas

(.02) Location Standards:

- A. To encourage its use, the storage area for source separated recyclables shall be co-located with the storage area for residual mixed solid waste.
- **Response:** Proposed storage area is designed to contain all of the above in order to meet this criterion.
 - B. Indoor and outdoor storage areas shall comply with International Building and Fire Code requirements.
- **Response:** All building areas are professionally designed to comply with applicable building codes.
 - C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations.
- **Response:** A single exterior storage area has been provided which meets this criterion. See Site Plan.
 - D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three (3) feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.
- **Response:** A 'WAIVER' is being requested for this criterion. Applicant is requesting storage area be located in the required front yard setback area. **See Attached' Waiver 01'**
 - E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.
- **Response:** Storage area is located centrally and well lighted to meet this criterion.
 - C. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions of Section 4.430 (.03), below.
- **Response:** Storage area is screened and parking is not affected.
 - G. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.
- **Response:** Storage area has been located for ideal conditions regarding access by provider with no interference to traffic in order to meet this criterion. See Site Plan

(.03) Design Standards.

- **Response:** Items A, B, and D of this section are not applicable as they are not provided by nor the applicant. controlled by
 - C. Exterior storage areas shall be enclosed by a sight obscuring fence, wall or hedge at least six (6) feet in height. Gate openings for haulers shall be a minimum of ten (10) feet wide and shall be capable of being

secured in a closed or open position. In no case shall exterior storage areas be located in conflict with the vision clearance requirements of Section 4.177.

Response:

Storage areas are constructed of concrete walls on three (3) sides and provided with sight obscuring gates for hauler and employee access. Enclosure is 12 feet deep x 16 feet in width to meet this criterion. See Architectural Site Detail Sheet.

(.04) Access Standards.

Response: Criterions A, B, and C of this section have been meet as described in section (.02) above. also Site Plan.

See

Section 4.430. On-site Pedestrian Access and circulation

(.01) On-site Pedestrian Access and Circulation

- A. The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards. Development shall conform to all of the following standards:
 - 1. Continuous Pathway System. A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable.

Response:

Pedestrian access way has been provided - See Site Plan

- 2. Safe, Direct, and Convenient. Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:
 - a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface *Paths as provided comply See Site Plan*

Response:

b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.

Response:

Path is direct - see Site Plan

c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.

As part of the connection to the public way path must conform to ADA Standards

Response:

d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.).

Response:

Not Applicable

3. Vehicle/Pathway Separation. Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.

Response:

Pathways except at crosswalks are raised a minimum of 6" above adjacent surface

4. Crosswalks. Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light- color concrete inlay between asphalt, or similar contrast).

Response:

Crosswalk is marked - See Site Plan

5. Pathway Width and Surface. Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.

Response:

Pathway is hard surfaced

6. All pathways shall be clearly marked with appropriate standard signs.

Response:

No signage required due to easy recognition

Section 4.199. Outdoor lighting

Section 4.199.30

(.02) The Lighting Zones shall be:

A. <u>LZ 2.</u> Low-density suburban neighborhoods and suburban commercial districts, industrial parks and districts. This zone is intended to be the default condition for the majority of the City.

Section 4.199.40

- (.01) Non-Residential Uses and Common Residential Areas.
 - A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below.
 - B. <u>Prescriptive Option.</u> If the lighting is to comply with this Prescriptive Option, the installed lighting shall meet <u>all</u> of the following requirements according to the designated Lighting Zone.
 - 1. The maximum luminaire lamp wattage and shielding shall comply with Table 7.
 - 2. Except for those exemptions listed in Section 4.199.20(.02), the exterior lighting for the site shall comply with the *Oregon Energy Efficiency Specialty Code, Exterior Lighting*.
 - 3. The maximum pole or mounting height shall be consistent with Table 8.
 - 4. Each luminaire shall be set back from all property lines at least 3 times the mounting height of the luminaire:

Response:

N/A - Not Used

- C. <u>Performance Option</u>. If the lighting is to comply with the Performance Option, the proposed lighting design shall be submitted by the applicant for approval by the City meeting <u>all</u> of the following:
 - 1. The weighted average percentage of direct uplight lumens shall be less than the allowed amount per Table 9.
 - 2. The maximum light level at any property line shall be less than the values in Table 9, as evidenced by a complete photometric analysis including horizontal illuminance of the site and vertical illuminance on the plane facing the site up to the mounting height of the luminaire mounted highest above grade. The Building Official or designee may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the shielding requirements of Table 7. Luminaires shall not be mounted so as to permit aiming or use in any way other than the manner maintaining the shielding classification required herein:
 - a. Exception 1. If the property line abuts a public right-of-way, including a sidewalk or street, the analysis may be performed across the street at the adjacent property line to the right-of-way.
 - b. Exception 2. If, in the opinion of the Building Official or designee, compliance is impractical due to unique site circumstances such as lot size or shape, topography, or size or shape of building, which are circumstances not typical of the general conditions of the surrounding

area. The Building Official may impose conditions of approval to avoid light trespass to the maximum extent possible and minimize any additional negative impacts resulting to abutting and adjacent parcels, as well as public rights-of-way, based on best lighting practices and available lighting technology.

Response:

Project Complies and will be using this method - see Site Lighting Plan Sheet SL1

3. The maximum pole or mounting height shall comply with Table 8

Response:

See Sheet L1 - Sight Lighting Plan for heights as allowed by table.

(.02) Special Permit for Specific Lighting Fixtures and Systems and When Exceeding Lighting Requirements.

Response:

Not applicable

Section 4.199.50 <u>Submittal Requirements</u>

- (.01) Applicants shall submit the following information as part of DRB review or administrative review of new commercial, industrial, multi-family or public facility projects:
 - A. A statement regarding which of the lighting methods will be utilized, prescriptive or performance, and a map depicting the lighting zone(s) for the property.

Response:

See above performance Optinc

B. A site lighting plan that clearly indicates intended lighting by type and location. For adjustable luminaires, the aiming angles or coordinates shall be shown.

Response:

See lighting plan

C. For each luminaire type, drawings, cut sheets or other documents containing specifications for the intended lighting including but not limited to, luminaire description, mounting, mounting height, lamp type and manufacturer, lamp watts, ballast, optical system/distribution, and accessories such as shields.

Response:

See lighting plan

D. Calculations demonstrating compliance with *Oregon Energy Efficiency Specialty Code, Exterior Lighting*, as modified by Section 4.199.40(.01)(B.)(2.) [Amended by Ord. 688, 11/15/10]

Response:

See lighting plan

E. Lighting plans shall be coordinated with landscaping plans so that pole lights and trees are not placed in conflict with one another. The location of lights shall be shown on the landscape plan. Generally, pole lights should not be placed within one pole length of landscape and parking lot trees.

Response:

See lighting plan

F. Applicants shall identify the hours of lighting curfew.

G. Response:

See lighting plan

- (.02) In addition to the above submittal requirements, Applicants using the <u>Prescriptive Method</u> shall submit the following information as part of the permit set plan review:
- A. A site lighting plan (items 1 A F, above) which indicates for each luminaire the 3 mounting height line to demonstrate compliance with the setback requirements. For luminaires mounted within 3 mounting heights of the property line the compliance exception or special shielding requirements shall be clearly indicated.

Response: N/A

- (.03) In addition to the above submittal requirements, Applicants using the <u>Performance Method</u> shall submit the following information as part of the permit set plan review:
 - A. Site plan showing horizontal isocandle lines, or the output of a point-by-point computer calculation of the horizontal illumination of the site, showing property lines and light levels immediately off of the subject property.

Response: See lighting plan

B. For each side of the property, the output of a point-by-point vertical footcandle calculation showing illumination in the vertical plane at the property line from grade to at least 10 feet higher than the height of the tallest pole.

Response: See lighting plan

C. Lighting plans shall be prepared by a qualified licensed engineer.

Response: See lighting plan

I-5 Corporate Park Building W-3 SW Parkway Avenue Wilsonville, Oregon 97070

'WAIVER #01'

(Section 4.430. (.02), D - 'Location of Waste Recycle in Front Yard Setback)

Section 4.140. Planned Development Regulations.

- (.01) Purpose.
 - A. (NOT APPLICABLE).
 - B. It is the further purpose of the following Section:
 - 1. To take advantage of advances in technology, architectural design, and functional land use design:

(N/A Not Applicable)

2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

(N/A Not Applicable)

3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

(N/A Not Applicable)

4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;

The proposed location provides for a more centralized location which is well lighted and viewable for security. Alternative would be towards the back of the building out of site and not easily located.

5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

(N/A Not Applicable)

6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.

(N/A Not Applicable)

7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.

(N/A Not Applicable)

8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

I-5 Corporate Park Building W-3 SW Parkway Avenue Wilsonville, Oregon 97070

'WAIVER #02'

(Section 4.135. (.06), D - 'Rear and Side Yard Setback)

Section 4.140. Planned Development Regulations.

- (.01) <u>Purpose</u>.
 - A. (NOT APPLICABLE).
 - B. It is the further purpose of the following Section:
 - 1. To take advantage of advances in technology, architectural design, and functional land use design:

(N/A Not Applicable)

2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

(N/A Not Applicable)

3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

(N/A Not Applicable)

4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;

The required Setback along the North property line (side yard) is 30 feet. This development proposes a 20 foot setback to allow the Loading Dock portion of the building to be located as far to the east as possible and better allows for the separation of the truck loading area from pedestrians and auto parking.

5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

(N/A Not Applicable)

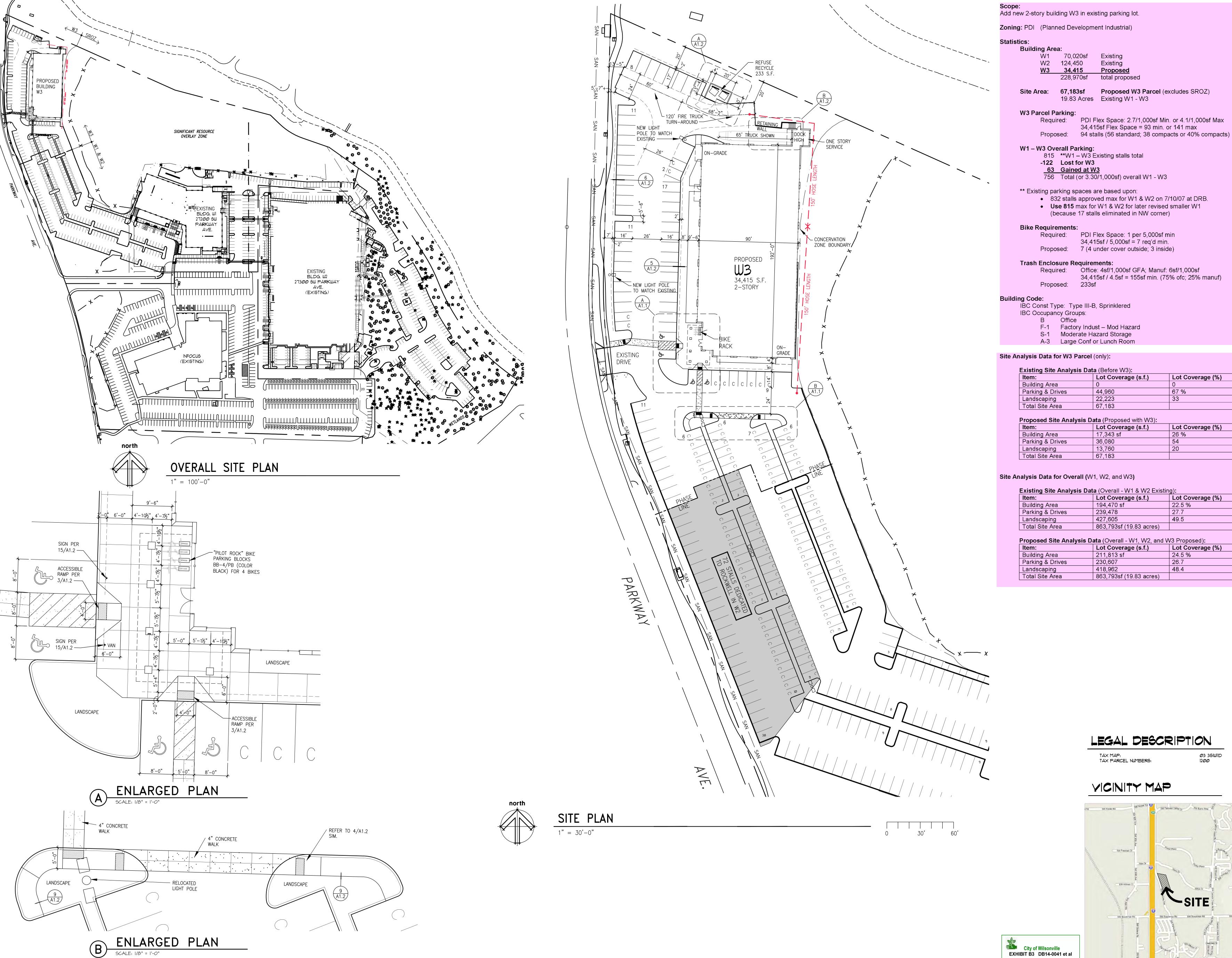
6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.

(N/A Not Applicable)

7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.

(N/A Not Applicable)

8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.



Proposed W3 Parcel (excludes SROZ)

PDI Flex Space: 2.7/1,000sf Min. or 4.1/1,000sf Max

34,415sf Flex Space = 93 min. or 141 max

832 stalls approved max for W1 & W2 on 7/10/07 at DRB.

(because 17 stalls eliminated in NW corner)

34,415sf / 5,000sf = 7 req'd min.

