

**WILSONVILLE CITY HALL
DEVELOPMENT REVIEW BOARD PANEL B**

MONDAY, NOVEMBER 23, 2015 - 6:30 P.M.

I. **Call To Order:**

II. **Chairman's Remarks:**

III. **Roll Call:**

Cheryl Dorman Richard Martens
Aaron Woods Shawn O'Neil
Dianne Knight Council Liaison Julie Fitzgerald

IV. **Citizen's Input:**

V. **City Council Liaison's Report:**

VI. **Consent Agenda:**

A. Approval of minutes of the September 28, 2015 meeting.

Documents: [Sept 28 2015 minutes.pdf](#)

VII. **Public Hearing:**

A. Resolution No. 316

Old Town Site Design Review for 2 Houses: Mark Britcliffe - Applicant for Diane Ferris - Owner. The applicant is requesting approval of a Site Design Review for two single-family dwellings in Old Town. The site is located at 30580 SW Boones Ferry Road on Tax Lots 3801 and 3802 of Section 23AC, T3S, R1W, City of Wilsonville, Clackamas County, Oregon. Staff: Jennifer Scola

Case Files: DB15-0074 - Site Design Review

Documents: [Old Town 2 Houses SR.Exhibits.pdf](#)

B. Resolution No. 317

Charbonneau Boat Dock Access: Charbonneau Country Club - Applicant. The applicant is requesting approval of a Conditional Use Permit within the Willamette River Greenway Boundary, Type C Tree Removal Plan and an abbreviated Significant Resource Overlay Zone (SROZ) Impact Report (SRIR) for Charbonneau Country Club, for replacement and relocation of an access gangway to the Charbonneau boat marina. The site is located on the northwest corner of Tax Lot 318, and also affecting Tax Lot 308, and ODOT R.O.W, in Section 25, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Staff: Blaise Edmonds

Case Files: DB15-0059 - Greenway Conditional Use
DB15-0060 - Type C Tree Plan
S115-0001 - Abbreviated Significant Resource Impact Report (SRIR)
and map verification within the Significant Resource Overlay
Zone (SROZ)

Documents: [Charbonneau CUP SR.Exhibit.pdf](#), [Exhibit B1.pdf](#), [Exhibit B2.pdf](#)

VIII. **Board Member Communications:**

A. Results of the October 12, 2015 DRB Panel A meeting.

Documents: [DRB-A Oct 12 2015 Results.pdf](#)

IX. **Staff Communications:**

A. Thank you, Dianne Knight and Cheryl Dorman, for your service on the Development Review Board!

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, NOVEMBER 23, 2015

6:30 PM

VI. Consent Agenda:

- A. Approval of minutes from the September 28, 2015
DRB Panel B meeting**

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

**Development Review Board – Panel B
Minutes–September 28, 2015 6:30 PM**

I. Call to Order

Chair Aaron Woods 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: Aaron Woods, Cheryl Dorman, Richard Martens, Shawn O’Neil, and Council Liaison Julie Fitzgerald. Dianne Knight was absent.

Staff present: Blaise Edmonds, Barbara Jacobson, Steve Adams, Michael Wheeler, Daniel Pauly, and Jennifer Scola.

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board (DRB) on items not on the agenda. There were no comments.

V. City Council Liaison Report

Councilor Fitzgerald reported on the following items recently addressed before City Council:

- The Public Works Department was working on a plan on how to comply with a retrofit update requirement of the stormwater management in the city to meet federal requirements related to how all the city’s stormwater was being filtered and managed as it went into streams and the Willamette River. These requirements related to keeping the rivers clean and ensuring temperatures, bacteria, and etc. were addressed appropriately.
- City Council approved the addition of crosswalks on Canyon Creek Rd which would enhance pedestrian safety.
- The Transit Master Planning Task Force, which included a number of citizens, was providing feedback on how the SMART transportation system was working and how it connected with TriMet. More feedback was being sought, so anyone with comments should contact SMART.
- She noted City Council was testing the use of iPads to review materials and reports electronically instead of receiving paper materials and the new format was working very well. She was uncertain if the detailed maps used by the DRB could be adequately seen in electronic form, so they might still need to be in paper form. City Council was glad to respond to anyone with questions about how the new format was working.

VI. Consent Agenda:

- A. Approval of minutes of August 24, 2015 meeting

Richard Martens moved to approve the August 24, 2015 DRB Panel B meeting minutes as presented. Shawn O’Neal seconded the motion, which passed unanimously.

VIII. Public Hearing:

- A. **Resolution No. 313. Clackamas Community College Pole Yard Expansion: Clackamas Community College – Owner/Applicant.** The applicant is requesting approval of a Stage I Preliminary Plan Revision, Revised Stage II Final Plan, Site Design Review and Type ‘C’

Tree Removal Plan for expansion of the existing electrical lineman training facility at the Wilsonville Campus of Clackamas Community College. The site is located on Tax Lot 1300 Section 13CB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly.

Case Files: DB15-0041 – Stage I Preliminary Plan Revision
DB15-0042 – Revised Stage II Final Plan
DB15-0043 – Site Design Review
DB15-0044 – Type C Tree Removal Plan

Chair Woods called the public hearing to order at 6:38 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. No board member participation was challenged by any member of the audience.

Daniel Pauly, AICP, Associate Planner, announced that the criteria applicable to the application were stated on page 2 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 for the proposed Clackamas Community College Training Yard Expansion via PowerPoint (Exhibit A3), noting the project's location and surrounding features with these key comments:

- The proposal was for a major expansion of the existing electric lineman training yard at the Wilsonville Campus of Clackamas Community College, which included the installation of a 75 ft lattice tower and a number of 55-ft wood poles.
- The requested Stage I Preliminary Plan Revision would expand the existing 21,000 sq ft pole yard to 45,000 sq ft. Reviewing several slides, he briefly described the history of revisions made to the college's site since the original 1990 Master Plan.
- The Stage II Final Plan Revision regarded the reprogramming of the existing pole yard and additional programming for the expanded pole yard area.
 - The proposed programming for the existing pole yard included the existing 12 poles, underground vaults, and storage containers, as well as the proposed 75-ft lattice tower, which would be located on the north portion of the site, close to the post office, and two 55-ft wood poles, along with other shorter pole areas, a pole rack, three additional underground vaults, a transformer structure, pad with transformer, crane training area, and a cover over the existing storage containers.
 - The expanded pole yard area program regarded mainly wooden poles. He indicated that the six pairs of poles in the center and circle of poles shown in the upper right hand corner of Slide 13 were proposed to be up to 55-ft tall.
 - He noted Finding B49 related to Development Code Section 4.181, which discussed exceptions to the height limit. The proposed poles were significantly higher than the 35-ft height limit in the Planned Development Commercial Town Center Zone, however, above ground electrical towers and poles were one of the exceptions. Staff believed the proposed poles qualified for the exemption, because even though the poles would be used for training purposes, rather than actual electrical transmission, the necessary function required the poles to be that tall.
 - Screening. The existing vegetation, especially the trees, provided a lot of screening, particularly to the north and the west. Additional screening proposed to the south included Leyland cypress and other plantings that would grow quickly.
- Off-site Visibility. He reviewed several images and photographs in Exhibit A2 showing views of the subject project site from 13 different locations in the city to demonstrate the visual impact the proposed towers and poles would have on the community. At each location, he looked at the visibility

of the 55-ft poles and 75-ft lattice tower, which was small compared to those in the BPA easement, which he believed were 100- to 125-ft high.

- It was important to consider what portion of the tower/poles was visible because the visual height was quite low at some of the most visible locations due to the distance between the view point and the tower or poles. Diagrams were provided for each location, showing the distance between the view point and tower/poles, vegetation or a building that predominately blocked the view, and the visible portion of the tower/poles according to what staff could determine (Page 52 of 95 of the Staff report).
- He described the distances to the tower/poles, any vegetation or structures that blocked the view, and the visible portion of the tower/poles for each of the 13 viewpoint locations (Page 86 of 95) with these key comments:
 - Concerns had been expressed via email about the project's visibility from the Korean War Memorial, but the existing shrubs and trees, totally blocked the view of the tower/poles. (Locations 3 and 4)
 - While more visible in the winter months, the view from Town Center Path near the college and post office property line would be substantially obscured by the existing trees, which were pretty dense. This was the closest public location to lattice tower. (Location 6)
 - The visual impact would be minimal at the following locations because existing trees or a building obscured all but the tops of some of the poles and/or tower: Town Center Park Fountains; Town Center Path just north of the college's gravel path; Town Center Loop East sidewalk at post office delivery area curb cut; and Town Center Loop East sidewalk at the college's north entrance. (Locations 2, 5, 7, and 10)
 - The top of the tower would be seen pretty clearly from the post office parking lot sidewalk south of the post office building, which was about 200 ft from the tower. (Location 8)
 - The top third of the tower would be visible from the Town Center Loop East sidewalk at the college's main entrance. (Location 11)
 - Although at a distance, the tops of all the new proposed tower/poles could be seen from the Town Center Loop East sidewalk between the college and Courtside Dr. (Location 12)
 - About the top third of the tower and the tops of the poles would be seen from the Town Center Loop East sidewalk along the Providence parking lot. However, the parking lot trees would continue to grow and would further obscure the view. (Location 9)
 - The biggest visual impacts would be seen from Courtside Dr at the west City Hall parking lot driveway and Courtside Dr and Town Center Loop E where about the top half of the new tower and all the proposed poles would be seen. (Locations 1 and 13)
- He continued reviewing the Staff report via PowerPoint (Exhibit A3), noting that the Site Design Review did not include a lot of architectural detail as the power poles and equipment were a standard design. The coverage of the storage container was an appropriate durable material that met the site design review criteria.
 - The landscaping was professionally designed and included appropriately sized and spaced plant materials. He noted that in the electronic copy of the packet, the paper copy of the Landscape Plan was missing; however, Staff would ensure it was included in the record.

Jennifer Scola, Assistant Planner, continued the Staff report via PowerPoint by presenting the Type C Tree Removal Plan with these comments:

- Of the 14 trees inventoried in the surrounding area of the project, 9 trees were proposed for removal, eight willow trees and one Hawthorn tree, which were indicated on Existing Conditions (Slide 21). The only trees proposed for removal were located within the area of the proposed expansion.
- The Applicant's Mitigation Plan exceeded the Development Code's required 1:1 replacement ratio. Seventeen fast-growing cypress trees were proposed along the south edge of the property and a red maple tree was also proposed to a landscape area near the parking lot.

Chair Woods noted the Summary on Page 7 of 95 of the Staff report referenced poles that were mainly wooden. He asked if there were poles of other materials.

Mr. Pauly clarified that he intended to say the project included mainly poles as there would be other storage racks and equipment in the pole yard. "Mainly" was not intended to reference the pole material.

Cheryl Dorman confirmed that the trees at the Korean War Memorial belonged to the City.

Richard Martens asked if the fast-growing trees would take away from the trees' durability and longevity.

Mr. Pauly responded the proposed trees were not a trash tree, but were fairly durable and a good option for this kind of application.

Chair Woods asked if the cover for the 8x12 ft trenching/shoring hole, shown at the bottom left corner of the sheet, would be locked.

Mr. Pauly deferred to the Applicant, but understood the professional training area would follow best practices and overseen by OSHA.

Mr. Martens asked what if Staff knew what might be built immediately south of the subject site, noting the proposed project would be most visible to the parcel to the south.

Mr. Pauly replied the parcel was zoned Planned Development Commercial Town Center, which allowed for vertical mixed use, so a residential use was possible. Kaiser Permanente currently owned the property and had for decades. No timeframe had been indicated for development and Kaiser provided no comment about the proposed project.

Mr. Martens noted the existing screening was very effective since he had no clue the current facility was there having driven by the site countless times.

Mr. Pauly said the biggest difference was that the training facility was barely noticeable at this time, but the facility would be noticeable with the proposed expansion.

Chair Woods called for the Applicants presentation.

Ray Moore, All County Surveyors & Planners, said his firm was hired by Clackamas Community College to put the application together. He noted that Shelly Tracy from the college and Tom from PGE were present to answer any detailed questions about the program. He thanked Staff for the wonderful sight analysis conducted around the pole yard. He had reviewed the Staff report, which was pretty straightforward, and said the Applicant could satisfy all the conditions of approval. He noted his firm would be doing the final engineering, staking, and etc. for the project.

Chair Woods asked about the trench and whether the cover would be secured.

Mr. Moore believed the trench was already present and the Applicant locked the gate that surrounds the entire facility and plywood was placed over the trench, which the Applicant would continue doing.

Chair Woods confirmed the trench would not be visible from the outside; only the plywood placed over the trench.

Chair Woods called for public testimony in favor of, opposed, and neutral to the application. Seeing none, he confirmed the Board had no further questions and closed the public hearing at 7:04 pm.

Shawn O’Neil moved to adopt the September 21, 2015 Staff report as presented and approve Resolution No. 313. Cheryl Dorman seconded the motion, which passed unanimously.

Chair Woods read the rules of appeal into the record.

B. Resolution No. 314. A Storage Place DBA Wilsonville Storage: David K. Shefrin, Trustee – Owner. The applicant is requesting approval of a Stage I Preliminary Plan Modification, Stage II Final Plan, Site Design Review and Sign Review for construction of a three-story commercial self-storage facility and associated improvements. The site is located at 29200 SW Town Center Loop East on Tax Lot 501 Section 13CB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Michael Wheeler

Case Files: DB15-0037 – Stage I Preliminary Plan Modification
 DB15-0038 – Stage II Final Plan
 DB15-0039 – Site Design Review
 DB15-0040 – Sign Review

Chair Woods called the public hearing to order at 7:06 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. No board member participation was challenged by any member of the audience.

Michael Wheeler, Associate Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Wheeler noted the two-page memorandum dated September 22, 2015 from Tualatin Valley Fire & Rescue had been identified as Exhibit C5 on Page 16 of 93 of the Staff report as placeholder. Staff did not have the date of the letter at the time the Staff report was published, so the date of the letter would be included in the record. He presented the Staff report via PowerPoint, noting the project’s location and surrounding features, with these key additional comments:

- The proposal was for the development of a 79,900 sq ft storage facility on an approximately 1.2 acre parcel located on the east corner of Town Center Loop East and Canyon Creek Rd. He noted the displayed tax maps still identified Canyon Creek Rd as Vlahos Dr.
 - The enlarged tax map (Slide 6) showed the alignment of the access easement between Parcels 3 and 4. Parcel 4 was the subject of the proposed application.
- The four colored elevations of the proposed three-story structure were displayed (Slides 8 and 9), and the proposed location of the signage, detailed on Sheet A4.1 (Slide 10), and the office at the northwest corner of the building were noted. (Slide 12)
 - The building planes would be softened and broken up by the jogged building walls and architectural treatments on the south and west elevations.
- As footnoted in the Staff report, true north was referenced on the drawings in a lighter shade, and the Applicant used a reference north, which was slightly askew of true north. The Applicant’s narrative used the reference north.
- Early discussions with the Applicant involved trying to provide some visual interest from the exterior by showing that passageways actually had activities at windows and the provided floor plans demonstrated that result. (Slides 17-19)

- Sheet A2.4 (Slide 20) showed the proposed trash enclosure, which was too small to serve the square footage and components of the building as discussed in the Staff report.
- He briefly reviewed the civil drawings (Slides 23-26), noting the site required few grading changes and that the major utilities were already present, either in the public rights-of-way or in the easement that served both the subject and adjacent Parcel 3.
 - The Erosion Control Plan and storm drainage calculations accounted for a rainwater management feature at the south end of the property adjacent to the building. The feature would include specialty plants known to cleanse stormwater, not just a typical ornamental landscape scheme.
 - A revised Landscape Plan included the specialty plants along with the original proposal.
 - The Color and Materials Board was initially provided in photographic form. Sheet A3.2 (Slide 33) illustrated the proposed materials on the future building.
- Staff's submittals also included the original Wilsonville City Center Plan (Exhibit D1) showing the intended commercial use, further details related to the Partition Plat recorded in 2008, and a map of the SMART Transit route showing a transit stop in front of the subject site.
- He reviewed the four issues discussed on Page 3 of 93 of the Staff report and explained that the drawings distributed to the Board included items he did not know existed because he was using previous drawings.
 - Issue 1. The original drawings had not shown that pedestrian circulation was continuous, but the Applicant had addressed the issue by altering the design so pedestrians would now travel in front of the parking spaces that previously interrupted that circulation.
 - The pedestrian circulation was not addressed in the Staff report because originally, the Applicant had not indicated one portion of the pedestrian pathway now shown on Sheet A1.1 (Slide 12).
 - The sidewalk was required to be 5-ft wide, but wheel stops were now shown at each of the proposed parking spaces that directly abutted the sidewalk. In order to accommodate any vehicle overhang, which would obscure about 1½ to 2 ft of the sidewalk in spite of the wheel stops, the City would typically require the sidewalk to be widened to a minimum of 7 ft to accommodate vehicle overhang should it occur. Only one portion of the sidewalk was 7-ft wide, but the sidewalk in front of the remaining parking spaces on the northern side, and all of the parking spaces on the eastern side of the building were only 5-ft wide.
 - He encouraged adding a condition requiring that pedestrian pathways be widened to a minimum of 7 ft where the sidewalk could be obstructed by overhanging vehicles. He would work on the language for the new condition during the Applicant's testimony.
 - Issue 2. Screen Abutting Residential Use. The plantings in the original design, though well designed, seemed a bit low to the ground and did not provide a lot of vertical screening, which would be appreciated by the neighboring property owners once the building was erected and in use. When a facility exceeded 24-ft in height, the Board had the authority to require more mature plant materials for screening. He noted 8-ft was available for additional plantings.
 - Issue 3. Bicycle Parking. The bike rack proposed outside the office entry on Exhibit A1.1 (Slide 12), did not identify the number of bikes that could be served. A minimum of four bikes must be able to be accommodated for the subject site.
 - Issue 4. Solid Waste Storage. The Applicant proposed 175 sq ft of storage, however, based on the floor area of the building and the two respective uses, namely the office and warehousing of materials, the Code actually required an increase to 438 sq ft. Staff believed it was possible to reconfigure the solid waste storage area and still provide convenient access to the facility for the solid waste disposal franchisee, but also to the users of the storage facility without having to go into the vehicle travel lane. Although an additional design challenge, the additional area was required by the Code.
- He noted the four components of the proposed application, noting that the Sign Review was for the two signs wall signs proposed on two elevations.

- Staff believed that with the proposed conditions of approval, the proposed project could meet the requirements of the Development Code. Staff recommended approval of all proposed case files with the conditions, which began on Page 4 of the Staff report.

Cheryl Dorman confirmed Staff had a solution for the pedestrian circulation issue and understood the Board could make a recommendation to make the screening abutting residential use higher, but that no condition had been provided.

Mr. Wheeler clarified that Condition PDC 3 on Page 13 of 93 addressed the screening issue. He confirmed that the solid waste storage issue was addressed in Condition PDC 13.

Richard Martens asked how the square footage for the solid waste enclosure was calculated.

Mr. Wheeler reviewed the calculations which were included on Page 42 of 93 in Finding C26. The Development Code prescribed a minimum of 6 sq ft of storage per 1,000 sq ft of gross floor area for warehouse use. The office use was only 600 sq ft, so 2.4 sq ft of solid waste storage area was required. He confirmed the proposed project was considered as a warehouse in the calculation.

Chair Woods called for the Applicant's presentation.

Displayed before the Board were two display boards that were color renditions showing Perspective – Corner Canyon Creek Rd/Town Center Road (Sheet A0.1) and Perspective—Canyon Creek Rd (Sheet A0.2). Both boards were entered into the record as Exhibit B12 to be included in the plan set.

- A third display board included a composite of four renderings already included in the Staff report: two illustrations showed the building elevations, the sign drawing with red coloring added, and the site plan, also with color added.