Proposed: 7 (4 under cover outside; 3 inside)

34,415sf / 4.5sf = 155sf min. (75% ofc; 25% manuf)

ILCIII.	Lot Coverage (5.1.)	Lot Coverage (1/6)
Building Area	0	0
Parking & Drives	44,960	67 %
Landscaping	22,223	33
Total Site Area	67,183	

item:	Lot Coverage (s.f.)	Lot Coverage (%)
Building Area	17,343 sf	26 %
Parking & Drives	36,080	54
Landscaping	13,760	20
Total Site Area	67,183	

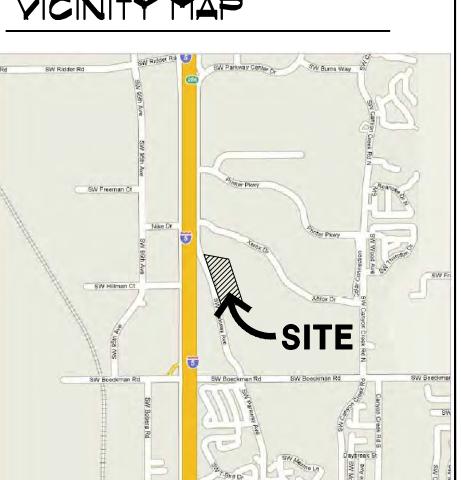
Existing Site Analysis Data (Overall - W1 & W2 Existing):

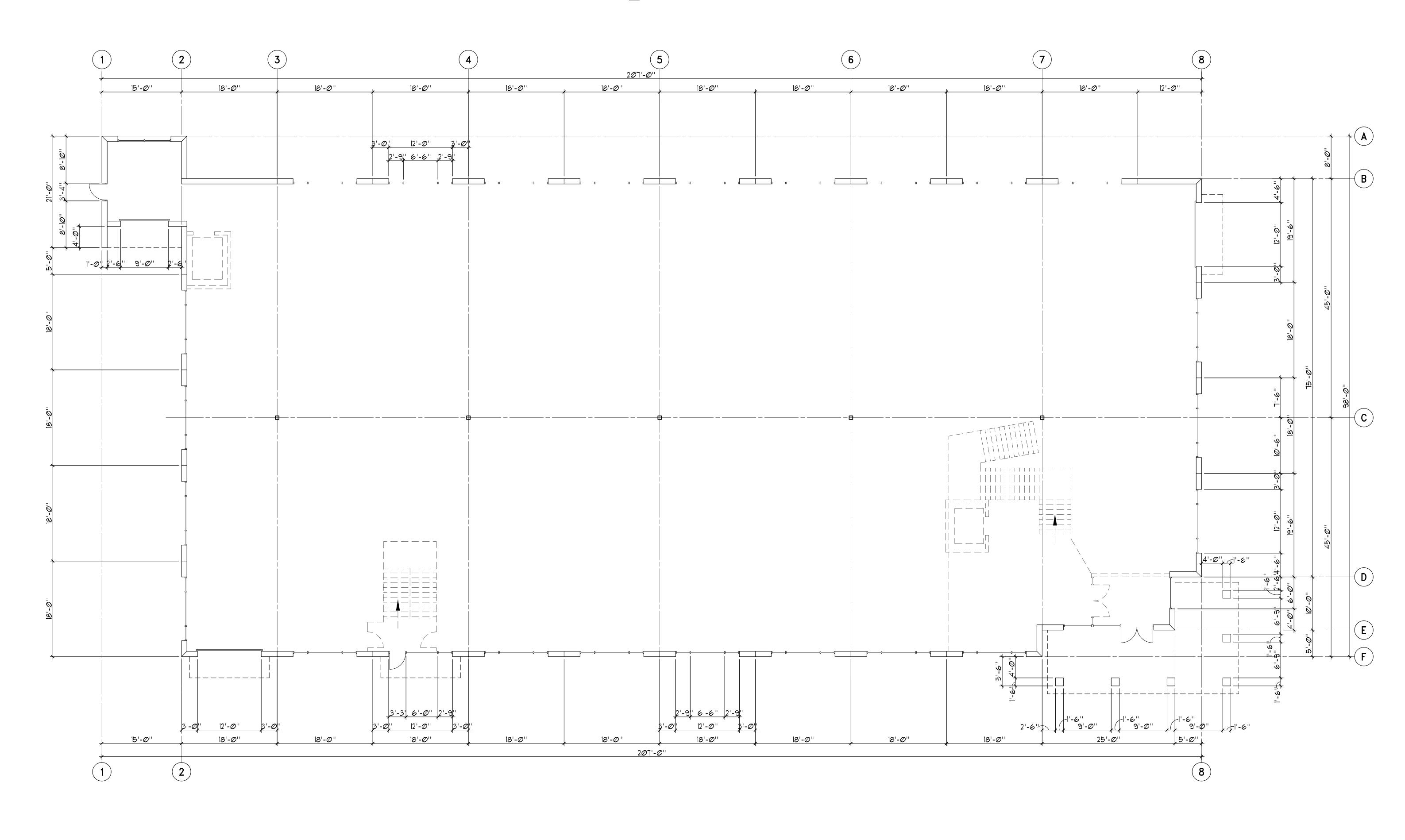
Item:	Lot Coverage (s.f.)	Lot Coverage (%)
Building Area	194,470 sf	22.5 %
Parking & Drives	239,478	27.7
Landscaping	427,605	49.5
Total Site Area	863.793sf (19.83 acres)	

Proposed Site Analysis Data (Overall - W1, W2, and W3 Proposed):		
Item:	Lot Coverage (s.f.)	Lot Coverage (%)
Building Area	211,813 sf	24.5 %
Parking & Drives	230,607	26.7
Landscaping	418,962	48.4
Total Sita Area	962 702cf /10 92 coroc)	

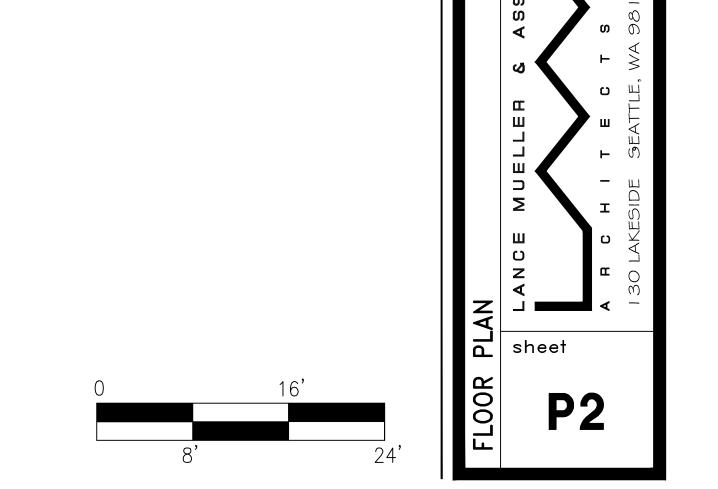
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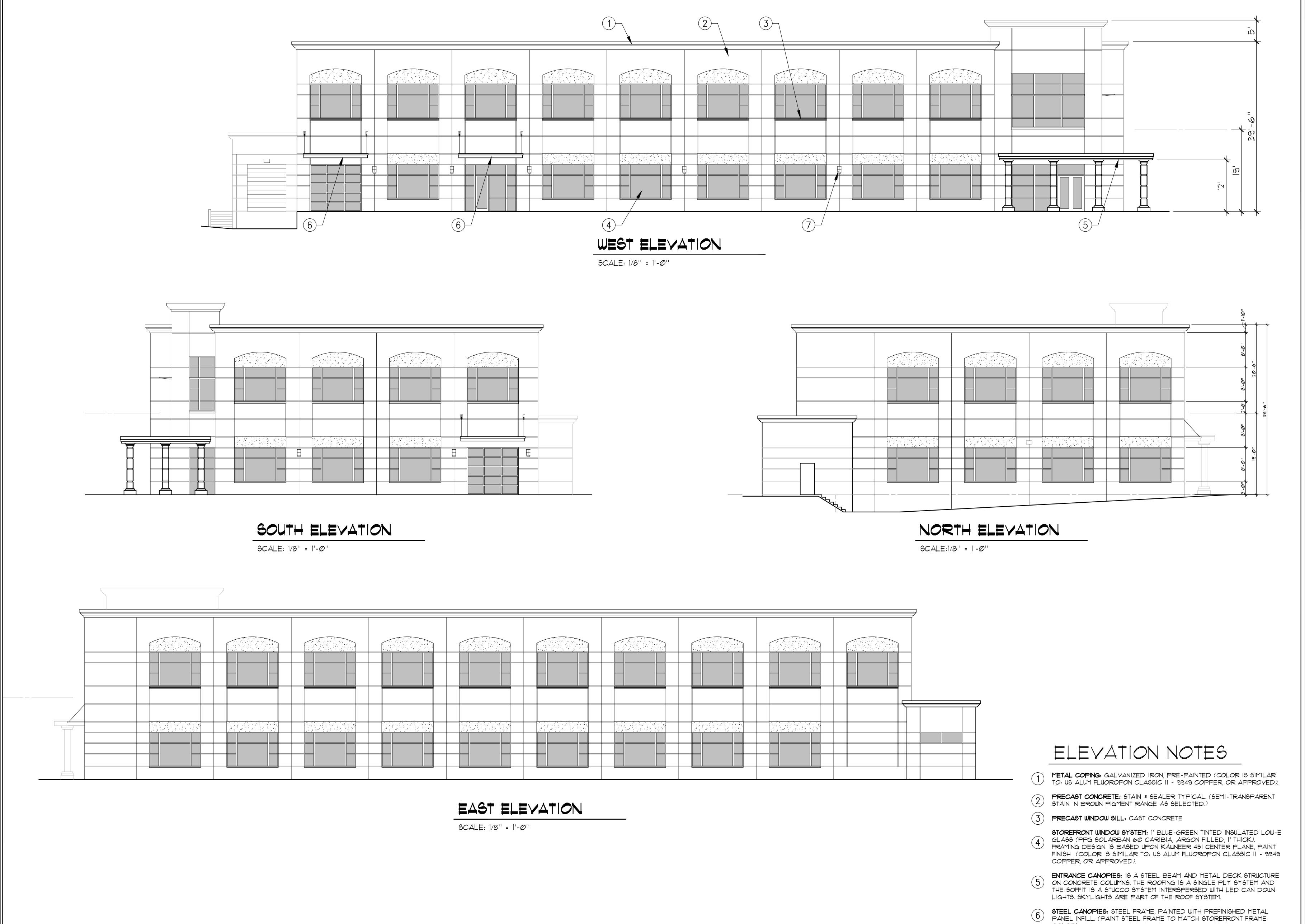






PARK

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E MUELLER & ASSOCIATES

C H I T E C T S · A I A

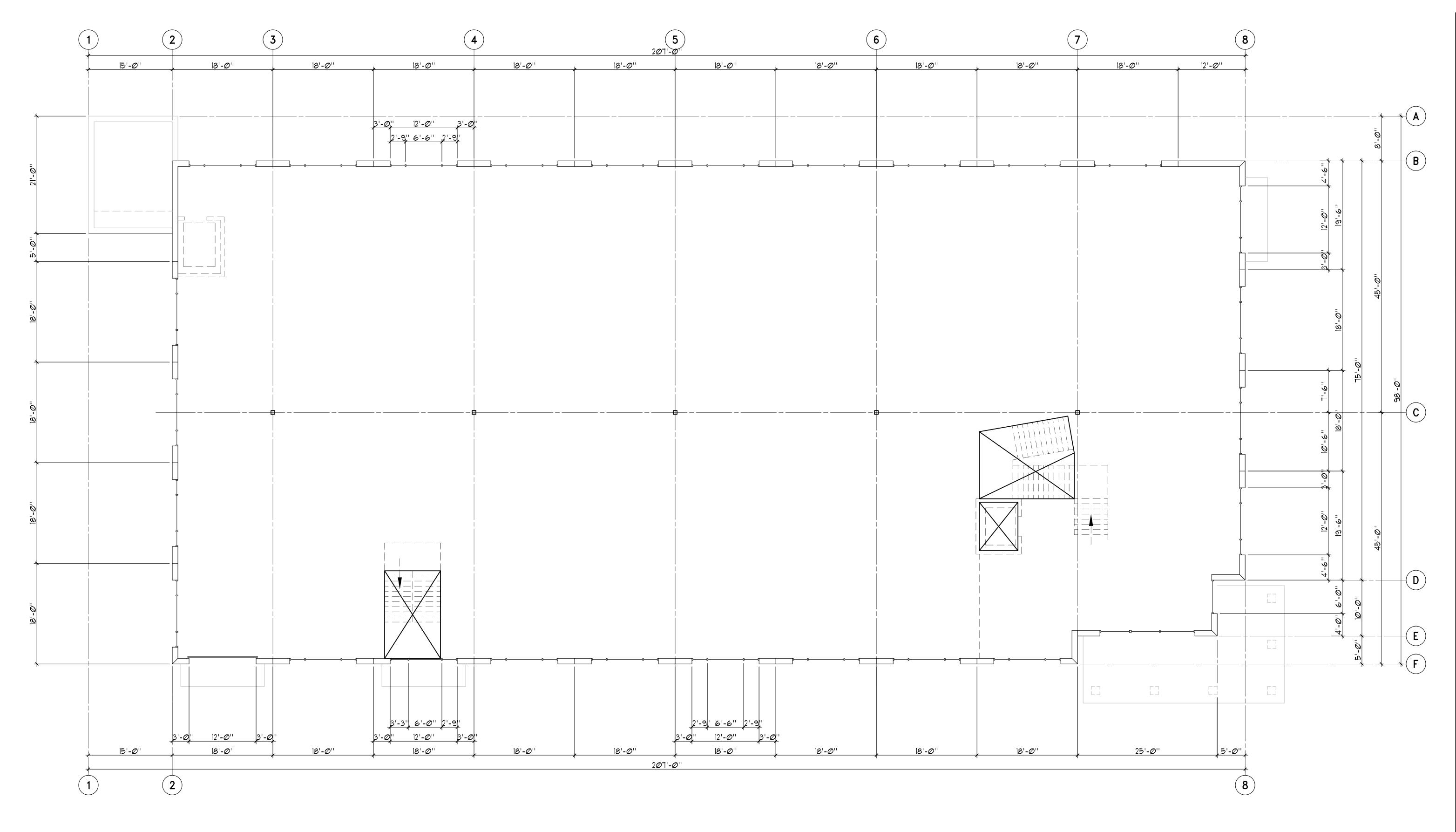
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TERIOR ELEVATION Sheet

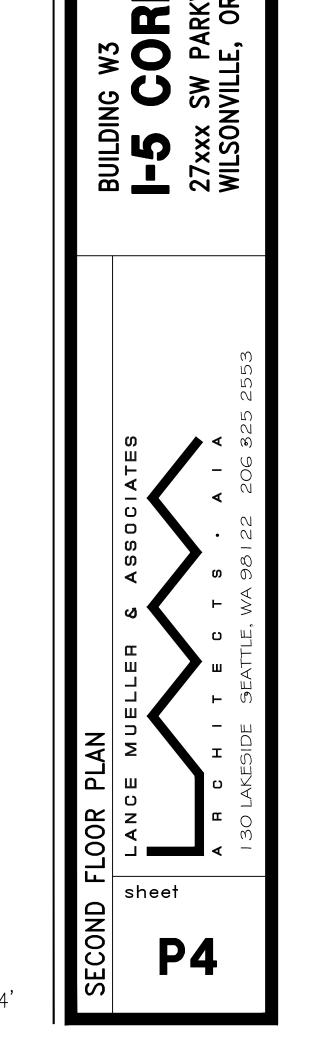
0 16'

COLOR).