Ralph Tahran, Architect, Tahran Architecture & Planning, 13741 Knaus Rd, Lake Oswego, OR, stated he was representing his clients, Jerry Carlson and Robert Sterns. He believed Mr. Wheeler had described the Wilsonville Storage Project very well.

- He presented a perspective rendering of the project from the corner of Canyon Creek Rd and Town Center Lp to show in three dimension the color innovations, distinctive elements, and articulation of the building. (Sheet A0.1) A perspective was also shown of the more service-oriented area of the project from Canyon Creek Rd. (Sheet A0.2) A third display board included the colored site plan, an illustration of the Landscape Plan and the colored building elevations.
- The Applicant had worked with Staff over a period of about four months on the proposed building. From day one, Mr. Edmonds and Mr. Wheeler noted the Applicant would need to take the design a step higher than any other storage building, and that it needed to represent a more pedestrian-oriented building along this important corner of Town Center Lp.
 - He noted that he had designed the building to the east of the subject project and wanted to do something that was representative and complementary to that building and owner. He worked with that adjacent owner, who had been given notice and also wanted approval of the proposed storage project.
 - As he worked through the design with Staff, he focused particularly on the Town Center Lp and Canyon Creek Rd elevations, which Staff mentioned needed to be articulated. He was happy to say the Applicant had Staff's recommendation of approval for a building everyone could be proud of and they wanted to move forward and build the building.
- The building was composed of a few different types of metal materials and textures; metal panels that had several different textures and colors, as well as a masonry base and significant glazing. He believed a design had been achieved that responded very well to the street frontages.

- The Applicant had worked through the issues with Staff over the months, but the Applicant wanted to discuss two conditions. In reading through some of the materials, it appeared the Applicant had the authority to discuss their concerns regarding the conditions, and that the Board had the authority to make some changes.
 - The first concern regarded the landscape requirement on the north side that abutted the retirement center which seemed to be something that was open to opinion. He agreed with the concept and philosophy, but also believed the landscape requirement was pretty well being met there given the large trees that were probably planted by the retirement center. Landscaping was proposed in the 8-ft landscape strip along the Applicant's frontage, but he did not believe the Applicant showed large trees being planted since there were already large trees along the frontage.
 - He circulated three photographs, entered into the record as Exhibit B17, showing the large trees that already existed adjacent to the retirement center. The Applicant believed a pretty adequate screen already existed, but if some reinforcement was needed in there, they were happy to talk about it. He expected that the retirement center was probably required to screen from the Applicant's property in the past, so the Applicant thought the additional screening might be redundant.
 - The second concern regarded the trash enclosure. The Applicant had discussed the proposed 175 sq ft trash enclosure with Republic Services, who approved of the concept and design. He understood this conflicted with the City's trash enclosure calculations, but he did not think that calculation was an appropriate measure for the storage facility; 6 sq ft per 1,000 sq ft of gross floor area was excessive.
 - The proposed 175 sq ft enclosure was quite large and actually two times the size of normal waste enclosures at his client's six different facilities in the metropolitan area. None of the other storage facilities had experienced any trouble in terms of their waste facilities.
 - With the proposed 175 sq ft facility being at least twice as large as any of the others, adding another 300 sq ft, almost doubling the size, was unnecessary and would detract from the facility. The Applicant sought sort of condition deeming the proposed trash facility adequate.
 - He suggested that the owner of the other facilities come forward to discuss his experiences with his other facilities in the metropolitan area and address any questions about how the trash facilities worked.
 - He did not know how to move forward, but the Applicant wanted the proposed project approved with the storage waste facility as currently designed. He offered to address any questions from the Board.

Mr. Martens asked if the tenants would have access the waste disposal facility.

Jerry Carlson, 7100 SW Arbor Lake Drive, Charbonneau, answered yes, the tenants had limited access. The garbage retention areas at the other six facilities were 66, 50, 77, 48, 48, and 77 sq ft with an average square footage of 62 sq ft. The facility in Clackamas had more than 90,000 sq ft of rental area, compared to 58,000 sq ft at this facility, and that waste facility was 7 ft by 11 ft and seemed to be very adequate. The facility had garbage pickup once a week. The lease agreement required tenants to remove their own garbage and leave the unit swept free. They did not leave trash or anything in the unit, which reduced his responsibility to take care of that. Occasionally, a tenant would leave a mattress, which the maintenance person would take to the dump.

Mr. Martens asked if tenants had moving boxes that needed discarded and if the proposed waste area included a recycle bin.

- **Mr. Carlson** responded that occasionally tenants do, but they were asked to remove everything they brought in as part of the lease agreement. Cardboard was recycled occasionally, and a recycle area did exist with three, 55 gallon containers for glass or plastics. There was usually also a 2 or 3 yard roll out container for the general garbage, which was picked up by the garbage truck.

Ms. Dorman understood that the idea was that customers would not use the facility, but take their own garbage in and out with them.

Mr. Carlson responded the facility was not really made to be accessible for customers.

Shawn O'Neil confirmed this was the only facility Mr. Carlson had in Wilsonville.

Chair Woods confirmed the proposed facility was three-stories and asked with regard to the screening if Mr. Tahran had viewed the subject site from the Brookdale senior facility to get an idea if the storage facility would overlook the Brookdale senior facility to the north.

Mr. Tahran stated he had visited this morning. The Brookdale Retirement Center was set back about 20 to 30 ft from the property line. The center had planted trees in there sporadically, probably to create an environment of their own. The retirement facility was almost a three-story building itself and he believed their third story was probably equal to the eave height of the proposed building. No windows or anything that would intrude on the retirement center's private space was proposed. He believed it was a pretty good screen for their use.

Chair Woods asked about the lighting on the north side of the building and if the facility operated 24/7.

- **Mr. Tahran** responded the Applicant went through the City's prescriptive lighting ordinance and 15 ft was the maximum height the Applicant could place luminaires, which would all be down lighting. No lighting would shine outward or upward due to the Dark Sky Ordinance.
- **Mr. Carlson** stated the operating hours were 7 am to 9:00 pm. The building was secure with about 35 to 48 cameras on site, which was access controlled. Every unit was access controlled with a keypad. Tenants would have to key in when coming on site which would dis-arm their unit at that point. Tenants could then access their unit and then key out when they leave to re-arm the unit at the entrance area. He confirmed tenants would only be able to access the facility from 7 am to 9 pm.

Ms. Dorman noted the Board had certain criteria to follow for the garbage area for commercial use, which would make sense if the proposal was a normal commercial building a certain number of people would be expected on a daily basis. She asked what was in place for other storage facilities. After reading through the material and listening to testimony, the requirement did seem a bit excessive. The Code followed like a commercial warehouse, etc. from what she read on commercial storage. The Applicant would have 79,000 sq ft of warehouse space requiring a total of 475 sq ft. With the Applicant's intended use, there would not be a lot of contribution from customers to that garbage facility, so why would the Applicant be required to have such a large space?

Mr. Wheeler responded the requirements for solid waste storage for warehouse use and their office use were extracted from the Code. Staff was not offering a judgment, but responding to the Code's minimum requirement. He had no knowledge from earlier case files or facilities in the city with regard to that requirement and how it was addressed at that time.

Ms. Dorman commented that aside from the Applicant asking for a variance from Code, it made sense that maybe the storage area requirement was larger than what was needed.

Mr. Edmonds replied the DRB could make that judgment, and if so, a finding should be provided regarding why the garbage area should be reduced to a lower amount to support deleting or modifying Condition PDC 13.

Mr. O'Neil asked if not allowing tenants to utilize the garbage facility was standard in the storage industry. His temptation was to use the closest garbage bin available, no matter if the rule said he could or not. He was seeing potential garbage on the ground or tenants using the trash facility anyway.

- **Mr. Carlson** said that garbage cans were provided throughout the facility for trash like pop cans or sandwich wrappers discarded when people were moving, etc. but that was very limited. His facilities had not had that problem. For his facilities, not allowing tenants to utilize the garbage facility was an absolute standard, especially when one had control of the customer like in his facilities. The same was true for many others as well. Some outlying places that had no manager on site and an access of some type, then they had problems with that.

Mr. O'Neil said his key interest was to be consistent with other storage facilities in Wilsonville. He did not have enough here to understand whether other facilities did things much differently. Even though he understood from a garbage perspective that Mr. Carlson was not allowing people to use it, he wondered if the end result would be different.

Mr. Carlson stated twice the amount of space was provided here than done for his very largest facility, the proposed trash area was three times the amount of space.

- He clarified that his largest facility had 90,000 sq ft of rentable space, which was about one and a half times the size of the facility proposed in Wilsonville, which was only 59,000 sq ft but had three times the garbage area at 175 sq ft.

Chair Woods asked how the 175 sq ft area was determined.

Mr. Tahrn said he talked with Republic Services in terms of having garbage and recycle areas and they knew it was larger than the other facilities that his client had.

Mr. Carlson said the Applicant agreed with the extra access so a person could access the trash area without having to walk out into the traffic way. That was not the case with his other facilities, but he agreed that would be fine with this one.

Chair Woods asked how much square footage other facilities in Wilsonville had, and whether this would be the largest storage facility in the city.

- **Mr. Wheeler** replied he did not have any data from any other storage facilities because the City was dealing with an application of the material before the Board tonight. The burden was on the Applicant to demonstrate compliance with the Development Code, not to reflect their approval ability based on what somebody else did. He apologized for not having that background available. There were a handful of facilities, such as the one on Boones Ferry Rd on the north side of Wilsonville Rd.
- He could not know if this was the largest facility in town without digging into the case files.

Mr. Edmonds said the only similar facility would be Just Store It on Wilsonville Rd, which offered indoor climate control storage. He did not recall the square footage, but it was a smaller facility.

Mr. Wheeler added that data could be brought back before the DRB if desired.

Ms. Dorman said she was looking at it what made sense and whether that capacity was needed. The hearing could be continued if the Applicant could bring that information, but she did not believe it was necessary to compare. While it was good to be consistent, the issue had probably not been raised before the DRB previously. She questioned whether it made sense for this facility to have such a large solid waste storage area.