7 EXTERIOR WALL SCONCES: DECORATIVE (COLOR IS BLACK)







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MARK	DESCRIPTION	LAMP	MANUFACTURE & NUMBER
Δl	Pole mounted w/ single arm on 22.5' pole on concrete base 30' high, 25' total height	* LED 100W MAX	KIM - The Archetype: IB-AR2 (or AR3 pend site condition)-MHDB-P / Steel tube column-paint, or approved. (See note 4.)
A2	Pole mounted w/ double arm on 22.5' pole on concrete base 30° high, 25' total height	* (2) LED 100W MAX.	KIM - The Archetype: 2B-AR2 (or AR3 pend site condition)-MHDB-P / Steel tube column-paint, or approved. (See note 4.)
BI	Recessed 4" LED can downlight at columns	ISW LED	ATLANTIC LIGHTING LED40 DLMII00 3500k Prismatic Iens Damp label
B2	Recessed 6" LED can downlight at entry canopy	18W LED	ATLANTIC LIGHTING LED6Y DLMII00 3500k Prismatic Iens Damp label
С	Sconce building mounted	56W LED	LUMINIS Eclipse W633-56-BZT-DL2 up-light glow, or approv
D	NOT USED		
E	Building mounted service area light with glare cut-off over service doors.	5ØW LED	LUMARK Crosstour Maxx LED XTORS 5000K Carbon bronze housing Refractive lens

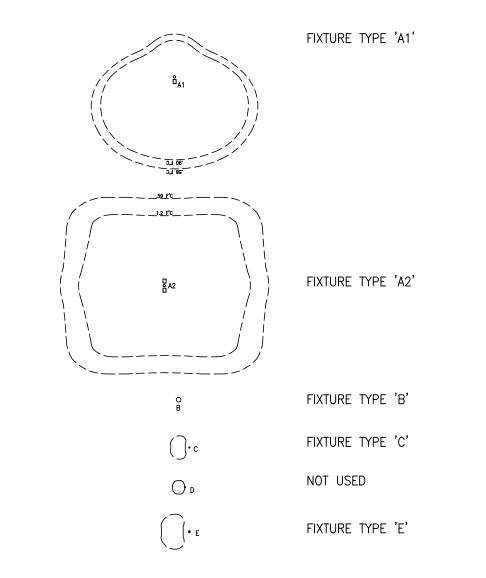
* DESIGN INTENT IS FOR LZ 2 OVERLAY USING PRESCRIPTIVE OPTION TO MEET TABLE 7 MAX. WATTAGE - ALL PER SECTION 4.198.

Lighting Notes:

1. Interior lighting at lease space is by separate tenant improvement permit.

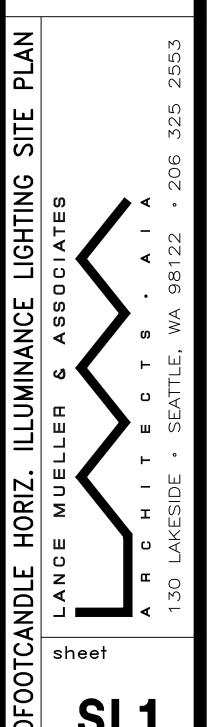
- Exterior building and site lighting is included in building shell work scope per lighting schedule and drawings by separate electrical permit.
- 3. Exterior building and site lighting switching shall include photoelectric on and clock timer off to comply with Sec. 1313.3.2± to extinguish lights when daylight is present.
- 4. Match style of existing light pole lights. Electrical contractor to verify reflector is appropriate for site condition.
- 5. Average lighting levels at paving is greater than 1.0 fc.

LIGHT SYMBOL LEGEND

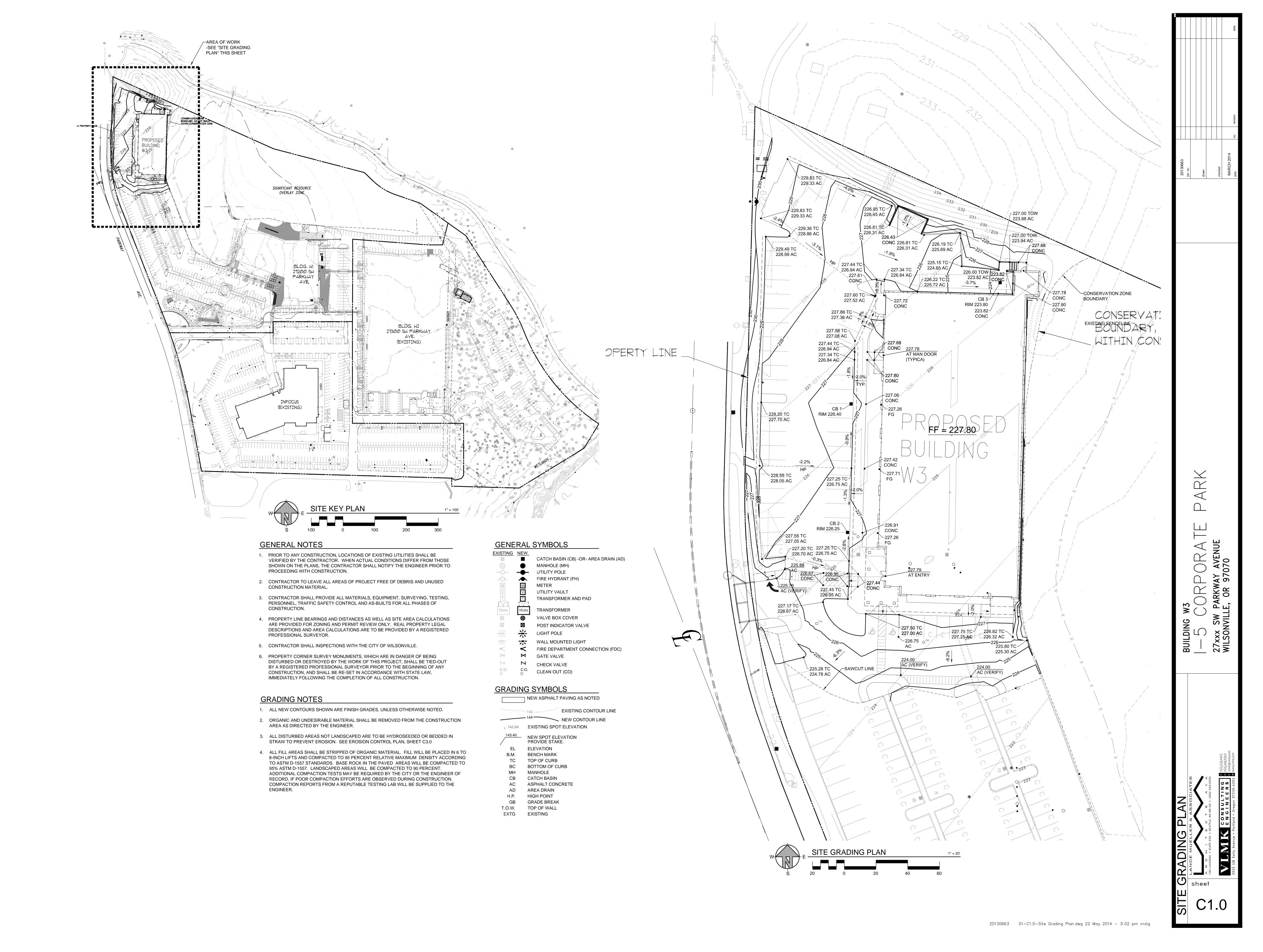


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I-5 CORPORATE PAR
27xxx SW PARKWAY AVENUE
WILSONVILLE, OR 97070



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UTILITY NOTES

- IN ADDITION TO THE NOTES BELOW, SEE THE SPECIFICATIONS SHEET FOR SUPPLEMENTARY INFORMATION PERTAINING TO SITE WORK CONSTRUCTION.
- 1. BEDDING AND PIPE ZONE BACKFILL SHALL BE PER "PIPE TRENCH EMBEDMENT" DETAIL, SHEET C2.1.
- 2. <u>ATTENTION EXCAVATORS</u>: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THESE RULES FROM THE CENTER BY CALLING 811 OR 1-800-332-2344. IF YOU HAVE ANY QUESTIONS ABOUT THE RULES, YOU MAY CONTACT THE CALL CENTER. YOU MUST NOTIFY THE CENTER AT LEAST 2 BUSINESS DAYS, BUT NOT MORE THAN 10 BUSINESS DAYS, BEFORE COMMENCING AN EXCAVATION. CALL 811 OR
- 3. ALL SANITARY DRAINAGE, RAIN DRAIN AND STORM SEWER PIPING INSTALLED WITHIN 5-FT OF THE OUTSIDE OF THE BUILDING SHALL BE CAST IRON, SCHEDULE 40 ABS-D.W.V., SCHEDULE 40 PVC-D.W.V. OR OTHER MATERIAL AS APPROVED BY THE OREGON AMENDMENTS TO THE UNIFORM PLUMBING CODE.
- 4. PRIVATE SANITARY SEWER, DENOTED "SAN" OR "SA", SHALL BE PVC 3034 OR APPROVED EQUAL IN ACCORDANCE WITH PROJECT SPECIFICATIONS. USE PVC C900 OR CL52 DIP WHERE COVER IS LESS THAN 15-INCHES FROM PIPE
- 5. PRIVATE STORM SEWER LINES, DENOTED "STM" OR "ST", SHALL BE PVC 3034, PVC C900, PVC C905, HDPE, CL52 DIP OR APPROVED EQUIVALENT, UNLESS OTHERWISE NOTED AND IN ACCORDANCE WITH PROJECT SPECIFICATIONS.
- 6. ALL DOMESTIC AND FIRE WATER SERVICE LINES OUTSIDE OF THE BUILDING DENOTED "DW", "FW", "FDC" SHALL BE SCHEDULE 40 PVC OR PVC C900 CL150 UNLESS OTHERWISE NOTED AND IN ACCORDANCE WITH PROJECT SPECIFICATIONS..
- 7. CONCRETE THRUST BLOCKING AND/OR "MEGA-LUG" RESTRAINTS SHALL BE PROVIDED AT ALL WATERLINE FITTINGS AS REQUIRED BY THE CITY OF WILSONVILLE. BLOCKING SHALL BE POURED AGAINST UNDISTURBED EARTH AND CLEAR OF JOINT ACCESSORIES. BEARING AREA OF THRUST BLOCK SHALL BE COMPUTED ON THE BASIS OF ALLOWABLE SOIL BEARING PRESSURE. SEE DETAIL SHEET C2.1.
- 8. CONTRACTORS SHALL CONTACT CITY OF WILSONVILLE PUBLIC WORKS AT LEAST 2 BUSINESS DAYS, BUT NOT MORE THAN 10 BUSINESS DAYS, BEFORE COMMENCING AN EXCAVATION. CALL (___) ___-___.
- 9. MINIMUM COVER OVER WATERLINES IS TO BE 36 INCHES AS MEASURED FROM FINISH GRADE TO TOP OF PIPE. MINIMUM VERTICAL SEPARATION BETWEEN WATERLINE AND SANITARY SEWER AT A CROSSING IS 18 INCHES. SANITARY SEWER AT WATERLINE CROSSINGS WITH LESS THAN THE MINIMUM VERTICAL SEPARATION SHALL BE CONSTRUCTED OF DUCTILE IRON PIPE WITH WATERTIGHT JOINTS. IN SUCH CASES THE 18-FOOT LENGTH OF SANITARY SEWER SHALL BE CENTERED AT THE CROSSING.
- 10. PRIOR TO BEING PLACED IN SERVICE, THE WATERLINE AND SERVICES SHALL BE FLUSHED, STERILIZED, AND RE-FLUSHED, ALL IN ACCORDANCE WITH THE CITY OF WILSONVILLE "PUBLIC WORKS CONSTRUCTION CODE." CITY CREWS WILL TAKE BACTERIOLOGICAL TESTS WHEN SO REQUESTED BY THE CONTRACTOR INSTALLING WATER MAINS. THE REQUEST FOR THESE TESTS SHALL BE MADE THROUGH THE CITY INSPECTOR.
- 11. HORIZONTAL STORM AND SANITARY DRAINAGE PIPE SHALL BE PROVIDED WITH A CLEANOUT AT ITS UPPER TERMINAL AND EACH RUN OF PIPING, WHICH IS MORE THAN 100' IN TOTAL DEVELOPED LENGTH, SHALL BE PROVIDED WITH A CLEANOUT FOR EACH 100', OR FRACTION THEREOF, IN LENGTH OF SUCH PIPING. AN ADDITIONAL CLEANOUT SHALL BE PROVIDED FOR EACH AGGREGATE HORIZONTAL CHANGE OF DIRECTION EXCEEDING 135 DEGREES. THE MAXIMUM DISTANCE ALLOWED BETWEEN MANHOLES IS 300'. ALL REQUIRED CLEANOUTS MAY NOT BE LOCATED ON PLAN.
- 12. THE MINIMUM HORIZONTAL SEPARATION BETWEEN SEWER LINES & PUBLIC WATER LINES SHALL BE 10-FT.
- 13. PRIOR TO CONSTRUCTION, ALL ON-SITE FIRE WATER SYSTEM LINE SIZES, METER SIZES, DOUBLE CHECK DETECTOR ASSEMBLY (DCDA) SIZES, AND OTHER APPURTENANCES SHOWN ON THE UTILITY PLAN SHALL BE VERIFIED BY THE FIRE PROTECTION ENGINEER FOR THE PROJECT. ANALYSIS OF THE SYSTEM SHALL BE FROM THE NEW FACILITY SERVICE TO THE POINT OF CONNECTION WITH THE PUBLIC WATER SYSTEM. THE MAKES AND MODELS OF ALL SYSTEM COMPONENTS SHALL BE ACCEPTABLE PER WATER DISTRICT LIST OF APPROVED COMPONENTS.

FIRE PROTECTION NOTES

- 1. INSTALLATION OF THE UNDERGROUND FIRE LINE TO BE INSTALLED AS PER 2007 EDITION OF NFPA 24 OR "PER LATEST EDITION ADOPTED BY JURISDICTION".
- 2. ALL BEDDING AND BACKFILLING MATERIAL AND INSTALLATION SHALL MEET THE PIPING MANUFACTURER'S SPECIFICAION REQUIREMENTS, ALONG WITH A MINIMUM DEPTH OF BURIAL.
- 3. WHEN FIRE PROTECTION, INCLUDING FIRE APPARATUS ACCESS ROADS AND WATER SUPPLIES FOR FIRE PROTECTION, IS REQUIRED TO BE INSTALLED, SUCH PROTECTION SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND MAINTAINED THROUGHOUT THE TIME OF CONSTRUCTION. THIS INCLUDES FIELD INSPECTIONS, FLUSHING AND TESTING, AND FULL APPROVAL OF ALL FIRE LINES AND FIRE HYDRANTS. UFC
- 4. A FIRE FLOW TEST SHALL BE MADE AT A NEW FIRE HYDRANT TO VERIFY WATER SUPPLY OF 1500 GPM AT 20 PSI AS A MINIMUM AND MINIMUM AS PER FLOW WORKSHEETS. THIS SHOULD BE DONE IN THE LATE SUMMER AT THE PEAK DAILY DEMAND PERIOD.

GENERAL SYMBOLS

MANHOLE (MH) UTILITY POLE

UTILITY VAULT

TRANSFORMER

GATE VALVE

CLEAN OUT (CO)

STORM - EXIST STORM - NEW GAS - EXISTING GAS - NEW

WATER - NEW

MANHOLE CATCH BASIN AREA DRAIN

EXTG EXISTING

□ CHECK VALVE

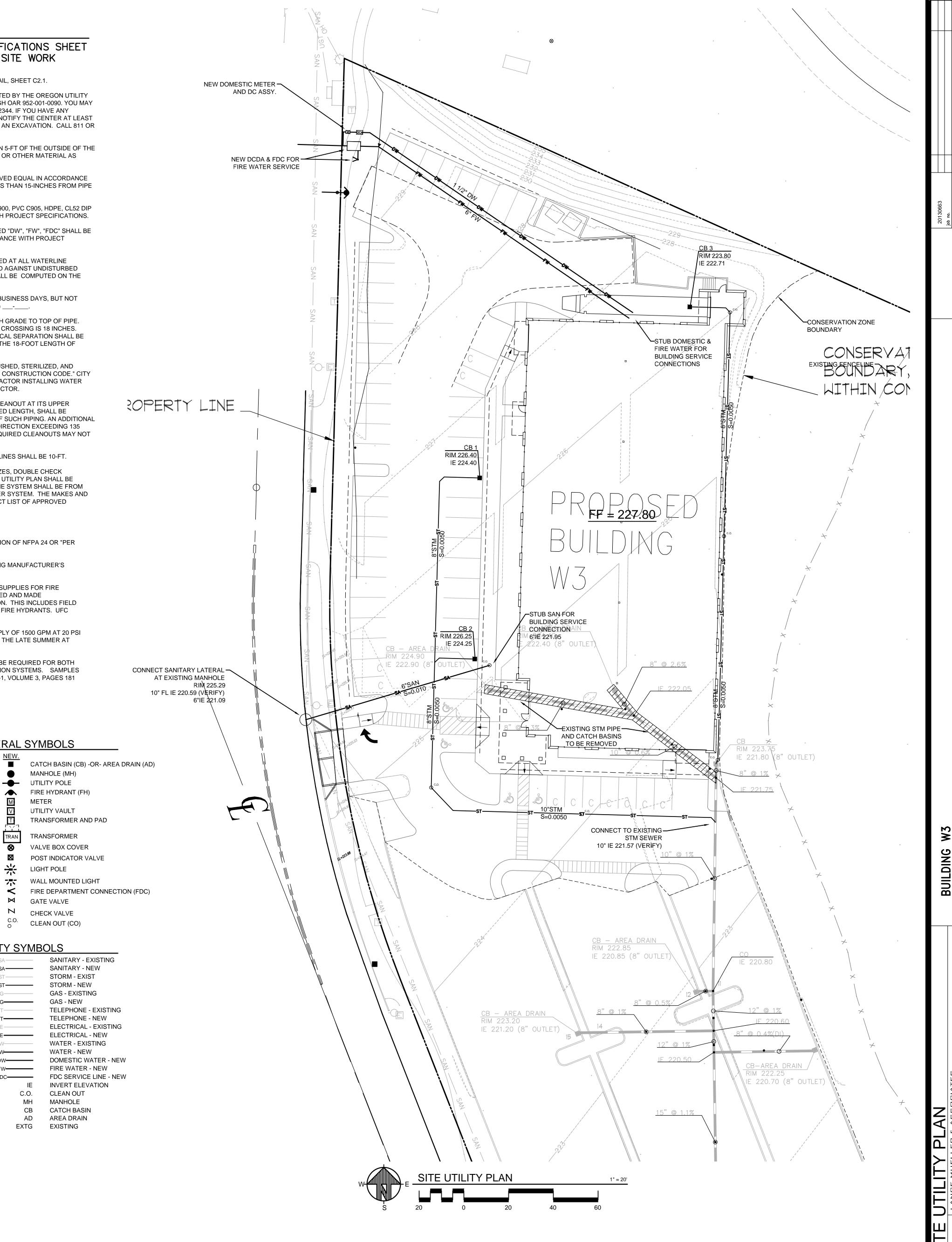
MH

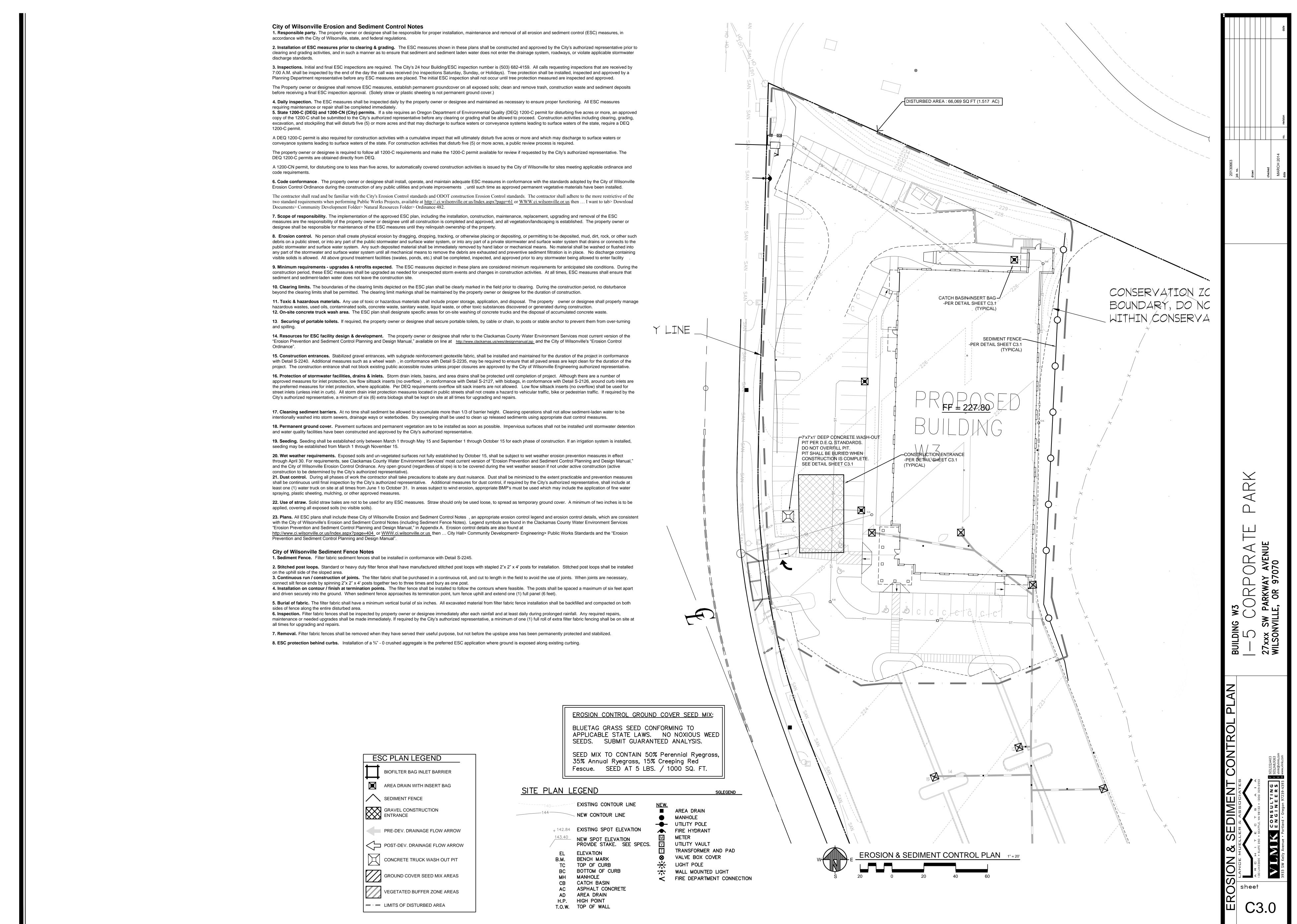
UTILITY SYMBOLS

VALVE BOX COVER

FIRE HYDRANT (FH)

5. A "CONTRACTOR'S MATERIALS AND TESTING" - "CERTIFICATE OF COMPLIANCE" WILL BE REQUIRED FOR BOTH THE ABOVE GROUND AND UNDERGROUND PIPING OF THE FIRE SPRINKLER PROTECTION SYSTEMS. SAMPLES OF THE FORMS MAY BE OBTAINED IN FIGURE 8-1 (a) AND (b), 1997 UBC STANDARDS 9-1, VOLUME 3, PAGES 181





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OUTLINE SPECIFICATIONS PLANTING AND SEEDING:

GENERAL: All plants shall conform to all applicable standards of the latest edition of the "American Association of Nurserymen Standards", A.N.S.I. Z60.1 - 1973. Meet or exceed the regulations and laws of Federal, State, and County regulations, regarding the inspection of plant materials, certified as free from hazardous insects, disease, and noxious weeds, and certified fit for sale in Oregon.

The apparent silence of the Specifications and Plans as to any detail, or the apparent omission from them of a detailed description concerning any point, shall be regarded as meaning that only the <u>best general practice</u> is to prevail and that <u>only material and workmanship of first quality are to be used.</u> All interpretations of these Specifications shall be made upon the basis above stated.

Landscape contractor shall perform a site visit prior to bidding to view existing conditions.

PERFORMANCE QUALITY ASSURANCE: Use adequate numbers of skilled workmen who are thoroughly trained and experienced in the necessary horticultural practices and who are completely familiar with the specified requirements and methods needed for the proper performance of the work of this section.

NOTIFICATION: Give Landscape Architect minimum of 2 days advance notice of times for inspections. Inspections at growing site does not preclude Landscape Architect's right of rejection of deficient materials at project site. Each plant failing to meet the above mentioned "Standards" or otherwise failing to meet the specified requirements as set forth shall be rejected and removed immediately from the premises by the Contractor and at his expense, and replaced with satisfactory plants or trees conforming to the specified requirements.

SUBSTITUTIONS: Only as approved by the Landscape Architect or the Owner's Representative.

GUARANTEE AND REPLACEMENT: All plant material shall be guaranteed from final acceptance for one full growing season or one year, whichever is longer. During this period the Contractor shall replace any plant material that is not in good condition and producing new growth (except that material damaged by severe weather conditions, due to Owner's negligence, normally unforeseen peculiarities of the planting site, or lost due to vandalism). Guarantee to replace, at no cost to Owner, unacceptable plant materials with plants of same variety, age, size and quality as plant originally specified. Conditions of guarantee on replacement plant shall be same as for original plant.

Landscape Contractor shall keep on site for Owner's Representative's inspection, all receipts for soil amendment and topsoil deliveries.

PROTECTION: Protect existing roads, sidewalks, and curbs, landscaping, and other features remaining as final work. Verify location of underground utilities prior to doing work. Repair and make good any damage to service lines, existing features, etc. caused by landscaping installation.

PLANT QUALITY ASSURANCE: Deliver direct from nursery. Maintain and protect roots of plant material from drying or other possible injury. Store plants in shade and protect them from weather immediately upon delivery, if not to be planted within four hours.

Nursery stock shall be healthy, well branched and rooted, formed true to variety and species, full foliaged, free of disease, injury, defects, insects, weeds, and weed roots. Trees shall have straight trunks, symmetrical tips, and have an intact single leader. Any trees with double leaders will be rejected upon inspection. All Plants: True to name, with one of each bundle or lot tagged with the common and botanical name and size of the plants in accordance with standards of practice of the American Association of Nurserymen, and shall conform to the Standardized Plant Names, 1942 Edition.

Container grown stock: Small container—grown plants, furnished in removable containers, shall be well rooted to ensure healthy growth. Grow container plants in containers a minimum of one year prior to delivery, with roots filling container but not root bound. Bare root stock: Roots well-branched and fibrous. Balled and burlapped (B&B): Ball shall be of natural size to ensure healthy growth. Ball shall be firm and the burlap sound. No loose or made ball will be acceptable.

TOPSOIL AND FINAL GRADES: Landscape Contractor is to verify with the General Contractor if the on site topsoil is or is not conducive to proper plant growth. Supply alternate bid for imported topsoil.

Landscape Contractor is to supply and place 12" of topsoil in planting beds. If topsoil stockpiled on site is not conducive to proper plant growth, the Landscape Contractor shall import the required amount. Landscape Contractor is to submit samples of the imported soil and/or soil amendments to the Landscape Architect. The topsoil shall be a sandy loam, free of all weeds and debris inimical to lawn or plant growth.

Landscaping shall include finished grades and even distribution of topsoil to meet planting requirements. Grades and slopes shall be as indicated. Planting bed grades shall be approximately 3" below adjacent walks, paving, finished grade lines, etc., to allow for bark application. Finish grading shall remove all depressions or low areas to provide positive drainage throughout the area.

PLANTING SPECIFICATIONS:

HERBICIDES: Prior to soil preparation, all areas showing any undesirable weed or grass growth shall be treated with Round-up in strict accordance with the manufacturer's instructions.

SOIL PREPARATION: Work all areas by rototilling to a minimum depth of 8". Remove all stones (over 1½" size), sticks, mortar, large clumps of vegetation, roots, debris, or extraneous matter turned up in working. Soil shall be of a homogeneous fine texture. Level, smooth and lightly compact

In groundcover areas add 2" of compost (or as approved) and till in to the top 6" of soil.

PLANTING HOLE: Lay out all plant locations and excavate all soils from planting holes to 2 1/2 times the root ball or root system width. Loosen soil inside bottom of plant hole. Dispose of any "subsoil" or debris from excavation. Check drainage of planting hole with water, and adjust any area showing drainage problems.

SOIL MIX: Prepare soil mix in each planting hole by mixing: 2 part native topsoil (no subsoil)

1 part compost (as approved)

Thoroughly mix in planting hole and add fertilizers at the following rates:

Small shrubs - 1/8 lb./ plant Shrubs $- \frac{1}{3}$ to $\frac{1}{2}$ lb./ plant Trees - 1/3 to 1 lb./ plant

FERTILIZER: For trees and shrubs use Commercial Fertilizer "A" Inorganic (5-4-3) with micro-nutrients and 50% slow releasing nitrogen. For initial application in fine seed lawn areas use Commercial Fertilizer "B" (8-16-8) with micro-nutrients and 50% slow-releasing nitrogen. For lawn maintenance use Commercial Fertilizer "C" (22—16—8) with micro—nutrients and 50% slow—releasing nitrogen. <u>DO NOT</u> apply fertilizer to Water Quality Swale.

PLANTING TREES AND SHRUBS: Plant upright and face to give best appearance or relationship to adjacent plants and structures. Place 6" minimum, lightly compacted layer of prepared planting soil under root system. Loosen and remove twine binding and burlap from top 1/2 of root balls. Cut off cleanly all broken or frayed roots, and spread roots out. Stagger Plants in rows. Backfill planting hole with soil mix while working each layer to eliminate voids.

When approximately 2/3 full, water thoroughly, then allow water to soak away. Place remaining backfill and dish surface around plant to hold water. Final grade should keep root ball slightly above surrounding grade, not to exceed 1". Water again until no more water is absorbed. Initial watering by irrigation system is not allowed.

STAKING OF TREES: Stake or guy all trees. Stakes shall be 2" X 2" (nom.) quality tree stakes with point. They shall be of Douglas Fir, clear and sturdy. Stake to be minimum 2/3 the height of the tree, not to exceed 8'-0". Drive stake firmly 1'-6" below the planting hole. Tree ties for deciduous trees shall be "Chainlock" (or better). For Evergreen trees use "Gro-Strait" Tree Ties (or a reinforced rubber hose and guy wires) with guy wires of a minimum 2 strand twisted 12 ga. wire. Staking and guying shall be loose enough to allow movement of tree while holding tree upright.