Mr. Wheeler replied that with regard to the calculations discussed earlier, two classes were chosen. Consistently through the report, Staff referred to the bulk use of the building as a warehouse, which was an industrial use, even though in the interpretation included in the record from an earlier inquiry received, that personal storage was viewed as being a commercial use. If commercial floor area requirements had been considered instead for the solid waste area, the requirement would have been much higher than the warehouse use. He understood the concern, but as Staff and having to juxtapose the Applicant's proposal against the review criteria, Staff did not have the latitude of saying, "That did not seem appropriate."

Ms. Dorman agreed that made sense, and clarified she was not criticizing how Staff came up with the calculation, but the Applicant had asked for a variance, so maybe that was something the Board should consider.

Mr. Wheeler clarified a variance was a different process. The Applicant was actually asking the Board to waive that requirement. Staff received no waiver requests, and the Applicant's submitted material expressed that they requested no waivers. He understood the collective desire to do something different, but findings would need to be imbedded in the report to achieve that.

Mr. O'Neil asked if this was the first time Staff had heard about the request to waive the requirement for the garbage facility.

Mr. Wheeler responded yes, noting the Staff report was published a week ago.

Mr. Tahrn agreed he had not asked for a waiver. He had looked at Condition PDB 2 on Page 4 of the Staff report which stated, "The Applicant/Owner shall develop the site for use as a three story commercial storage facility, unless altered by a subsequent Board approval, or minor revisions are approved by the Planning Director."

Mr. Wheeler explained that was for subsequent modifications to the building and/or use, not for the application being considered by the Board tonight. That language was included to avoid being locked into a circumstance that if the Applicant built what the Board approved, but then decided to move a door or expand the building in a very minor way, the Applicant would not be required to return to the hearing body necessarily to do something Staff could review, approve, and expedite at the Staff level. There had been cases where the language was not embedded, and the applicant had to return for a hearing, which was an awkward thing for small improvements.

Mr. Tahrn responded that was his mistake.

Mr. Martens confirmed Staff was in a position of having to benchmark this based upon the Development Code. Staff indicated that if the Board wanted to approve something different, there would have to be a submission of findings.

Mr. Edmonds explained if the Board believed the Applicant provided adequate, persuasive testimony that a reduction of the garbage capacity was consistent with the other facilities that they operate and that the size was adequate, that the board create a finding to support a smaller container size.

Barbara Jacobson, Assistant City Attorney, believed that would need to be tied to a justification for a waiver.

Chair Woods assumed that justification needed to come from the Applicant.

Ms. Jacobson provided some procedural guidance with regard to further questions for the Applicant and making a motion. She suggested that Mr. Wheeler read his conditions into the record before closing the hearing.

Chair Woods confirmed there were no further questions for the Applicant.

Mr. Wheeler stated he assumed the existing 16 conditions related to Site Design Review would remain and suggested adding new Condition PDC 17 requiring that where a proposed pedestrian sidewalk abutted parking spaces, despite the presences of a wheel stop, that those portions of sidewalk be widened to 7 feet to accommodate up to 2 feet of vehicle overhanging the sidewalk. This addressed the minimum Code requirement. He described how parking a truck backward in a parking space at City Hall resulted in having no sidewalk available. Seven feet would provide the needed pedestrian passage in front of the bank of parking on the eastside, south side, and a portion of the parking on the north side. (Slide 12)

- He clarified there was no parking along Town Center Lp, noting the diagram was at an angle with the compass rows. The drive came from Town Center Lp East, headed relative north, turned left, and went relative west back out to Canyon Creek Rd. He indicated on the drawing that the sidewalks on the south were those between the building and drive aisle, and then the property owner's site was directly adjacent to the south, which was retail.
- He confirmed the sidewalk was not facing the street, but the parking abutting the drive aisle. Similarly, on the north side of the building as the drive continued out to Canyon Creek Rd, the segment on the west end where the parking was adjacent to the sidewalk, that 5-ft wide sidewalk would be overhung by vehicles if the 7-ft sidewalk width was not achieved at that location.

Ms. Jacobson asked if the condition could be summarized to say something like, "Wherever there are wheel stops adjacent to a sidewalk, the sidewalk needs to be 7 feet wide."

Mr. Wheeler responded the problem was there were wheel stops on all parking spaces and some sidewalks were already proposed as being wider than 7 ft, so there was no need to require what was already being provided. It should read, "Where parking abuts a pedestrian walkway, despite the presence of wheel stops, those sidewalks shall be a minimum of 7 feet in width." He noted 25 percent of the parking already satisfied that requirement on the north side on the east end.

Mr. Tahrán understood the intent was to have a 5-ft clear sidewalk. Typically, wheel stops are to provide a wheel stop, and then another 2.5 to 3 ft of bumper overhang to achieve the 5 ft of pedestrian movement. That was how the typical parking requirements read from his experience. If the condition stated that the Applicant needed to provide a clear 5-ft sidewalk, it would be less confusing than what he was hearing.

Ms. Dorman understood from Staff that if this was a storage facility, many people would probably be driving trucks to put their belongings in the structure. If a truck was backed in, it might go over that wheel stop and further into the sidewalk.

Mr. Wheeler added that more importantly, the wheel stops on each parking space were illustrated as being so close to the edge of the pedestrian way that there was no way to ensure vehicles would not overhang the sidewalk.

Mr. Tahrán replied they were designed according to the City standards, but if that was not adequate, so be it.

New Condition PDC 17 was read into the record as follows, "Where parking abuts a pedestrian walkway, despite the presence of wheel stops, sidewalks installed by the Applicant/Owner shall be a minimum 7 feet in width."

Mr. Martens noted the letter received from Tualatin Valley Fire & Rescue (TVF&R) and asked if the proposed design met their requirements.

Mr. Wheeler responded it would by the time it completed the Building Division's review. As mentioned, Staff simply needed to include the date of the letter, September 22, 2015, in the record. Otherwise, everything in the letter would have been imported into table format in the conditions of approval. The Board needed to include the conditions as written in the letter. The TVF&R conditions did not need to be added piece by piece into the report to achieve the same objective.

Ms. Jacobson confirmed that the Applicant, who was in the audience, had seen and reviewed the letter and was okay with the TVF&R conditions because the conditions in the letter would be the binding.

Mr. Tahrn confirmed the written conditions from TVF&R were acceptable. The Applicant had discussions with TVF&R, and the fire marshal usually came out with cut and dry conditions. The Applicant had proved that they had excessive sprinkler conditions, which lead the fire marshal to approve the access aisles as shown. He understood that was what the Applicant was going to get; and there would be no changes.

Mr. Wheeler assured the TVF&R letter was distributed to both the Board and the Applicant at the same time. He apologized that a placeholder was not put in the conditions portion of the Staff report. They would have been exported into a place in the report as conditions in that form; now, they would simply be conditions by reference in this form.

Mr. Carlson stated that when initially designed, there was no sidewalk at the upper part of Slide 12. That sidewalk was added because a continuous walkway was needed around. There was also a continuous walkway around on Town Center Lp and going around. In contrast, when he walked into City Hall for the meeting, he parked his car, got out, and walked around the back of the car into the building because there was no sidewalk. He did not believe the Applicant needed one, but they were willing to do it. It was just an extra burden in this situation.

- Additionally, he noted there were 25 parking spaces at this facility. His Clackamas facility, which was 1½ times the size of this facility, had six parking spaces that were very seldom filled. The difference between the two was some people would drive in and park in the facility itself by their locker. If the Applicant could get by without the sidewalk, they would love to do that. He guessed they would just accept what was going on and do it, but it seemed in contrast to what happened when he walked into City Hall.

Ms. Dorman suggested the Applicant might want to continue the application to think more about the parking lot and come back.

Mr. Edmonds responded no, the Applicant had an opportunity to request a waiver to reduce the parking and have it addressed tonight. This was kind of late testimony to raise yet another issue to confront at DRB. To go back, Staff would have to renotify a waiver for parking to the surrounding property owners. He did not know why the Applicant was putting themselves in this position right now, because they had been indicating to Staff that they wanted to start construction.

- He clarified the parking issue had been brought up before but the anticipation that it would be raised as an issue tonight was new.

Mr. Martens understood the issue was not so much the parking, but the sidewalk. He asked if the sidewalk was a requirement related to parking.

Mr. Wheeler responded the sidewalk was a requirement related to ADA compliance.

Ms. Dorman understood that due to that requirement, the Applicant added the parking on their own volition.

Mr. Wheeler clarified there were two separate issues. The pedestrian sidewalks were discussed because the Development Code required that they not be obstructed. The parking was required because the Applicant had nearly 80,000 sq ft of floor area for the types of uses being proposed. The comment from the Applicant was that their other facilities did not have that kind of pedestrian way or that much parking so why was the City making them provide those.

- He confirmed the parking had been calculated correctly. In the earlier design of the sidewalks, the segment on the south, which he highlighted on the drawing, was not present. The sidewalk came from Town Center Lp East until it hit the parking space. It came from the office, around the corner of the building passed the solid waste disposal area to the parking space and stopped. Staff was pleased that there was now a pedestrian connection, which he believed would have been caught at building permit anyway had it not been included as a condition because ADA required that connection from both streets to get to the other street. The Applicant could not count the driveway as being that route. The sidewalks and parking were both required for different reasons for the public good.

Chair Woods confirmed there were no additional questions for the Applicant or Staff and closed the public hearing at 8:29 pm.

Shawn O'Neil moved to adopt the Staff report as amended with the addition of new Condition PDC 17, as read into the record, as well as Exhibit C5 dated September 22, 2015 and Exhibits B12 and B17. Richard Martens seconded the motion, which passed unanimously.

Staff provided guidance regarding the appropriate procedure to address the motion should the Board want to further amend the Staff report.

Shawn O'Neil moved to adopt Resolution No 314 with the amended Staff report as approved. Chair Woods seconded the motion.