MULCHING OF PLANTINGS: Mulch planting areas with dark, aged, medium grind fir or hemlock bark (aged at least 6 months) to a depth of 2" in ground cover areas and 2½" in shrub beds. Apply evenly, not higher than grade of plant as it came from the nursery, and rake to a smooth finish. Water thoroughly, then hose down planting area with fine spray to wash leaves of plants.

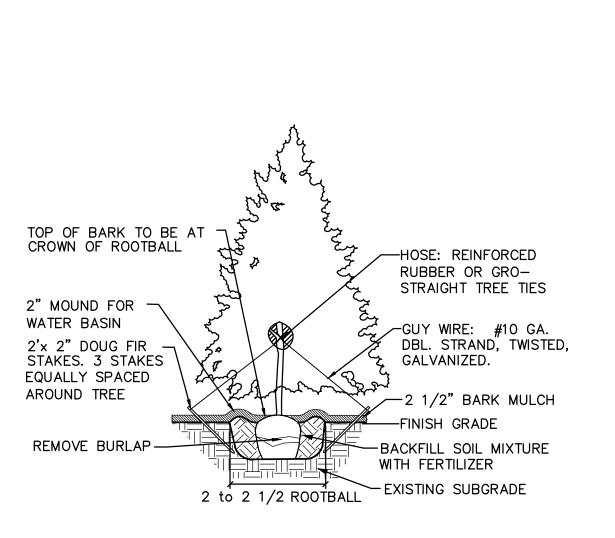
ROUGH SEED AREA: In rough seeded area, establish an evenly graded seedbed. Sow seed with a mechanical spreader at the uniform rates as noted below. Rake seed lightly to provide cover.

SEED: Bluetag grass seed conforming to applicable State laws. No noxious weed seeds. Submit Guaranteed analysis.

Rough Seed Mix: To Contain: 80% Dwarf Perennial Ryegrass and 20% Creeping Red Fescue (Hobbs and Hopkins Pro-Time Companion Mix, or approved equal). Sow at 2 lbs. Per 1.000 sa.ft.

GENERAL MAINTENANCE: Protect and maintain work described in these specifications against all defects of materials and workmanship, through final acceptance. Replace plants not in normal healthy condition at the end of this period. Water, weed, cultivate, mulch, reset plants to proper grade or upright position, remove dead wood and do necessary standard maintenance operations. Irrigate when necessary to avoid drying out of plant materials, and to promote healthy growth.

CLEAN-UP: At completion of each division of work all extra material, supplies, equipment, etc., shall be removed from the site. All walks, paving, or other surfaces shall be swept clean, mulch areas shall have debris removed and any soil cleared from surface. All areas of the project shall be kept clean, orderly and complete.



1/2" BARK MULCH BACKFILL SOIL MIXTURE WITH FERTILIZER - EXISTING SUBGRADE

> SHRUB PLANTING DETAIL NOT TO SCALE

EVERGREEN TREE STAKING DETAIL NOT TO SCALE



Tufted Hair Grass

Large-leaved Lupine

Spreading Rush

EXISTING -LANDSCAPING TO REMAIN

(SEE PLATITHSIN CON 7-EFE 54-EFE-11-CSG-EXISTING HEDGE (4) EXISTING TREES TO BE REMOVED TO ACCOMMODATE NEW STRUCTURE -EXISTING TREE TO REMAIN. REPLACE IF DAMAGED BY CONSTRUCTION -EXISTING 4-EFE-LANDSCAPING TO REMAIN EXISTING LANDSCAPING EXISTING-LANDSCAPING TO REMAIN TO REMAIN

GENERAL NOTES:

1. Contractor is to verify all plant quantities.

2. Adjust plantings in the field as necessary.

year. Show drip systems as alternate bid only.

3. Project is to be irrigated by an automatic, underground system, which

will provide full coverage for all plant material. System is to be design/

build by Landscape Contractor. Guarantee system for a minimum one

4. All plants are to be fully foliaged, well branched and true to form.

-3' HIGH BERM TO REPLACE

PARKING & LOADING AREA

SHRUB REQUIREMENT AROUND

-ROUGH SEED GRASS TO MATCH

NEIGHBORING PROPERTY

LANDSCAPE PLAN

SCALE 1" = 20'-0"



sheet

NDSCAPE

OTTEN

BUILDING

DECIDUOUS TREE PLANTING DETAIL

2 to 2 1/2 X ROOTBALL

-CHAINLOCK TREE TIES

∠2" x 2" D.F. STAKES

-CROWN OF ROOTBALL TO BE

" MOUND FOR WATER BASIN

2" ABOVE FINISHED GRADE

_____ 2 1/2" BARK MULCH

-BACKFILL SOIL MIXTURE

FINISH GRADE

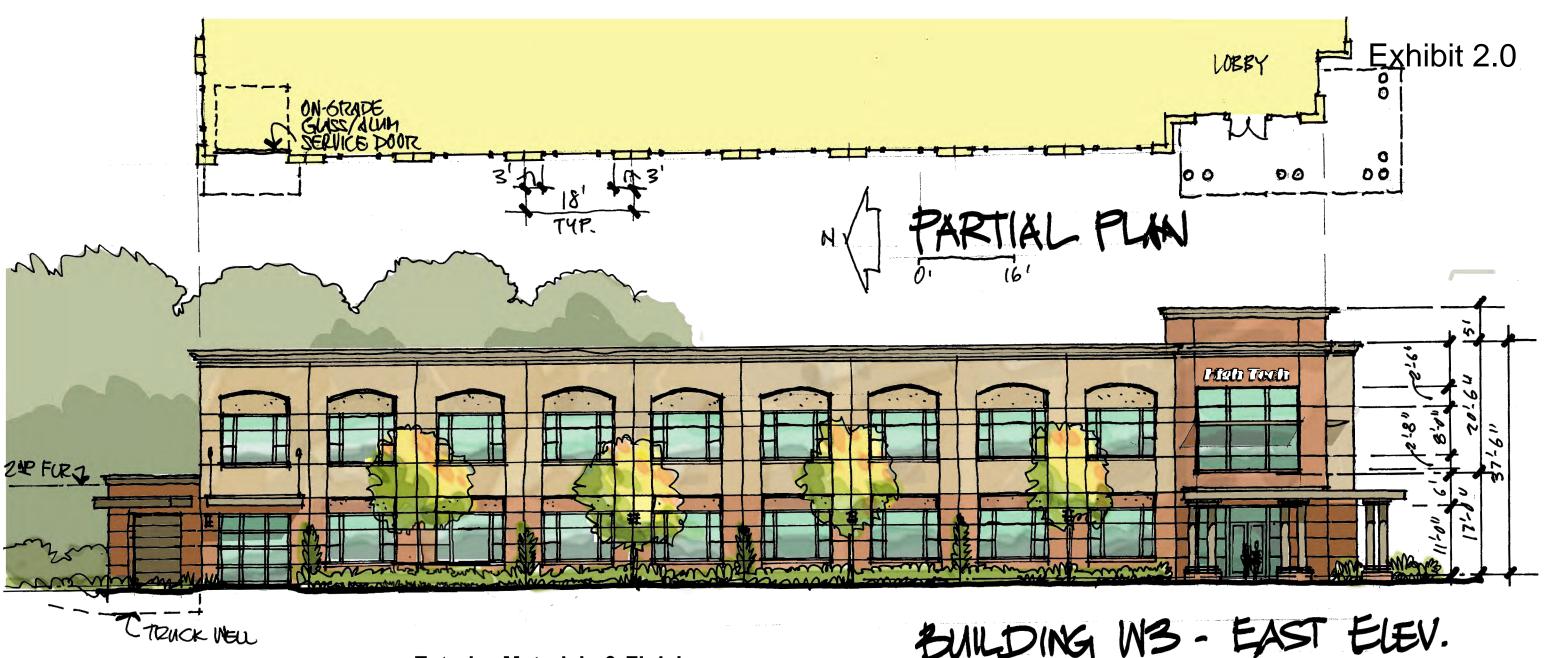
WITH FERTILIZER

~ EXISTING SUBGRADE

(OR AS APPROVED)

NOT TO SCALE





Exterior Materials & Finishes:

- 7. Coping: Galvanized metal, paint (Color: light metallic bronze).
- 8. Precast Walls (Stained): Gray concrete w/ Okon sealer/stain. (Color: semi-transparent in warm range - example is W1 in Wilsonville)
- 9. Glass: Clear insulated (PPG Solarban 60, Solexia color tint)
- 10. Storefront: Nominal 2" x 4" aluminum, paint (Color: light metallic bronze).
- 11. Lobby Canopy: Painted steel frame and deck with integral glass/aluminum skylight system (DeaMor or approved) .
- 12. Other Canopies: Steel frame, painted (Color: light metallic bronze) with prefinished galvanized decking, color TBD.

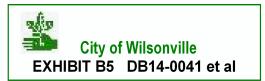
BUILDING W3 - EAST ELEV. AS SEEN FROM FROM FROM FROM 16'

Option #2: with two concrete stain colors:

Building W3

I-5 Corporate Park 27XXX SW Parkway Avenue Wilsonville, Ore

For: Jack Martin at Wilsonville 2006 NW LLC **Lance Mueller & Associates / Architects**

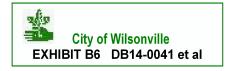


Westmar Investments Development Wilsonville, Oregon

Geotech Solutions Inc.

June 6, 2007

GSI Project: westmar-07-01-gi





Westmar Investments 2731 77th Avenue SE, Suite 206 Mercer Island, Washington 98040 jackmartinis@earthlink.net

Attention: Jack Martin

GEOTECHNICAL ENGINEERING REPORT New Facility - Wilsonville

INTRODUCTION

We are pleased to present this Geotechnical Engineering Report for the proposed new facilty in Wilsonville, Oregon. The site occupies undeveloped areas north and east of the InFocus facility, with relatively flat terrain of primarily grass field with some forest along the northern and eastern margins. Two structures are planned, with a 3-story steel frame office building in the west and a 120,000 square foot one- to two-story flex-office on the east, and associated pavements and utilities. Building loads are expected to be less than 300 kips for columns, 6 kips per foot for walls, and 500 psf for floors. Cuts and fills are expected to be less than 4 feet for mass grading with utilities less than 15 feet.

PURPOSE AND SCOPE

The purpose of our work was to evaluate subsurface conditions at the site and provide geotechnical recommendations for design and construction of the proposed development. Our specific scope of services included the following:

- Provide principal level project management including attending one meeting to review preliminary plans and overall project scope, and management of field and subcontracted services, report writing, analyses, and invoicing.
- > Review geologic maps and vicinity geotechnical information in our files as indicators of subsurface
- > Explore subsurface conditions by advancing 3 borings to depths of up to 36.5 feet, and 12 test pits to depths of up to 15 feet.
- > Classify the materials encountered in the explorations, and maintain detailed logs. Complete SPT testing and sampling at 5 foot intervals in the borings.
- > Complete one falling head infiltration test in one test pit to evaluate shallow infiltration rates for storm systems.
- > Complete laboratory testing on select samples as necessary, including moisture and fines content as well as consolidation testing of a compressible sample.
- > Provide recommendations for earthwork including seasonal material usage, compaction criteria, utility trench backfill, and the need for subsurface drainage.
- > Provide recommendations for footing foundations, including embedment, bearing pressure, resistance to lateral loads, a seismic coefficient and the need for subsurface drainage.
- > Provide recommendations and for floor slab support.
- > Provide recommendations for cantilevered concrete retaining walls and/or embedded building walls, including lateral earth pressures, sliding coefficient, drainage, and backfill materials and compaction.

- > Provide recommended thicknesses for asphalt concrete pavements.
- > Provide a written report summarizing the results of our geotechnical evaluation.

SITE OBSERVATIONS AND CONDITIONS

Surface Conditions

The site is bordered on the north by a grove of trees, on the west by SW Parkway, on the south by the InFocus facility, and on the east by a roadway and Xerox facility grounds. The site surface is primarily vegetated with long grass and weeds, with a mixed forest to the east and southeast. Topography is relatively flat, with a man-made drainage swale crossing the western portion of the site from north to south. Thin gravel fill is present locally on the surface in the southern part of the site, and several monitoring wells with above ground monuments are present.

Subsurface Conditions

General – The site was explored on May 14, 2007 by completing 12 test pits (TP-I through TP-I2) to depths up to 15 feet, and on May 22 by completing 3 borings to depths of up to 36.5 feet. Approximate exploration locations are shown on the attached **Site Plan**. In general, subsurface conditions at the site consist of silt fill (where present) and topsoil, underlain by native sedimentary silt and residual silt with basalt at depth. Descriptions of the soil encountered are presented below, with detailed subsurface conditions documented in the attached **Test Pit Logs and Boring Logs**.

Topsoil – Topsoil was encountered in each of our explorations at the surface, and buried beneath fill. Topsoil thickness ranged from 0.3 to 0.9 feet, with a mean of 0.8 feet.

Silt Fill - Silt fill was encountered in TP-2 and TP-3 to depths of up to 2 feet. The fill was generally soft and contained organics. The moisture content of the silt fill from one test was 36%, and the organic content from one test was 7%.

Brown Silt – This unit is present beneath fill and topsoil and is sedimentary, generally stiff, mottled and brown with trace to some sand. Moisture contents ranged from 22% to 40% and plasticity was low. One consolidation test in boring B-2 at a depth of 8 feet indicated overconsolidation and a moderate compressibility.

Gray Silt - Gray sedimentary silt was encountered below the brown silt unit at depths of 8 to 14 feet, extending to depths of 17 to 27 feet. This unit was generally medium stiff, wet, and layered. Sand content ranged from some sand to sandy, and the unit is generally non-plastic. Moderate caving was generally observed below seepage, with flowing conditions and severe caving associated with higher sand content in test pits TP-3 and TP-4. Moisture contents in this unit ranged from 30 to 47%. Higher moistures were indicative of lower sand content and occasional fragments of fine organic sediment. Testing indicated a sand content of 27% to 34% at depths of 13 feet and 15 feet in test pits TP-4 and TP-9, respectively.

Orangish-brown Silt - Residual (with possible overlying colluvium) stiff to very stiff, orangish-brown silt was encountered beneath the gray silt in the borings. Trace coarse sand to gravel size fragments with basalt texture were observed. Moisture contents ranged from 34% to 43% and plasticity was moderate.

Groundwater - Slow to moderate groundwater seepage was observed in all our explorations except shallow test pits in the forest (TP-8 and TP-12). Depths to seepage ranged from 3.6 to 11.5 feet, with the shallower depths near the western drainage. Monitoring well logs from the site and vicinity (attached) indicate ground water levels fluctuate seasonally and generally range from depths of 5 to 15 feet. Perched groundwater may rise to near the ground surface during wet conditions.

CONCLUSIONS AND RECOMMENDATIONS

General

Based on the results of our explorations, laboratory testing, and engineering analyses, the proposed site development is feasible following the recommendations contained herein. The near surface soils at the site generally consist of silt which is easily disturbed when wet. If construction is planned for wet conditions, measures should be taken to minimize disturbance and the project budget and schedule should include contingencies.