Mr. O'Neil did not believe the Applicant had presented sufficient objective evidence, other than testimony that they have other locations outside the City of Wilsonville, to warrant a smaller solid waste storage area. The size should remain consistent with what Staff suggested and the Staff report stated. He personally did not see what was wrong with having the additional trees. It would actually improve the quality for the neighbors. He did not see any issues and would not want to remove those conditions.

Mr. Martens understood the requirement was for more mature trees versus no trees.

Mr. Wheeler clarified that the Code allowed the Board discretion to require more mature plantings when the structure was taller than 24 feet in height. He noted Condition PDC 3 on Page 13 of 93 of the Staff report stated, "The Applicant/Owner shall revise the landscape plan to provide larger or more mature plant materials along the property line abutting the adjacent residential facility per Section 4.176(.04)."

Mr. Martens noted the landscaping plan included trees and landscaping along there. The condition just required them to be larger and more mature.

Mr. Wheeler agreed that was correct; landscaping was proposed along that boundary.

Chair Woods said that having looked at the area, both from the senior facility and the other side, there were a lot of spaces where trees could be planted. It seemed to be very open, and he believed that specifically stating the maturity of the kinds of trees there to add more screening from that facility would be prudent.

Mr. Wheeler confirmed Condition PDC 3 achieved that without being specific, leaving the Applicant to achieve that in their final Landscape Plan.

Mr. O'Neil understood the Applicant wanted the Board to reconsider Conditions PDC 3 and PDC 13.

Ms. Dorman agreed with retaining Condition PDC 3, but the increase in Condition PDC 13 to the 478 sq ft seemed excessive.

Chair Woods agreed that in relation to the area, it seemed to be a lot. But in keeping with the square footage of the facility, he did not believe the size would be too excessive, but right in line with the requirements.

Mr. Wheeler confirmed the exterior area of the solid waste facility would be 20 ft by 22 ft, but the interior space available for the containers and storage of the material would be approximately 17 ft by 22 ft. The additional 303 sq ft required was for the interior of the structure, not its outer dimensions.

Mr. Martens stated he would like to see the requirement for the additional storage space removed. And frankly, he believed the landscape plan, as presented, was adequate given the mature trees that were already present. He would like to see one or both of those conditions removed.

Motion failed 2 to 2 with Richard Martens and Cheryl Dorman opposed.

Richard Martens moved to approve Resolution No. 314, including the Staff report as amended, removing Condition PDC 13, which increased the solid waste storage area. Cheryl Dorman seconded the motion, which passed 3 to 1 with Shawn O'Neil opposed.

Chair Woods read the rules of appeal into the record.

IX. Board Member Communications None

- A.** Results of the September 14, 2015 DRB Panel A meeting
- B.** Discussion topic: Paperless staff reports, exhibits and application notebook materials

Blaise Edmonds, Manager, Current Planning, stated the concept of going to paperless materials was also discussed with DRB-Panel A. He noted people in engineering and architecture did almost everything paperless and used new and sophisticated applications. A couple concerns were raised about people who were more old school preferred the paper format. One Board member said she liked the paperless idea, but seeing the big notebook in the middle of her living room reminded her that she had got to look at it.

- An agenda was distributed showing links to various agenda and application materials, including staff reports, elevations, and drawings were available on the City's website. The Planning Division did not currently have the budget to purchase tablets for each individual commissioner, but that could possibly be added in the coming budget year. As Councilor Fitzgerald stated, the electronic format was working great for the City Councilors, who had their own tablets.
- It was extremely expensive for developers to publish all the voluminous documents; each notebook cost several hundred dollars.
- At this time, he wanted to know which Board member no longer wanted paper notebooks, so he could tell the developers to only print three copies, for example, rather than ten. To phase in the concept,

those wanting them could still get paper materials until the issues were worked out and the City went totally paperless.

The Board and Staff discussed the idea of moving to paperless staff reports, exhibits, materials, etc. with the following key comments:

- Saving trees was good.
- One challenge was to ensure all the draft paper documents were included on the CD or electronic format. Also, having the clarity of the electronic/online images be as clear as those on CD would be perfect. Even though the material was reduced, they could be blown up to see everything.
- Going paperless was a great idea, but there would be challenges along the way, such as the need for commissioners to have their own portable devices.
- The cost to produce the packets was a sticker shock. This would help the City and its customers save money overall.
- Everyone assimilated information in different ways. The printed packets were overwhelming, but nice to make notes on and refer to during the meeting. Perhaps commissioners could use their iPad if they wanted and have the hard copy at the meeting to write on.
- Over time commissioners have brought their own iPads, but the consideration was whether people wanted to use their private iPad for public use. Some commissioners were willing to do so for their convenience.
- Being able to download the materials while travelling was very helpful.
- If the paperless format was pursued, it would be very helpful to have the information indexed, to make it more user-friendly and have information more readily accessible.
 - It was set up to work exactly that way for City Council and trainings were provided to learn how to use the format.
- On an iPad, assuming the right format, one could zero in on big site plans and move around.
- One observation over the years was that commissioners do not open up their paper plans at the meetings to avoid hitting the microphones or spilling anything.
- Some people, usually those who were retired, spend a lot of time reviewing the plans, but that could be very difficult for those with really busy careers. It was a real challenge, so Staff did their best to provide the summary statements, issues, conditions in the yellow pages at the front of the Staff reports as a starting point to spin off from and go into the plans for more detail.
- One nice thing about the electronic format was the commissioners would receive the Staff report right away, which could be save a lot of problems.

Mr. Edmonds noted that it seemed the consensus from both DRB Panels was that they would like to move to a paperless format. He would report to the Planning Director, who would need to put the items in the Planning budget and also consider the needs of the Planning Commission as well.

Mr. O'Neil stated Staff did an excellent job setting things up, but it would be nice to be forewarned of potentially controversial or intense applications, based perhaps, on citizen input, so the Board would not feel ambushed. It would be helpful, because then they can make sure that they communicate.

Mr. Edmonds explained that with the storage building tonight, the Applicant did not want to go for any waivers because they wanted more smooth sailing and to comply with the Code. He was surprised when they came and approached the Board about wanting waivers.

Mr. O'Neil said he did not believe in ambushes; there were rules and people need to follow the rules. He understood Staff did the best they could.

Ms. Dorman said tonight was the first time in four years that she had an experienced like this.

Mr. Edmonds noted that the Phase 2 school applications which got into the site design, architecture and lighting could come to either Panel A or Panel B, but he could guarantee it would be controversial.

X. Staff Communications

There was none.

XI. Adjournment

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

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

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, NOVEMBER 23, 2015

6:30 PM

VII. Public Hearing:

- A. Resolution No. 316. Old Town Site Design Review for 2 Houses: Mark Britcliffe – Applicant for Diane Ferris – Owner.** The applicant is requesting approval of a Site Design Review for two single-family dwellings in Old Town. The site is located at 30580 SW Boones Ferry Road on Tax Lots 3801 and 3802 of Section 23AC, T3S, R1W, City of Wilsonville, Clackamas County, Oregon.
Staff: Jennifer Scola

Case Files: DB15-0074 – Site Design Review

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 316**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A SITE DESIGN REVIEW FOR TWO SINGLE-FAMILY DWELLINGS IN OLD TOWN. THE SITE IS LOCATED AT 30580 SW BOONES FERRY ROAD ON TAX LOTS 3801 AND 3802 OF SECTION 23AC, T3S-R1W, CLACKAMAS COUNTY; WILSONVILLE, OREGON. MARK BRITCLIFFE – APPLICANT FOR DIANE FERRIS - 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 a staff report on the above-captioned subject dated November 16, 2015, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meeting conducted on November 23, 2015, 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 B of the City of Wilsonville approves the request for Site Design Review for two single-family dwellings within the Old Town Overlay Zone, 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:

DB15-0074- Site Design Review for Two Single-Family Dwellings

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 23rd day of November, 2015, and 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)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

Aaron Woods, Chair
Development Review Board, Panel B

Attest:

Shelley White, Planning Administrative Assistant

Exhibit A1

STAFF REPORT
WILSONVILLE PLANNING DIVISION
Site Design Review for Two Single-Family Dwellings
DEVELOPMENT REVIEW BOARD PANEL 'B'
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE: November 23, 2015
DATE OF REPORT: November 16, 2015

APPLICATION NO.: DB15-0074

APPLICANT: Mark Britcliffe

OWNER: Diane Ferris

REQUEST: The applicant proposes to develop two single-family dwellings with accessory dwelling units, one per house, on two lots of record within the Old Town Overlay Zone

LOCATION: 30580 SW Boones Ferry Road, and the parcel directly to the south (See Vicinity Map on Page 2)

LEGAL DESCRIPTION: Tax Lots 3801 and 3802 Township 3 South, Range 1 West, Section 23AC, Clackamas County, Oregon

COMPREHENSIVE PLAN DESIGNATION: Residential 6-7 du/ac

ZONING DESIGNATION: Residential Agricultural - Holding Zone (RA-H) and Old Town Overlay District

STAFF REVIEWER: Jennifer Scola, Assistant Planner

REQUESTED ACTION:

The Development Review Board is being asked to review:

DB15-0074: Site Design Review for two single-family dwellings on two existing lots of record in the Old Town Overlay Zone.

STAFF RECOMMENDATION: Approve the Site Design Review Plans, together with recommended conditions of approval, beginning on page 4.

VICINITY MAP:



APPLICABLE CRITERIA:

Wilsonville Planning and Land Use Development Ordinance: Sections 4.001(7); 4.002(.01); 4.008 – 4.015; 4.031(.01)(H); 4.034(.04); 4.035(.05); 4.113; 4.113(.11); 4.120); 4.138; 4.155; 4.167; 4.171; 4.175; 4.176; 4.177; 4.178; 4.300; 4.400 – 4.450; 4.421(.01)(A) – (G); 4.421(.02); 4.421(.03); **Other Planning Documents:** Old Town Master Plan (including Boones Ferry Historic District & Architectural Pattern Book)

BACKGROUND:

The Old Town Overlay is intended to capture the spirit of Wilsonville's past, and reflect it in new development or redevelopment. Period architecture, quality design, and relationship to surrounding uses, is required by this overlay.