Fill was encountered to depths of up to two feet in the western portion of the project, and will require removal from building and pavement areas. Due to the presence of shallow ground water, foundation drains are required. Under slab drains are required only if floor elevations are below present surface grades. Shallow foundations with the preceding loads can bear on undisturbed medium stiff or better native silt. There is some potential for liquefaction of the sandy zones and ground softening in the non-plastic gray silt zone during an earthquake, although our analysis indicates that this settlement will be less than one inch.

Site Preparation

General - Prior to earthwork construction, the site should be prepared by removing any existing structures, utilities, and undocumented fill. Any excavation resulting from the aforementioned preparation should be brought back to grade with structural fill. Site preparation for earthwork will also require the removal of the thick root zone from all pavement, building, and fill areas, and a 5-foot perimeter around those areas. Deeper stripping depths may be required in areas of loose organic soil typically associated with blackberry vines and treed areas.

Root balls from trees and large vegetation may extend several feet and grubbing operations can cause considerable subgrade disturbance. All disturbed material should be removed to undisturbed subgrade and backfilled with structural fill. In general, roots greater than one-inch in diameter and densely spaced fine roots should be removed.

The test pit excavations were backfilled using relatively minimal compactive effort. Therefore, soft spots can be expected at these locations. We recommend that these relatively uncompacted soils be removed from the test pits located within the proposed building and paved areas to a depth of 3.0 feet below finished subgrade. The resulting excavation should be brought back to grade with structural fill. If located beneath a footing, the uncompacted soils should be completely removed and replaced with structural fill.

Stabilization and Soft Areas - After stripping, we should be contacted to evaluate the exposed subgrade. This evaluation can be done by proof rolling in dry conditions or probing during wet conditions. Soft areas will require overexcavation and backfilling with well graded, angular crushed rock compacted as structural fill. A geosynthetic may also be required. We recommend that a geosynthetic

used for stabilization consist of a woven geosynthetic with an AOS of #70 to #100 sieve, and a minimum puncture resistance of 120 pounds (such as an AMOCO 2019 or equivalent).

Working Blankets and Haul Roads - Construction equipment should not operate directly on the subgrade when wet, as it is susceptible to disturbance and softening. Rock working blankets and haul roads placed over a geosynthetic in a thickened advancing pad can be used to protect subgrades. We recommend that sound, angular, pit run or crushed basalt with no more than 6 percent passing a #200 sieve be used to construct haul roads and working blankets. Working blankets should be at least 12 inches thick, and haul roads at least 24 inches thick. Alternatively, the soils could be amended to a depth of 12 inches and covered with 4 inches of crushed rock. Some repair of working blankets and haul roads should be expected.

The above rock thicknesses are the minimum recommended. Subgrade protection is the responsibility of the contractor and thicker sections may be required based on subgrade conditions and type and frequency of construction equipment.

Earthwork

Fill – The non-organic on-site soil can be used for structural fill if properly moisture conditioned. This will not be feasible during wet conditions. Even during dry summer conditions the on-site soils will require drying by scarification and frequent mixing in thin lifts. Once moisture contents are within 3% of optimum, the material should be compacted to at least 92% relative to ASTM D1557 (modified proctor) using a tamping foot type compactor. Fill should be placed in lifts no greater than 10 inches in loose thickness. In addition to meeting density specifications, fill will also need to pass a proof roll using a loaded dump truck, water truck, or similar size equipment.

In wet conditions, fill should be imported granular soil with less than 6 percent fines, such as clean crushed or pit run rock. This material should also be compacted to 95 percent relative to ASTM D1557. Alternatively, fills can be amended. We should be consulted to evaluate amendment of fills, as the amendment materials, quantities, and processes need to be adapted to actual site conditions at the time of amendment. Amending fill soils is more difficult than amending soils in-situ due to equipment access on very soft material. Typically, all-wheel-drive spreading equipment with off road tires, a high powered mixer, 6 percent cement (or a combination of hydrated lime and cement), a mixing depth 2 inches greater than the lift thickness, and two or more mixer passes would be a starting point. Building fills with amended soil would allow for all lifts except the final to be placed consecutively without significant cure time. Amended building pads must be sloped to drain.

Slopes - Permanent slopes should be inclined no steeper than 2H:1V for slopes up to 10 feet high. The face of fill slopes should be cut back into compacted materials with a smooth bucket excavator. If steeper fill slopes are desired, we should be consulted to evaluate use of amended soils or grid reinforcement. Erosion control is critical to maintaining fill slopes, and should be as described for cut slopes. Drainage should be routed away from slope faces.

Trenches – Utility trenches may encounter ground water seepage and caving should be expected where seepage is present. Shoring of utility trenches will be required for depths greater than 4 feet and where groundwater seepage is present. We recommend that the type and design of the shoring system be the

responsibility of the contractor, who is in the best position to choose a system that fits the overall plan of operation.

Depending on the excavation depth and amount of groundwater seepage, dewatering and shoring may be necessary for construction of underground utilities. Flow rates for dewatering are likely to vary depending on location, soil type, and the season during which the excavation occurs. The dewatering systems, if necessary, should be capable of adapting to variable flows. Shallow ground water should be expected, as should flowing conditions in the gray silt unit. We recommend the project budget and schedule allow for this as well as increased backfill volumes. Caving and deformation must be prevented near existing buildings and utilities.

Pipe bedding should be installed in accordance with the pipe manufacturers' recommendations. If groundwater is present in the base of the utility trench excavation, we recommend overexcavating the trench by 12 to 18 inches and placing trench stabilization material in the base. Trench stabilization material should consist of well-graded, crushed rock or crushed gravel with a maximum particle size of 4 inches and be free of deleterious materials. The percent passing a #200 Sieve shall be less than 5 percent by weight when tested in accordance with ASTM C 117.

Trench backfill above the pipe zone should consist of well graded, angular crushed rock or sand fill with no more than 7 percent passing a #200 sieve. Trench backfill should be compacted to 92 percent relative to ASTM D 1557, and construction of hard surfaces, such as sidewalks or pavement, should not occur within one week of backfilling.

Shallow Foundations

Perimeter footings should be embedded at least 18 inches below the lowest adjacent exterior grade, with interior footings at least 12 inches below the lowest adjacent grade. Footings that bear on undisturbed medium stiff or better native silt or approved structural fill can be designed for an allowable bearing pressure of 3,000 psf for the loads herein. The preceding bearing pressure can be increased to 7,000 psf for temporary wind and seismic loads.

Continuous footings should be no less than 18 inches wide, and pad footings should be no less than 24 inches wide. Resistance to lateral loads can be obtained by a passive equivalent fluid pressure of 350 pcf against suitable footings, ignoring the top 12 inches of embedment, and by a footing base friction coefficient of 0.35. Properly founded footings are expected to settle less than a total of 1 inch, with less than $\frac{1}{2}$ inch differentially.

If footing construction is to occur in wet conditions, a few inches of crushed rock should be placed at the base of footings to reduce subgrade disturbance and softening during construction.

Slabs

Floor slab loads up to 500 psf are expected to induce less than one inch of settlement. A minimum of six inches of clean, angular crushed rock with no more than 5 percent passing a #200 sieve is recommended for underslab rock. Prior to slab rock placement the subgrade will need to be evaluated by us by probing or observing a proof roll using a fully loaded truck. Underslab rock should be compacted to 92 percent compaction relative to ASTM D1557, and should be proof rolled as well. In

addition, any areas contaminated with fines must be removed and replaced with clean rock. If the base rock is saturated or trapping water, this water must be removed prior to slab placement.

Some flooring manufacturers require specific slab moisture levels and/or vapor barriers to validate the warranties on their products. A properly installed and protected vapor flow retardant can reduce slab moistures. If a vapor flow retardant is used, care should be taken not to trap moisture within the overlying granular fill and floor slab concrete.

Retaining Walls

General - The following recommendations are based on the assumptions that: (1) Wall backfill consists of level, drained, angular, granular material, (2) Walls are less than 15 feet in height, and (3) No surcharges such as stockpiled soil, equipment, or footings are located within 15 feet of the wall.

Walls restrained against rotation should be designed using an equivalent fluid pressure of 55 pcf. Walls not restrained against rotation should be design using an equivalent fluid pressure of 33 pcf. These forces can be resisted by passive pressure at the toe of the wall using an equivalent fluid pressure of 350 pcf (this should exclude the top 12 inches of embedment) and friction along the base using a friction coefficient of 0.35. Footings for retaining walls should be designed as recommended in the **Shallow Foundations** section of this report.

Backfill - Retaining walls should be backfilled with clean, imported, granular soil with less than 6 percent fines, such as clean sand or rock. This material should also be compacted to a minimum of 92 percent relative to ASTM D1557 (modified proctor). Within 3 feet of the wall, backfill should be compacted to not more than 90 percent relative to ASTM D1557 using hand-operated equipment.

Retaining structures typically rotate and displace roughly I percent of the wall height during development of active pressures behind the wall. We therefore recommend that construction of improvements adjacent to the top of the walls greater than 5 feet high be delayed until approximately two weeks after wall construction and backfilling is complete.

Drainage

General - Perimeter foundation drains are required around all exterior foundations. The surface around building perimeters must be sloped to drain away from the buildings. Under slab drains are required only if floor elevations are below present surface grades. As stated previously, our retaining wall recommendations are based on drained conditions. All retaining walls must include a drain constructed as described in the following section.

Foundation and Wall Drains - Foundation and retaining wall drains should consist of a two-foot wide zone of drain rock encompassing a 4-inch diameter perforated pipe, all enclosed with a non-woven filter fabric. The drain rock should have no more than 2 percent passing a #200 sieve and should extend to within one foot of the ground surface. The geosynthetic should have an AOS of a #70 sieve, a minimum permittivity of 1.0 sec-1, and a minimum puncture resistance of 80 pounds (such as an AMOCO 4551 or equivalent). One foot of low permeability soil (such as the on-site silt) should be placed over the fabric at the top of the drain to isolate the drain from surface runoff.

June 6, 2007 westmar-07-01-gi

Pavement

General - We have developed asphalt concrete (AC) pavement sections at the site based on 5, 10, and 25 trucks per day using a truck factor of 0.6. These volumes can be revised if specific traffic data is available.

Our analyses are based on AASHTO design methods and subgrade of undisturbed native silt or structural fill having a resilient modulus of 6,000 psi and prepared as recommended herein. We have also assumed that construction of pavement areas will be completed during extended dry conditions. Construction during wet conditions will likely require protection and stabilization of subgrades as recommended in the **Stabilization and Soft Areas** and **Working Blankets and Haul Roads** sections of this report. The results of our analyses based on these parameters are provided in the following table.

The thicknesses listed in the following table are intended to be the minimum acceptable. Crushed rock should conform to ODOT base rock standards and have less than 6 percent passing the #200 sieve. Asphalt concrete should be compacted to a minimum of 91 percent of a Rice Density.

Asphalt Concrete - The results of our analyses for AC pavement based on the above parameters are provided in the following table.

Trucks per day	ESAL's	AC (inches)	CR (inches)
Passenger cars only	-	2.5	8
5	32,542	3.0	8
10	65,084	3.0	9
25	162,711	3.5	10

Portland Cement Concrete - Dock aprons of portland cement concrete should be a minimum of 7 inches thick for up to 25 trucks per day, and should be underlain by at least 6 inches of crushed rock base over approved subgrade. We recommend load transfer devices/dowels at the joints.

Subgrade Preparation - The pavement subgrade should be prepared in accordance with the **Earthwork** recommendations presented in this report. All pavement subgrades need to pass a proofroll prior to paving. Soft areas should be repaired by overexcavating the areas and installing a stabilization geosynthetic. Well graded, angular crushed rock backfill compacted as structural fill should be used to bring the aforementioned areas to-grade. For a stabilization geosynthetic we recommend a woven geosynthetic with an AOS of #70 to #100 sieve, and a minimum puncture resistance of 120 pounds (such as an AMOCO 2019 or equivalent).

Seismic Design

General - In accordance with the International Building Code (IBC) 2003 as adopted by the State of Oregon Structural Specialty Code (SOSSC), the subject project should be evaluated using the parameters associated with Site Class D.

Liquefaction - Liquefaction occurs in loose, saturated, nonplastic sandy or clean gravelly soils. Strong shaking, such as that experienced during earthquakes, causes the densification and the subsequent settlement of these soils. Wet, sandy layers of the gray silt unit are borderline liquefiable at code level

June 6, 2007 westmar-07-01-gi

earthquake motions. These layers and the gray silt unit in general are susceptible to softening and subsequent settlement in a design level earthquake. However, our analyses indicates that such settlement is expected to be less than one inch.

LIMITATIONS AND OBSERVATION DURING CONSTRUCTION

We have prepared this report for use by Westmar Investments and their design and construction teams for this project only. The information herein could be used for bidding or estimating purposes but should not be construed as a warranty of subsurface conditions. We have made observations only at the aforementioned locations and only to the stated depths. These observations do not reflect soil types, strata thicknesses, water levels or seepage that may exist between observations. We should be consulted to observe all foundation bearing surfaces, subgrade stabilization, proof rolling of slab and pavement subgrades, installation of structural fill, subsurface drainage, and cut and fill slopes. We should be consulted to review final design and specifications in order to see that our recommendations are suitably followed. If any changes are made to the anticipated locations, loads, configurations, or construction timing, our recommendations may not be applicable, and we should be consulted. The preceding recommendations should be considered preliminary, as actual soil conditions may vary. In order for our recommendations to be final, we must be retained to observe actual subsurface conditions encountered. Our observations will allow us to interpret actual conditions and adapt our recommendations if needed.

Within the limitations of scope, schedule and budget, our services have been executed in accordance with the generally accepted practices in this area at the time this report was prepared. No warranty, expressed or implied, is given.



We appreciate the opportunity to work with you on this project and look forward to our continued involvement. Please call if you have any questions.

Sincerely,

Don Rondema, MS, PE, GE

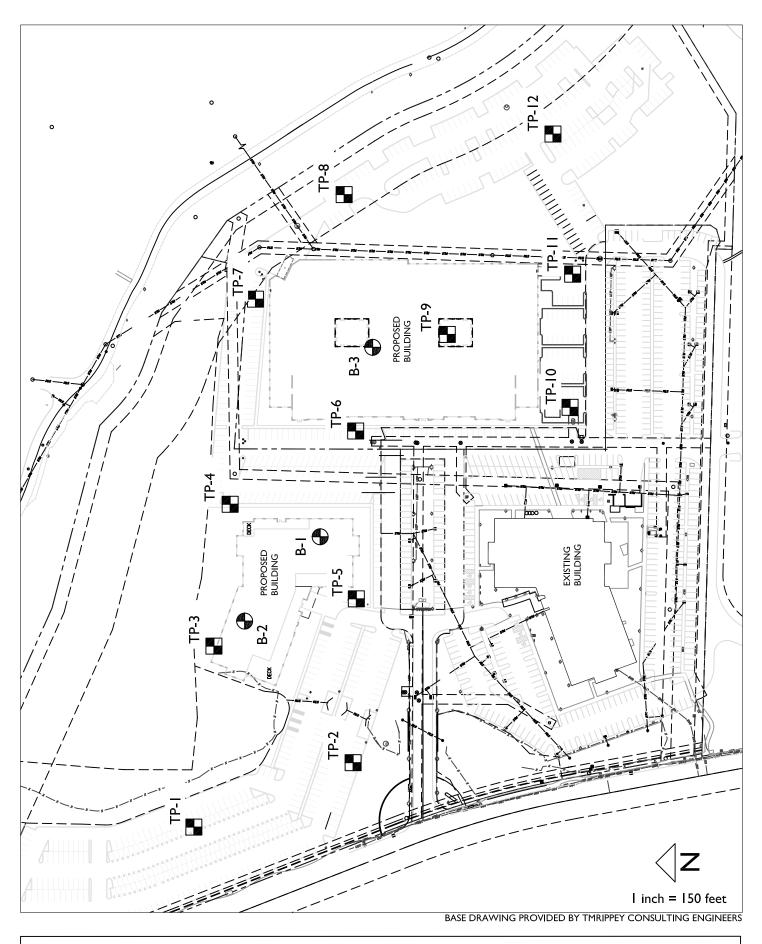
Principal

ORECHON Expires 12/31/0 B

Attachments:

Site Plan, Test Pit Logs, Boring Logs, Moisture Contents, Fines Content, Organic Content, Water Well Logs

cc: Karl Koroch, TM Rippey Consulting Engineers, kkoroch@tmrippey.com



Geotech Solutions Inc. SITE PLAN

westmar-07-01-gi

Test Pit # Depth (ft) Soil Description

Explorations completed on May 14, 2007 with an extendable boom rubber-tired backhoe

TP-I	0 – 0.9 0.9 – 7.0	Location: NW parking area. Surface conditions: Long grass. Soft, dark brown, rooty organic SILT; moist (topsoil). Medium stiff to stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - trace fine roots to 1.8 feet - 3.9 feet becomes wet Slow seepage at 3.9 feet. No caving observed.
TP-2	0 – 0.3 0.3 – 0.7 0.7 – 1.1 1.1 – 6.4	Location: NW parking area. Surface conditions: Long grass. Soft, dark brown, rooty organic SILT FILL; moist (redeveloped topsoil). Soft, light brown SILT FILL with trace fine sand and fine roots; moist. Soft, dark brown, rooty organic SILT; moist (topsoil). Medium stiff to stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - 3.7 feet becomes wet
		Slow seepage at 3.7 feet. No caving observed.
TP-3	0 – 0.5	Location: NW building corner. Surface conditions: Long grass. Soft, dark gray-brown, rooty organic SILT FILL; moist (redeveloped topsoil).
	0.5 - 2.0 2.0 - 2.7 2.7 - 8.5	Medium stiff, gray-brown, SILT FILL with some clay and trace fine roots; moist. Medium stiff, gray-brown, rooty organic SILT; moist (topsoil). Stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - 3.6 feet becomes wet
	8.5 – 13	 4.0 feet becomes very stiff and lightly cemented with some sand Medium stiff, dark gray SILT with some fine sand; wet.
		Slow seepage at 3.6 feet and moderate seepage below 8.5 feet. Severe caving below 8.5 feet resulting in refusal (flowing condition).
TP-4		Location: near NE building corner. Surface conditions: Long grass.
		·
	0 – 0.8 0.8 – 12	Soft, dark brown, rooty organic SILT; moist (topsoil). Stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - 3.6 feet becomes moist to wet - 6 feet becomes medium stiff with trace to some fine sand; moist to wet. - 7-9 feet becomes very stiff, lightly cemented and heavily mottled



Test Pit # **Depth (ft) Soil Description** TP-5 Location: north of existing parking. Surface conditions: Long grass and weeds. 0 - 0.8Soft, dark brown, rooty organic SILT; moist (topsoil). 0.8 - 12.0Stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - 7 feet becomes medium stiff with trace to some fine sand; moist to wet - 11-12 feet layer of silty fine sand with some small gravels Moderate seepage below 7 feet. Moderate caving below 7 feet. TP-6 Location: west side of building 2. Surface conditions: Long grass and weeds. 0 - 0.6Soft, dark brown, rooty organic SILT; moist (topsoil). 0.6 - 12Stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - 3.5-4.5 feet very stiff, lightly cemented and heavily mottled - 6 feet becomes medium stiff with trace to some fine sand; moist to wet - 8-9 feet very stiff and heavily mottled dark brown, lightly cemented Moderate seepage below 7 feet. Minor caving below 7 feet. TP-7 **Location:** north of building 2. Surface conditions: Long grass. 0 - 0.7Soft, dark brown, rooty organic SILT; moist (topsoil). 0.7 - 12.5Stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - trace fine roots to 1.5 feet - 4.5-5.5 feet very stiff, lightly cemented and heavily mottled - 6 feet becomes medium stiff, trace to some fine sand; moist to wet - 8.5-12.5 feet heavily mottled dark brown Slow seepage below 7 feet. Minor caving below 7 feet. TP-8 **Location:** parking E of building 2. Surface conditions: forest. 0 - 1.2Soft, dark brown, rooty organic SILT; moist (topsoil). 1.2 - 4.0Medium stiff to stiff, mottled orange and gray, brown SILT with trace clay and fine sand: moist.

No seepage.

Minor caving to 1.5 feet.

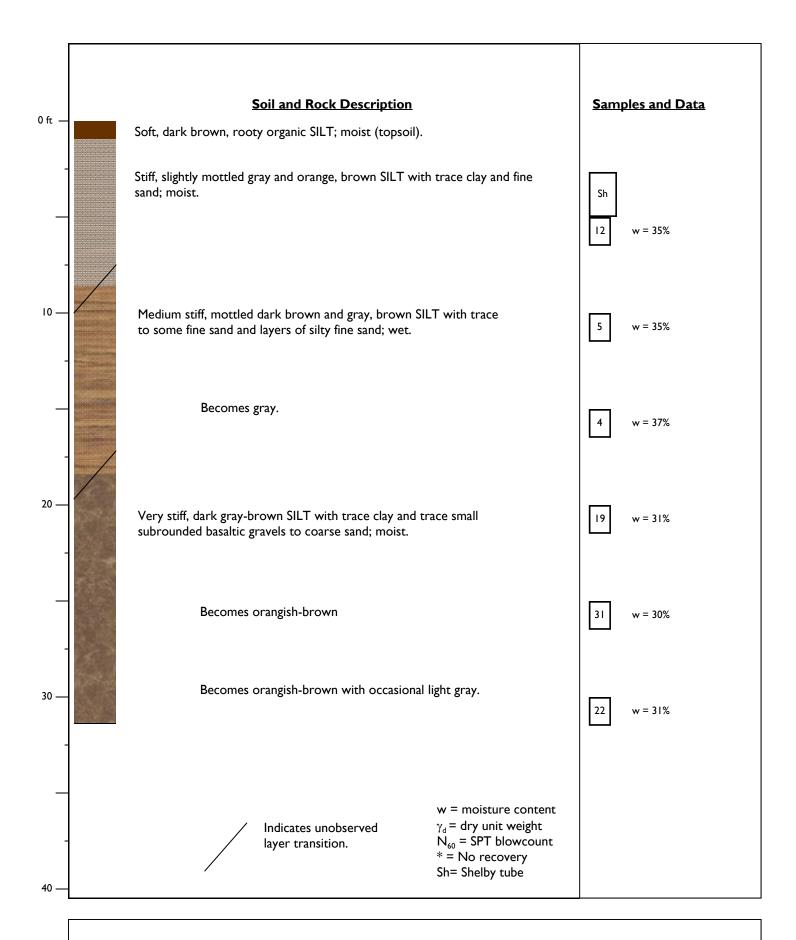
- trace fine to small roots to 2.0 feet

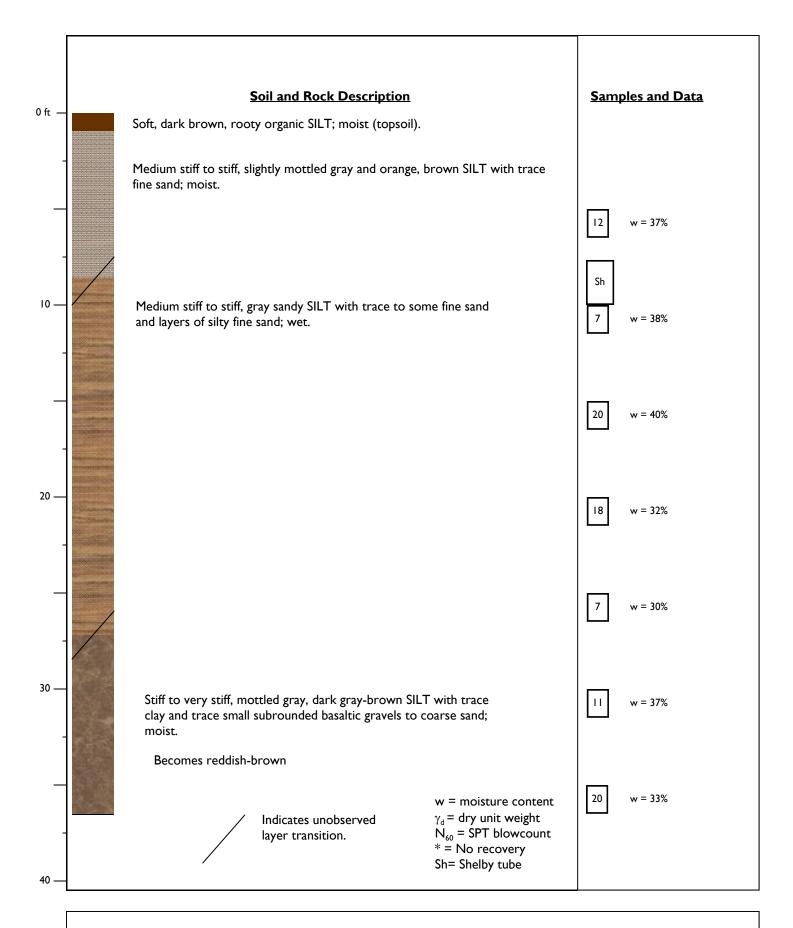


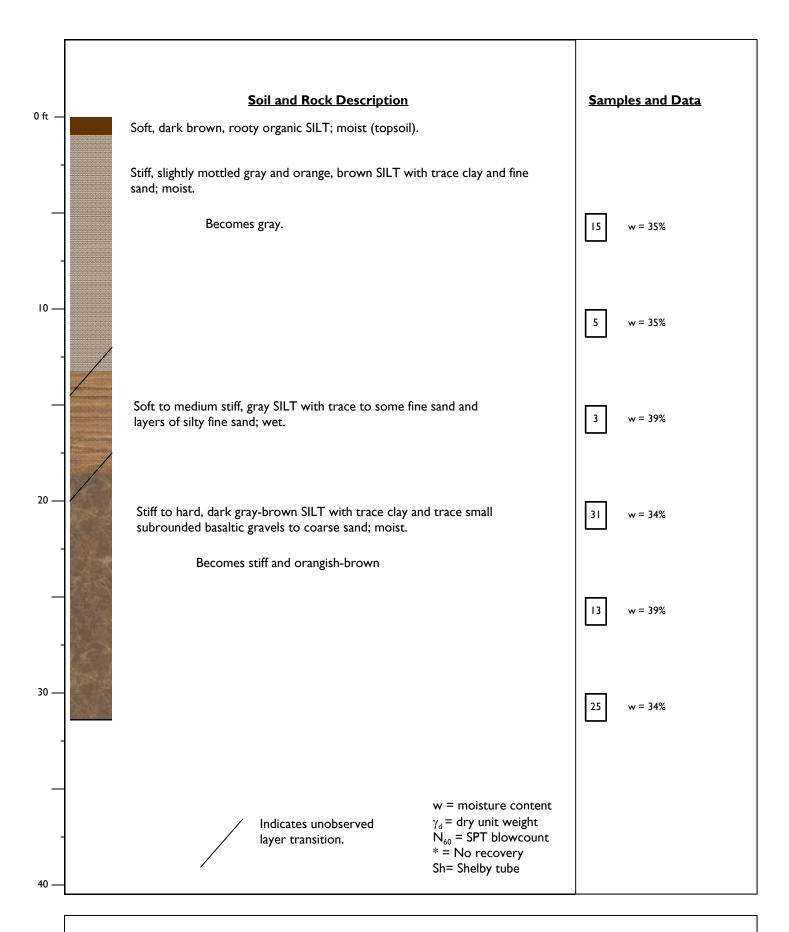
Test Pit # **Depth (ft) Soil Description** TP-9 Location: near center of building 2. Surface conditions: Long grass. 0 - 0.8Soft, dark brown, rooty organic SILT; moist (topsoil). 11 - 8.0Stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - 6.5 feeet becomes medium stiff with trace to some fine sand - 8.5-9.5 feet heavily mottled dark brown and orange - 10 feet becomes sandy 11 - 15Medium stiff, gray SILT with some fine sand to sandy SILT; wet. Moderate seepage below 11 feet. Moderate caving below 11 feet. **TP-10** Location: SW corner of building 2. Surface conditions: Long grass and scattered gravel fill. 0 - 0.1Loose, gray, angular GRAVEL FILL; dry. 0.1 - 0.8Soft, dark brown, rooty organic SILT; moist (topsoil). 0.8 - 11.5Stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - 8.5 feet becomes medium stiff, some fine sand to sandy; moist to wet No seepage. No caving. TP-II **Location:** SE corner of building 2. Surface conditions: Long grass and weeds. 0 - 0.8Soft, dark brown, rooty organic SILT; moist (topsoil). 0.8 - 11.5Stiff, mottled orange and gray, brown SILT with trace clay and fine sand; moist. - 0.8-2.5 feet occasional fine roots. - 9 feet becomes medium stiff with some fine sand; moist to wet - 10-11 feet heavily mottled dark brown and lightly cemented. 11.5 - 13Medium stiff, gray SILT with some fine sand to sandy SILT; wet. Moderate seepage below 11.5 feet. Moderate caving below 11.5 feet. **TP-12** Location: parking SE of building 2. Surface conditions: forest. 0 - 0.9Soft, dark brown, rooty organic SILT; moist (topsoil). 0.9 - 4.0Medium stiff to stiff, mottled orange and gray, brown SILT with trace clay and fine sand: moist. - trace fine to small roots to 2.0 feet No seepage.



Minor caving to 1.0 feet.