The Owner's property is within the Old Town Overlay Zone, and is composed of portions of lots in the subdivision of Wilsonville, which was recorded in 1908. Specifically, the ownership is described as all of Lot 3 and Lot 4 of Block "A", Wilsonville. Staff has determined from information gathered from the Clackamas County Assessor, that each of the lots is a lot of record.

SUMMARY:

Class 3 Site Design Review (DB15-0074):

As demonstrated in conclusionary findings A1 through A32, the proposed Site Design Review Plans (i.e., architecture) for two (2) single-family dwellings, together with proposed conditions referenced herein, **meet** the City's applicable review criteria found in Sections 4.138 and 4.400 – 4.450.

CONCLUSIONS AND RECOMMENDATION:

Staff has reviewed the applicant's analysis for compliance with the applicable review criteria. Staff finds that the analysis satisfactorily demonstrates compliance with the Planning and Land Development Ordinance. The staff report adopts the applicant's responses as Findings of Fact, except as noted in the Conclusionary Findings, and modified by proposed Conditions of Approval. Based on the Findings of Fact, information included in this staff report, and information received at a duly advertised public hearing, staff recommends that the Development Review Board approve the proposed application (DB15-0074), together with the following conditions:

CONDITIONS OF APPROVAL:

The application and supporting documents are hereby adopted for approval with the following conditions:

PD = Planning Division Conditions	A. DB15-0074: Site Design Review
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<u>Planning Division Conditions:</u>
<i>DB15-0074: Class 3 Site Design Review</i>
PDA 1. The Applicant/Owner shall develop the proposed dwellings in substantial compliance with the Site Design Review plans approved by the DRB, unless altered with Board approval, or minor revisions are approved by the Planning Director under a Class I administrative review process.
PDA 2. The Applicant/Owner shall submit a landscape plan to assure that each lot of record is developed with a minimum of 15 percent landscape, per Section 4.138(.03)(C).
PDA 3. The Applicant/Owner shall screen proposed driveways from view from abutting lots, as required by Section 4.155(.03)(B)(1).
PDA 4. The Applicant/Owner shall install all utilities underground, as required by Section 4.320.

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 File DB15-0074.

A. Staff's Written and Graphic Materials:

A1. Staff Report, including:

- Findings of Fact
- Proposed Conditions of Approval
- Conclusionary Findings

A2. Staff PowerPoint Presentation

B. Applicant's Written and Graphic Materials:

B1. Application Form

B2. Applicant's Narrative and Findings

B3. Elevations for Each House

a. House #1

b. House #2

B4. Color & Materials – House #1 (Too Large to Reproduce)

B5. Color & Materials – House #2 (Too Large to Reproduce)

C. General Correspondence:

C1. Letters (neither For nor Against): None submitted

C2. Letters (In Favor): None submitted

C3. Letters (Opposed): None submitted

FINDINGS OF FACT:

1. Statutory Timeline: The statutory 120-day time limit applies to this application. The application was received on September 18, 2015. On October 2, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period and deemed the application incomplete. On October 8, 2015 the Applicant submitted additional materials for the application. On October 20, 2015, the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 17, 2016.

2. Adjacent land uses:

Compass Direction	Zone:	Existing Use:
North:	RA-H	Single-Family home
East:	RA-H	Single-Family homes (2)
South:	RA-H	Single-Family home
West:	PDI	Commercial Development / Mini Storage Facility

3. Comprehensive Plan and Zone Maps: The site has a Comprehensive Plan designation of Residential 6-7 du/ac, and is zoned Residential Agricultural - Holding Zone (RA-H).

4. Natural Characteristics: The subject premises have gently flat terrain. Vegetation is limited to existing landscape.

5. Streets: The subject property is located on the east side of SW Boones Ferry Road, north of SW Fifth Street. Access to the site is from SW Boones Ferry Road.

6. **Review Procedures:** The required public notices have been sent and all proper notification procedures have been satisfied.
7. **Previous land use approvals:** The subject property is composed of Lot 3 and Lot 4 of Block "A" of the original subdivision plat of Wilsonville, recorded in 1908.

GENERAL INFORMATION

Section 4.001(7). Definitions – Accessory Dwelling Unit.

1. **Accessory Dwelling Unit:** A dwelling unit of not more than 800 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached. The Applicant is proposing two attached Accessory Dwelling Units, both at 786 square feet.

Section 4.008. Application Procedures - In General.

2. The applicant is requesting the site development permit application necessary to re-develop Tax Lots 3801 and 3802 of Section 23AC; T3S R1W; Clackamas County, Oregon. The applicant proposes to remove an existing garage on Tax Lot 3801, and replace it with one single-family home, and to construct one single-family home on the vacant lot directly south of it (Tax Lot 3802); each a legal lot of record within the Old Town Overlay Zone.

Section 4.009. Who May Initiate Applications

3. The application has been submitted by Mark Britcliffe, the Authorized Representative of owner of the subject property, Diane Ferris. This provision is met.

Section 4.014. Burden of Proof

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. In the case of an appeal, the burden of proof rests with the appellant.

4. The applicant has submitted the referenced materials in support of the Site Design Review of the subject property. Staff has supplemented that submittal with evidence obtained from the Clackamas County Assessor's Office. In the event of a challenge to any of the conclusions reached in this report, the applicant bears the burden of proof in satisfying applicable criteria. This provision is met.

**REQUEST A: DB15-0074 - SITE DESIGN REVIEW
CONCLUSIONARY FINDINGS**

The applicant is requesting approval of Site Design Review for two single-family dwellings on two legal lots of record in the Old Town Overlay Zone.

Section 4.120 RA-H (Residential Agricultural – Holding) Zone

(.02) Uses permitted Outright:

B. One single-family dwelling unit...per lot

- A1.** The proposal is for two-single family dwellings and one Accessory Dwelling Unit (ADU) per house, on two existing lots of record, as permitted by the provisions of this section.

(.05) Off-Street Parking Requirements

- A2.** The Applicant proposes to meet the requirements of Sections 4.155, as demonstrated beginning on page 16 of this report. Each house contains garage parking for three cars, as well as two off-street parking spaces, which is adequate parking for the houses and the ADUs.

Section 4.113 Standards Applying to Residential Developments in Any Zone.

Setbacks prescribed by this section are superseded by the provisions of the RA-H zone, reviewed next, below.

Section 4.113(.11) Accessory Dwelling Units Accessory Dwelling Units.

- A. Accessory Dwelling Units, developed on the same lot as the detached or attached single-family dwelling to which it is accessory, shall be permitted outright, subject to the standards and requirements of this Section.***

B. Standards

- 1. One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in an adopted Neighborhood Plan or Stage II Development Plans. Larger units shall be subject to standards applied to duplex housing.***
- 2. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.***

- 3. This Section applies to residential developments in PD-R, R, RA-H, or Village zones.**
- 4. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II/Final Development Plan.**
- 5. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.**
- 6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit on the property.**
- 7. Parking:**
 - a. Each Accessory Dwelling Unit shall have one standard sized parking space on the same lot.**
 - b. Where an off-street parking space is not available to serve the ADU, on-street parking may be considered to satisfy this requirement if all of the following are present:**
 - i. On-street parking exists along the frontage of the lot, or within 100' of the front lot line of the lot.**
 - ii. No more than 25% of the lots in a block will have ADUs.**
- 8. Each Accessory Dwelling Unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.**
- 9. Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick-up.**

A3. The Applicant proposes to meet the requirements of Section 4.113(.11). Each ADU is enclosed within the main house, is 786 square feet in size, and has at

least one off-street parking space on site. The provisions of this section are satisfied.

Section 4.120 Zones. RA-H Residential Agricultural - Holding Zone

(.04) Dimensional Standards:

A. Minimum Lot Size: 30,000 square feet.

B. Minimum Front and Rear Yard Setbacks: Thirty (30) feet. Minimum Side Yard Setback: Ten (10) feet.

- 1. Legal, non-conforming RA-H lots in the Old Town Overlay Zone shall have the following setbacks:**
 - a. Front: Ten (10) feet for single family dwellings, for all other uses: none;**
 - b. Rear: Fifteen (15) feet;**
 - c. Side: Five (5) feet.**
- 2. Minimum setback for residential garage or carport: At least five (5) feet behind the front of the nearest residential unit on the property. In no case shall the front of a garage or carport be located less than twenty (20) feet behind a sidewalk or a public right-of-way providing access to that garage or carport. Except, however, in the case of an alley where garages or carports are located within five (5) feet of the property line adjoining the alley. [Amended by Ord. 682, 9/9/10]**

- A4.** The applicant is proposing to build two single-family dwellings, each on their own lot of record. Each dwelling is proposed to comply with the setbacks and maximum height for lots of record required in Subsection 4.120(.04)(B)(1), above (Exhibit B2). Staff finds these criteria will be met.
- A5.** Staff finds that the RA-H zone is not subject to a maximum lot coverage limitation.

Section 4.138: Old Town (O) Overlay Zone

(.01) Purpose

The Old Town Overlay is intended to capture the spirit of Wilsonville's past, and reflect it in new development or redevelopment. Period architecture, quality design, and relationship to surrounding uses, is required by this overlay.

The applicant's proposal has achieved all of these purposes, using details from the early 1900's, and thoughtful consideration of the site's resources, and provided ample links to the surrounding neighborhood.

- A. *The standards of the “O” overlay zone are intended to assure that, through the appropriate use of architectural details, windows, building orientation, facades, and construction materials, new structures, and major alterations of existing structures, create a pleasing and pedestrian-friendly environment.*
- B. *It is the desire of the City to have buildings in the “O” overlay zone reflect a range of architectural types and styles that were popular in the Willamette Valley from approximately 1880 to 1930. The following design standards are intended to further define those characteristics that will convey the desired architecture.*
- C. *These standards are intended to encourage quality design, to enhance public safety, and to provide a comfortable and attractive street environment by providing features and amenities of value to pedestrians. Quality design will result in an arrangement of buildings that are in visual harmony with one-another, leading to a neighborhood that is vital, interesting, attractive, and safe. These qualities contribute to the health and vitality of the overall community.*
- D. *These standards shall be used by the City's Planning Department and Development Review Board in reviewing development applications within the Old Town neighborhood.*

(.02) *The “O” Overlay zone shall be applied in conjunction with the underlying base zones in the Old Town neighborhood.*

- A. *The following shall require site design review for conformance with these standards:*
 - 1. *New building construction and the substantial redevelopment of existing buildings, including the construction of new single family dwellings;*

A6. The applicant has applied the Site Design Review provisions of this overlay zone to the two proposed single-family dwellings, as will be demonstrated in the findings, below.

(.03) *Development standards*

- A. *Lot area, width, depth - As specified in the underlying base zone. Single family and two-family dwelling units, other than those on lots fronting Boones Ferry Road, shall be subject to the following minimum setbacks:*

1. **Front and rear yard:** 15 feet;
2. **Street side of corner lots:** 10 feet;
3. **Other side yards:** 5 feet.

A7. The setbacks in this subsection conflict with, and are superseded by those of the underlying RA-H zone, especially for lots of record, which are reviewed on page 9 of this report.

B. ...residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken.

A8. The applicant proposes to comply with this requirement for each of the two proposed single-family dwellings. The garage for each lot is proposed to be 25' from the front property line.

C. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-of-way.

A9. The applicant has not provided a landscape plan for the two lots, but the footprint of each dwelling leaves an adequate area on each lot to achieve compliance for each of the two proposed single-family dwellings. A landscape plan shall be required prior to obtaining building permits, per Condition PDA 2.

D. Building height - As specified in the underlying base zone.

A10. The RA-H zone allows a maximum building height of 35 feet. The applicant proposes to be in compliance with the maximum building height. The proposed two-story dwelling on Tax Lot 3801 will be 23'-6" and 25'-6" on Tax Lot 3802.

(.04) Pedestrian environment. In order to enhance the pedestrian scale of the neighborhood:

A. Special attention shall be given to the primary building entrances, assuring that they are both attractive and functional.

D. ...For smaller lots, which may not have functional alternatives for parking, up to 40% of lot frontage may be used for parking, provided that

appropriate screening and visual enhancement is created between the parking area and the sidewalk...

A11. The applicant proposes the two single-family dwelling entrances to face Boones Ferry Road, to give special attention to the primary building entrances, and assure that they are both attractive and functional. Each dwelling will have raised masonry porches and raised paneled doors. The porch on Tax Lot 3801 will have 8 x 8 posts and a railing around the entrance. The porch on Tax Lot 3802 will contain 12 x 12 tapered columns and wood railings as well. Staff finds the proposal to be in compliance with this requirement.

(.05) *Building compatibility*

- A. *The design and materials of proposed buildings shall reflect the architectural styles of the Willamette Valley during the period from 1880 to 1930.***
 - B. *Commercial and manufacturing buildings shall be designed to reflect the types of masonry or wood storefront buildings that were typical in the period from 1880 to 1930. Larger modern buildings shall be designed with facades that are divided to give the appearance of a series of smaller buildings or distinctive store fronts, and/or multi-storied structures with, at least, the appearance of second stories.***
 - C. *Residential buildings shall be designed to reflect the size and shape of traditional dwellings from the period from 1880 to 1930. Where larger multiple family residential buildings are proposed, their building facades shall be divided into units that give the appearance of a series of smaller dwellings.***
- A12.** The proposal includes two-single family dwellings and two ADUs. The design of the residential dwellings is intended to reflect the size and shape of traditional dwellings from the period from 1880 to 1930 and both are two-story dwellings. The applicant is proposing one Colonial-style home (Tax Lot 3801) and one Craftsman-style home (Tax Lot 3802). The applicant has incorporated many of the Residential Design Standards suggested within the Boones Ferry Historic District Architectural Pattern Book. Therefore, staff finds that the building compatibility requirements have been met.

(.06) *Building materials*

- A. *Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger developments, variations in facades, floor levels, architectural features, and/or exterior finishes shall be used to create the appearance of a series of smaller buildings.***

- B. Exterior building materials shall be durable, and shall convey a visual impression of durability. Materials such as masonry, stone, stucco, and wood will generally provide such an appearance. Other materials that replicate the appearance of those durable materials may also be used.**
- C. Where masonry is to be used for exterior finish, varied patterns are to be incorporated to break up the appearance of larger surfaces.**
- D. Wood siding is to be bevel, shingle siding or channel siding or the equivalent. T-111 and similar sheathed siding shall not be used unless it is incorporated with batten treatment to give the appearance of boards.**
- E. Exterior materials and colors are to match the architecture of the period.**

A13. The proposed dwelling located on Tax Lot 3801 is a Colonial-styled home with 8 x 8 vertical pillars on the front porch. This dwelling will also be clad with 4-inch-wide horizontal plank siding with wood grain, double hung windows, and rough sawn wood trim. Staff finds the proposal to be in compliance with these requirements.

A14. The proposed dwelling located on Tax Lot 3802 is a Craftsman-style home with an articulated appearance. The applicant is proposing the use of 8-inch-wide horizontal plank siding with wood grain, double hung windows, and rough sawn wood trim. The dwelling also features a raised masonry front porch with 12 x 12 tapered columns and wood railings. Staff finds the proposal to be in compliance with these requirements.

(.07) Roof materials, design

- A. Pitched roof structures shall have a minimum pitch of 4:12.**
- B. Roofs with a pitch of less than 4:12 are permitted, provided that they have detailed, stepped parapets or detailed masonry coursing.**
- C. Parapet corners are to be stepped. Parapets are to be designed to emphasize the center entrance or primary entrance(s).**
- D. Sloped roofs that will be visible from the adjoining street right-of-way shall be of a dark, non-ornamental color.**
- E. Preferred roofing materials that are visible from a public street include wood or architectural grade composition shingle, tile, or metal with standing or batten seams. Metal roofs without raised seams shall not be used in visible locations.**

A15. The applicant is proposing a 5/12 pitch roof for the Colonial-styled home on Tax Lot 3801, with asphalt shingles to mimic shake roofing, which was often used in the Mid-Willamette Valley between 1880 and 1930 (shown on the materials board for that dwelling, Exhibit B4). Staff finds the proposal to be in compliance with this requirement.

A16. The applicant is proposing a 7/12 pitch roof for the Craftsman-styled home on Tax Lot 3802, with asphalt shingles to mimic shake roofing, which was often used in the Mid-Willamette Valley between 1880 and 1930 (shown on the materials board for that dwelling, Exhibit B5). Staff finds the proposal to be in compliance with this requirement.

(.09) Building facades

A. Ornamental devices, such as moldings, entablature, and friezes, are encouraged at building roof lines. Where such ornamentation is to be in the form of a linear molding or board, it shall match or complement the architecture of the building.

E. Buildings are to have variations in relief, including such things as cornices, bases, fenestration, fluted masonry, and other aesthetic treatments to enhance pedestrian interest.

A17. The Colonial-style dwelling has a covered front porch with a hip roof. Each entrance to the dwelling is surrounded by rough sawn wood trim. Staff finds the proposed dwelling on Tax Lot 3801 to be in compliance with this requirement.

A18. The applicant proposes a covered porch for the Craftsman-style single-family dwelling. This dwelling has a covered front porch roof, tapered columns and shake-texture gable roof accents above the entrance and on the upper story. Staff finds the proposed dwelling on Lot 3802 to be in compliance with this requirement.

(.10) Windows in buildings adjacent to Boones Ferry Road

A. Windows shall include amenities such as bottom sills, pediments, or awnings. Glass curtain walls, highly reflective glass, and painted or darkly tinted glass are not permitted other than stained or leaded glass.

A19. The applicant has proposed simple, double-hung windows in the Colonial-styled dwelling on Tax Lot 3801.

A20. The applicant has proposed simple, double-hung windows in the Craftsman-styled dwelling on Tax Lot 3802.

A21. Staff finds the proposal to be in compliance with this requirement.

(.12) Lighting

B. Exterior lighting is to be an integral part of the architectural design and must complement the street lighting of the area, unless it is located at the side or rear of buildings in locations that are not facing a public street that is not an alley.

C. In no case is lighting to produce glare on neighboring properties or public rights-of-way such that a nuisance or safety hazard results.

A22. The applicant has not illustrated proposed building lighting for either of the two dwellings. The absence of this missing item can be addressed through a condition of this action, if approved. Staff finds that by imposing such a condition, the applicant's proposal will comply with the provisions of this subsection.

Section 4.155 General Regulations – Parking, Loading and Bicycle Parking

(.02) General Provisions:

A. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.

A23. The existing lots of record each have frontage on SW Boones Ferry Road. The applicant proposes one driveway to access each of the two proposed single-family dwellings, and three parking spaces within each of the proposed garages (one single space, and one tandem space). The exterior of each dwelling will have the appearance of a two-car garage. No on-street parking is proposed. Staff finds the applicant has proposed off-street parking in compliance with the requirement.

(.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.**
2. **To the greatest extent possible, separate vehicle and pedestrian traffic.**

A24. The subject lots of record each have frontage on SW Boones Ferry Road. The applicant proposes one driveway to access each of the proposed single-family dwellings, and three parking spaces (one single space, and one tandem space) within each of the proposed garages. No on-street parking is proposed. Staff finds the applicant has proposed off-street parking in compliance with the requirement.

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.**

A25. The proposal does not include or require off-street loading areas. The parking areas (i.e., driveways) will be required to be screened from the abutting lots to the north and south. Through the imposition of proposed condition PDA 3, this criterion can be satisfied.

G. Parking Standards

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

A26. Based upon the table above, the applicant is required to provide one (1) parking space for each single-family dwelling and one (1) parking space per ADU. The applicant is proposing three (3) garage spaces and two (2) off-street parking spaces for each lot of record. Staff finds the proposal to be in compliance with this requirement.

Section 4.320 Underground Utilities

A27. Condition of Approval PDA 4 will ensure all utilities be installed underground, where possible.