Test Pit	Depth, ft	Moisture Content
tp-1	2.0	36%
tp-1	7.0	40%
tp-2	1.0	28%
tp-2	4.0	35%
tp-2	6.0	36%
tp-3	1.5	30%
tp-3	3.5	34%
tp-3	5.0	32%
tp-3	9.0	40%
tp-4	2.0	22%
tp-4	4.0	33%
tp-4	13.0	33%
tp-5	2.0	30%
tp-5	7.0	32%
tp-5	11.0	47%
tp-7	2.0	32%
tp-7	4.0	34%
tp-8	2.0	28%
tp-9	2.0	32%
tp-9	4.0	36%
tp-9	15.0	37%
tp-11	2.0	29%
tp-11	6.0	35%
tp-12	2.0	29%
b-1	5.0	35%
b-1	10.0	35%
b-1	15.0	37%
b-1	20.0	31%
b-1	25.0	30%
b-1	30.0	31%
b-2	5.0	37%
b-2	10.0	38%
b-2	15.0	40%
b-2	20.0	32%
b-2	25.0	30%
b-2	30.0	37%
b-2	35.0	33%
b-3	5.0	35%
b-3	10.0	35%
b-3	15.0	39%
b-3	20.0	34%
b-3	25.0	39%
b-3	30.0	43%



Exploration	Depth, ft	Fines Content
tp-4	13.0	73%
tp-9	15.0	66%



Exploration	Depth, ft	Organic Content
tp-2	1.0	7.1%



Well Query Report

Page 1 of 1

Well Log Query Results

Well Tag Nbr: 37925

	Well Log	T-R-S/ QQ-Q	Taxlot	Street of Well	Owner	Company	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bonded Constructor	Startcard	Well Id#	New	Abandon	Deepen	Alteration	Domestic	Irrigation	Livestock	Industrial	Thermal	Dewatering Piezometer
9	CLAC 55295	3.00S-1.00W-11 SW-SW	203	27700 B SW PARKWAY AVE		MENTOR GRAPHICS CORP. 8005 SW BOECKMAN RD WILSONVILLE OR 97070		15.00	19.00	15.0	1	1/04/1999	12/16/1999	MCINNIS, GREG GEO TECH EXPLORATIONS INC.	124892	37925	√									

Download Data Return to Well Log Query Well Query Report

Page 1 of 1

Well Log Query Results

Township: 3 S, Range: 1 W, Sections: 11

Well Log	T-R-S/ QQ-Q	Taxlot	Street of Well	Owner	Company	Well Type	First Water	Completed Depth	Static Water Level	Yield Completed Date	Received Date	Bonded Constructor	Startcard	Well Id #	Abandon	Deepen	Alteration	Conversion	Domestic	Community	Livestock	Injection	Thermal	Piezometer
CLAC 18289	3.00S-1.00W-11 -	100		ELLINGSON, RALPH 26120 SW PARKWAY AVE WILSONVILLE OR 97070		w	0.00	0.00	0.0		12/23/1992	DELANO, DOUGLAS H	44140		1									
CLAC 18334	3.00S-1.00W-11 SE-SE	203			MENTOR GRAPHICS 27700 SW PARKWAY WILSONVILLE OR 97070	М	10.00	15.00	5.0	01/15/199	3 01/22/1993	MCINNIS, GREG	51307		V									
CLAC 18335	3.00S-1.00W-11 SE-SE	203			MENTOR GRAPHICS 27700 SW PARKWAY WILSONVILLE OR 97070	М	8.00	15.00	8.0	01/17/199	3 01/22/1993	MCINNIS, GREG	51308		V									
CLAC 18336	3.00S-1.00W-11 SE-SE	203			MENTOR GRAPHICS 27700 SW PARKWAY WILSONVILLE OR 97070	М	8.00	15.00	8.0	01/17/199	3 01/22/1993	MCINNIS, GREG	51039		V									
CLAC_18468	3.00S-1.00W-11 SE-SE	203	27770 SW PARKWAY AVE		MENTOR GRAPHICS 8005 SW BOECKMAN RD WILSONVILLE OR 970707777	М	9.00	16.00	5.1	04/17/199	3 04/28/1993	MCINNIS, GREG M	52994		V									
CLAC 18590	3.00S-1.00W-11 SE-SE	203	8105 SW BOECKMAN RD		MENTOR GRAPHICS CORP. 8005 SW BOECKMAN RD WILSONVILLE OR 97070	М	12.00	18.00	6.0	06/11/199	3 06/21/1993	MCINNIS, GREG	52033		V									
CLAC 19744	3.00S-1.00W-11 SW-NE				JOHN L JERSEY AND SON 7015 NE 42ND AVE PORTLAND OR 97218	w	0.00	0.00	0.0		12/16/1994	JANNSEN, ROY	73664		1				V					
CLAC 20295	3.00S-1.00W-11 SW-NW				WILSONVILLE LAND ASSOC.; LIMITED PARTNER 220 NW 2ND AVE SUITE 1050 PORTLAND OR 97209	М		35.00	32.0	05/04/199	5 05/30/1995	MCINNIS, GREG	78786		V									
CLAC_8031	3.00S-1.00W-11 SW-SE				NIKE INC. 9000 SW NIMBUS DR BEAVERTON OR 97223	w	0.00	0.00	0.0		12/24/1986	WYLAND, DANIEL V			1									
CLAC 8032	3.00S-1.00W-11 NE-SW				NIKE INC. 9000 SW NIMBUS DR BEAVERTON OR 97223	w	0.00	0.00	0.0		12/24/1986	WYLAND, DANIEL V			1									
1 2 3 4 5 6				,																				

Download Data Return to Well Log Query



Chicago Title Insurance Company of Oregon

1211 SW 5th Avenue, Suite 2130, Portland, OR 97204 (503)973-7400 FAX (503)248-0324

PRELIMINARY REPORT

ESCROW OFFICER: ORDER NO.: 472512503429TO-CT50

TITLE OFFICER: Tony Schadle FIRST SUPPLEMENTAL

TO: Chicago Title Company of Oregon

Attn: Malcolm Newkirk

1211 SW 5th Avenue, Suite 2130

Portland, OR 97204

OWNER/SELLER: Wilsonville 2006 NW LLC

BUYER/BORROWER:

PROPERTY ADDRESS: 27200 SW Parkway Avenue

Wilsonville, Oregon 97070

EFFECTIVE DATE: October 22, 2012, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

AMOUNT PREMIUM

Owner's Standard

Governmental Service Fee \$50.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

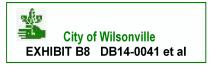
A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Wilsonville 2006 NW LLC, a Washington limited liability company

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF WILSONVILLE IN THE COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF



PRELIMINARY REPORT

(Continued)

Order No.: 472512503429TO-CT50

EXHIBIT "ONE"

Parcel 3, PARTITION PLAT NO. 2002-047, in the City of Wilsonville, Clackamas County, Oregon.

Together with the following appurtenant easements:

An easement for drainage purposes as set forth in documents recorded October 2, 1989, Recorder's No. 89-043798 and 89-043799, and in document recorded August 14, 1990, Recorder's No. 90-039696; and

Easements for ingress, egress, utilities and signage as set forth in instruments recorded September 25, 2000, Recorder's No. 2000-062730 and May 30, 2002, Recorder's No. 2002-050949, and amended June 5, 2006, Recorder's No. 2006-051022.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that
 levies taxes or assessments on real property or by the Public Records; proceedings by a public agency
 which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the
 records of such agency or by the Public Records.
- 2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- 5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. **AMENDED**

Unpaid Property Taxes for the fiscal year 2012-2013, as follows

Levied Amount: \$155,480.95 Levy Code: 003-027 Property ID No.: 01375167 Map No.: 31W11D Tax Lot No.: 01200

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- 7. City Liens, if any, in favor of the City of Wilsonville. None found as of September 28, 2012.
- 8. Limited access as set forth in deed from State of Oregon, by and through its State Highway Commission to, recorded October 14, 1951, Book 449, Page 333. which provides that no right of easement or right of access to, from or across the State Highway, other than expressly provided for, shall attach to the abutting property.
- 9. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to:City of Wilsonville, Oregon

Purpose:Sewer

Recorded: February 13, 1973 Recorders No.: 73-004320

Said document has been amended by instrument

Recorded: April 20, 1973 Recorders No.: 73-011953

10. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to:City of Wilsonville Purpose:Sewer

Recorded: April 20, 1973 Recorders No. 73-011955

Said easement is also described in Grant of Easement recorded September 15, 2000, Recorder's No. 2000-060560.

11. Buffer Zone Agreement, including the terms and provisions thereof,

Between: Owners of the subject property and adjoining property

Recorded: December 16, 1988, Recorder's No. 88-052582

- 12. Covenants, conditions and restrictions, as shown on the plat of Partition Plat No. 2000-089.
- 13. Covenants, conditions and restrictions, as shown on the plat of Partition Plat No. 2002-047.
- 14. Easement(s) for the purposes(s) shown below and rights incidental thereto as delineated or as offered for dedication, on Partition Plat No. 2000-089, and on Partition Plat No. 2002-047

Purpose:Significant resource overlay zone

15. Covenants, conditions, restrictions, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in document.

Recorded: February 29, 2000 Recorders No.: 2000-012631

16. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to:City of Wilsonville Purpose:Conservation easement Recorded:December 15, 2000 Recorders No.: 2000-060560

17. Roadway and Landscaping Easement and Maintenance Agreement, including the terms and provisions thereof.

Between: Owners of the subject property and adjoining property

Recorded: September 25, 2000 Recorder's No.: 2000-062730

18. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to:City of Wilsonville Purpose:Pipeline Recorded:March 5, 2001 Recorders No.: 2001-014743

19. Restrictive Covenant to Waive Remonstrance, including the terms and provisions thereof,

For:Formation of local improvement district

Recorded: March 7, 2002 Recorders No.: 2002-022167

20. Stormwater Maintenance Covenant and Access Easement, including the terms and provisions thereof,

Between: Owners of the subject property and adjoining property

Recorded: March 7, 2002 Recorder's No.: 2002-022168

21. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to:City of Wilsonville Purpose:Public utility Recorded:March 7, 2002 Recorders No.: 2002-022170

22. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to:City of Wilsonville

Purpose:Sidewalk

Recorded:March 7, 2002 Recorders No.: 2002-022171

23. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to: City of Wilsonville

Purpose:Pipeline

Recorded: March 7, 2002 Recorders No.: 2002-022172

24. Covenants, conditions, restrictions, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in document.

Recorded:May 30, 2002 Recorders No.: 2002-050949

Said document has been amended by instrument

Recorded:June 5, 2006 Recorders No.: 2006-051022

25. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to:City of Wilsonville Purpose:Conservation easement Recorded:May 30, 2002 Recorders No.: 2002-050950

26. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document;

Granted to:City of Wilsonville, Oregon

Purpose:Sidewalk Recorded:May 30, 2002 Recorders No.: 2002-050951

27. Easement Agreement, including the terms and provisions thereof,

In favor of Wilsoville 2006 SE LLC Recording Date: October 2, 2008 Recording No.: 2008-068553

- 28. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:
 - a) The rights of tenants holding under unrecorded leases or tenancies
 - b) Any facts which would be disclosed by an accurate survey of the Land
 - c) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.
- 29. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

ADDITIONAL REQUIREMENTS / NOTES:

- A. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA policy unless removed prior to issuance.
- B. A copy of the terms and provisions of the operating agreement for the limited liability company set forth below should be furnished for our examination prior to closing. Any conveyance or encumbrance of said company's property must be executed by all of the members unless otherwise provided for in the operating agreement. In addition, if there have been any changes in membership from the date of original creation of the limited liability company to the present date, copies of approval of withdrawal and/or acceptance of such member should be furnished for our examination.

Limited Liability Company: Wilsonville 2006 NW LLC, a Washington limited liability company

- C. The Land lies within the Wilsonville East Side Urban Renewal Area and is subject to the terms and provisions thereof.
- D. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

E. NOTE: This report is subject to any amendments which might occur when the names of prospective purchasers are submitted to us for examination.

F. IMPORTANT NOTICE TO TRANSFEROR(S) REGARDING WITHHOLDING TAX:

Effective January 1, 2008, Oregon law (ORS 314.258) requires closing agents closing a transaction for the transfer of certain Oregon real property interests to: (a) withhold from the transferor's proceeds an amount specified by law; and (b) remit the amount withheld to the Oregon Department of Revenue.

State mandated forms must be completed by all transferors in order to either: (a) claim or certify an exemption from the requirements of ORS 314.258; or (b) certify the withholding amount due pursuant to ORS 314.258.

You should consult with your tax or legal advisor in order to complete these forms prior to the closing of your transaction. Failure to timely deliver the appropriate form(s) to your closing agent may delay your closing or increase your withholding amount.

We are not legal or tax advisors. Although we may provide you with these forms and provide some assistance in filling out the forms, by law we are unable to advise you on the selection of which form(s) you must complete or the content in the forms.

G. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 9, 2014 6:30 PM

VIII. Board Member Communications:

A. Agenda Results from the May 29, 2014 DRB Panel B meeting

City of Wilsonville

Development Review Board Panel B Meeting Meeting Results

DATE: MAY 29, 2014

LOCATION: 29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR

TIME START: 6:31 P.M. TIME END: 7:22 P.M.

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Andrew Karr, Chair	Blaise Edmonds
Aaron Woods, Vice Chair	Barbara Jacobson
Cheryl Dorman	Daniel Pauly
Jhuma Chaudhuri	Keith Liden, Consultant for the City
Dianne Knight	

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	None
CONSENT AGENDA	
A. Approval of March 24, 2014 Minutes B. Approval of April 28, 2014 Minutes	A. Approved 3-0-2 as presented with Dianne Knight and Jhuma Chaudhuri abstaining B. Approved 4-0-1 as presented with
B. Approval of April 20, 2014 Millutes	Cheryl Dorman abstaining
	Cheryr Dorman abstanning
PUBLIC HEARING	
A. Resolution 278. Republic Services Expansion Stage I Master Plan Revision and Phase 1 Improvements: SFA Design Group – representative for Republic Services –owner. The applicant is requestin a Stage I Master Plan Revision to update the Master Plan for Republic Services, and Stage II Final Plan, Site Design Review and Type C Tree Plan for phase 1 improvements consisting of a new maintenance building and new container storage area, along with associated improvements including storm detention and landscape screening. The site is located on Tax Lots 1400 and 1500, Section 02C; T3S-R1W; Washington County; Wilsonville, Oregon. Staff: Keith Liden and Dan Pauly Case Files: DB14-0032 – Stage I Master Plan Revision DB14-0034 – Site Design Review DB14-0035 – Type C Tree Plan	
B. Resolution 279. Republic Services Expansion Phase 2 Improvements: SFA Design Group – representative for Republic Services –owner. The applicant is requesting a Stage II Final Plan, Site Design Review and Type C Tree Plan for phase 2 improvements consisting of new office	B. Unanimously continued to June 23, 2014 date certain

expansion, parking area, container storage area, and driveway from Ridder Road along with associated improvements. The site is located on Tax Lots 1400 and 1500, Section 02C; T3S-R1W; Washington County; Wilsonville, Oregon. Staff: Keith Liden and Dan Pauly Case Files: DB14-0033 – Stage II Final Plan DB14-0034 – Site Design Review DB14-0035 – Type C Tree Plan	
BOARD MEMBER COMUNICATIONS	
A. Results of the May 12, 2014 DRB Panel A meeting	None
STAFF COMMUNICATIONS	None