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

A28. A landscape plan was not provided as part of the applicant's submitted materials. The applicant will be required to submit a landscape plan, in order to comply with the provisions of Section 4.138(.03)(C). See proposed Condition PDA 2. As a result of this requirement, this criterion is satisfied.

B. Relation of Proposed Buildings to Environment

A29. Staff finds that the subject property does not contain steep slopes, is not within a Significant Resource Overlay Zone (SROZ), and has very little vegetation. This criterion is satisfied.

C. Drives, Parking and Circulation

A30. A review of Section 4.155, beginning on page 16, above, provides a detailed discussion regarding drives, parking and circulation.

D. Surface Water Drainage

A31. Surface water drainage requirements will be reviewed and enforced with the building permit for each proposed dwelling.

E. Utility Service

- A32.** Condition of Approval PDA 4 will ensure all utilities be installed underground, where possible.

SUMMARY FINDING FOR DB15-0074 – Site Design Review:

- A33.** Except where noted in the analysis, above, the applicant has borne the burden of proof in demonstrating that the proposed Site Design Review plans for the two proposed dwellings satisfy applicable review criteria. As a result, the Site Design Review plans for the two proposed dwellings should be approved, subject to the proposed conditions of approval, beginning on page 4 of this report.

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:

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.

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Applicant:

MARK + Darla Britcliffe
Address: 27485 SW Xanthus CT
Phone: 503-576-7700
Fax: 503-925-8387
E-mail: MARKBrit@yahoo.com

Authorized Representative:

Address: _____
Phone: _____
Fax: _____
E-mail: _____

Property Owner:

Bernadine Becker
Mailing Address: 32678 NE Corral Creek Rd. NEWBERG, OR
Phone: 503-530-5864
Fax: _____
E-mail: dgferrisb@gmail.com

Property Owner's Signature:

Bernadine Becker
Printed Name: Bernadine Becker Date: 9-18-2015

Applicant's Signature (if different from Property Owner):

MARK Britcliffe
Printed Name: MARK Britcliffe Date: 9-18-2015

Site Location and Description:

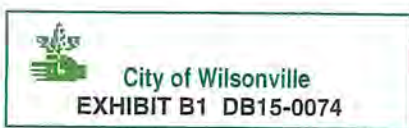
Project Address if Available: 30580 SW BUONES FERRY ROAD Suite/Unit _____
Project Location: Wilsonville, OR (31 W 23 AC 03801 and
Tax Map #(s): _____ Tax Lot #(s): 31 W 23 AC 03802 County: Washington Clackamas

Request: Site Design Review for 2 Homes with attached ADU's.

Project Type: Class I Class II Class III
 Residential Commercial Industrial Other (describe below)

Application Type:

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Meior Partion | <input type="checkbox"/> Minor Partion | <input type="checkbox"/> Parks Plan Review |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs | <input checked="" type="checkbox"/> Site Design Review |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> Type C Tree Removal Plan | <input type="checkbox"/> Tree Removal Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Villebois SAP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Other | | |



I. INTRODUCTION

General Information

Property Owner/ Applicant Mark and Darla Britcliffe

27485 sw Xanthus ct

Sherwood, Or.

Phone: 503-516-7700

E-mail: markebrit@yahoo.com

Tax Lot Information Lots 30801 and 30102 on Map 31W23DB

Location 30580 SW Boones Ferry Road

Wilsonville, Oregon

Current Zoning Districts RA-H with (O) Overlay

Comprehensive Plan Area F – “Old Town”

Project Site Area Approximately 10,000 SF

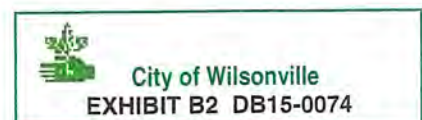
II. SUMMARY

We are proposing 1 home with an attached ADU on each separate tax lot

Total lot coverage: 46%

RECEIVED
OCT 08 2015

BY: _____



II. SITE DESIGN HOUSE #1/COMPLIANCE

Requirement standards of RA-H zoning.

Section 4.138. Old Town (O) Overlay Zone.

(.01) Purpose. The purpose of this overlay zone is to establish the design standards that will be applied to developments within the Old Town neighborhood, mapped as the Boones Ferry District in the City's West Side Master Plan. The following purpose statement is not intended as a set of additional permit criteria. Rather, it is a description of the desired outcome as development occurs incrementally, over time. This overlay district is intended to create a modern interpretation of a traditional old town Main Street and mixed use neighborhood. It is recognized that the Old Town neighborhood is of unique significance because of its existing pattern of mixed uses, its access to the Willamette River and because it was the original center of housing. The standards of the "O" overlay zone are intended to assure that, through the appropriate use of architectural details, windows, building orientation, facades, and construction materials, new structures, and major alterations of existing structures, create a pleasing and pedestrian-friendly environment.

B. It is the desire of the City to have buildings in the "O" overlay zone reflect a range of architectural types and styles that were popular in the Willamette Valley from approximately 1880 to 1930. The following design standards are intended to further define those characteristics that will convey the desired architecture.

C. These standards are intended to encourage quality design, to enhance public safety, and to provide a comfortable and attractive street environment by providing features and amenities of value to pedestrians. Quality design will result in an arrangement of buildings that are in visual harmony with one-another, leading to a neighborhood that is vital, interesting, attractive, and safe. These qualities contribute to the health and vitality of the overall community.

D. These standards shall be used by the City's Planning Department and Development Review Board in reviewing development applications within the Old Town neighborhood.

Findings: The Colonial architectural style implemented in the design and details of the proposed structure reflect a style popular in the Willamette Valley in the time

II. SITE DESIGN HOUSE #1

Section 4.138. Old Town (O) Overlay Zone.

(.01) Purpose. The purpose of this overlay zone is to establish the design standards that will be applied to developments within the Old Town neighborhood, mapped as the Boones Ferry District in the City's West Side Master Plan. The following purpose statement is not intended as a set of additional permit criteria. Rather, it is a description of the desired outcome as development occurs incrementally, over time. This overlay district is intended to create a modern interpretation of a traditional old town Main Street and mixed use neighborhood. It is recognized that the Old Town neighborhood is of unique significance because of its existing pattern of mixed uses, its access to the Willamette River and because it was the original center of housing and commerce for the community.

A. The standards of the "O" overlay zone are intended to assure that, through the appropriate use of architectural details, windows, building orientation, facades, and construction materials, new structures, and major alterations of existing structures, create a pleasing and pedestrian-friendly environment.

B. It is the desire of the City to have buildings in the "O" overlay zone reflect a range of architectural types and styles that were popular in the Willamette Valley from approximately 1880 to 1930. The following design standards are intended to further define those characteristics that will convey the desired architecture.

C. These standards are intended to encourage quality design, to enhance public safety, and to provide a comfortable and attractive street environment by providing features and amenities of value to pedestrians. Quality design will result in an arrangement of buildings that are in visual harmony with one-another, leading to a neighborhood that is vital, interesting, attractive, and safe. These qualities contribute to the health and vitality of the overall community.

D. These standards shall be used by the City's Planning Department and Development

Review Board in reviewing development applications within the Old Town neighborhood.

Findings: The Colonial architectural style implemented in the design and details of the proposed structure reflect a style popular in the Willamette Valley in the time range referred to.

(.02) The "O" Overlay zone shall be applied in conjunction with the underlying base zones in the Old Town neighborhood.

A. The following shall require site design review for conformance with these standards:

1. New building construction and the substantial redevelopment of existing buildings, including the construction of new single family dwellings; and
2. Any exterior remodeling that requires a building permit, when that remodeling is visible from a public street (other than an alley).

Response: The current zone is RA-H. A single-family home with attached ADU is a permitted use of RA-H zone. This lot of record's lot size is 5,000 SF. Minimum required lot size is 30,000 SF so this lot of record qualifies as a legal, non-conforming RA-H lot with setbacks per Section 4.120(.04)B.1.

B. Except, however, that exterior remodeling of residential units other than those facing Boones Ferry Road shall be reviewed through the Class I Administrative Review procedures of Sections 4.009 through 4.012. This review will be applied only to the portions of buildings that are visible from public streets (not including alleys) and is intended to assure that the design of the portion of the building being remodeled will either match the standards of the Old Town Overlay Zone or be consistent with the existing design of the structure.

Findings: This proposal is for a new construction, so this section does not apply.

C. Those proposing to build or remodel the exterior of any building in the area are encouraged to contact the City about the availability of funds for historic façade treatment.

Findings: The Applicant has contacted the city in regards to this issue

(.03) Development standards.

A. Lot area, width, depth - As specified in the underlying base zone. Single family and two-family dwelling units, other than those on lots fronting Boones Ferry Road, shall be subject to the following minimum setbacks:

1. Front and rear yard: 15 feet;
2. Street side of corner lots: 10 feet;
3. Other side yards: 5 feet

Findings: Since the proposed lot fronts Boones Ferry Road, this is not applicable.

B. Building Setbacks - Buildings fronting Boones Ferry Road shall abut the public sidewalk except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved. Except, however, that residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken. The Development Review Board may approve other setbacks to accommodate sidewalks, landscaping, or other streetscape features located between the street right-of-way and the building.

Findings: Garage has 25' setback

C. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-of-way.

D. Building height - As specified in the underlying base zone.

Findings: RA-H allows 35' MAX building height, we are proposing 23'-6" building height per attached drawings. Applicant will landscape the front yard.

E. Street access to Boones Ferry Road. Ingress and egress points along Boones Ferry Road shall be designed and constructed such that access points on one side of the road shall coordinate with access points on the other side of the road. New

developments along Boones Ferry Road and north of Bailey Street will have access points designed and constructed in a pattern that replicates the shape of Main Street blocks.

Findings: There are no access points to the properties across the street.

(.04) Pedestrian environment. In order to enhance the pedestrian scale of the neighborhood:

A Special attention shall be given to the primary building entrances, assuring that they are both attractive and functional.

Findings: We propose a prominent raised front porch with 8x8 posts and wood railings. The front door will be a raised paneled door typical of the targeted time period.

B. The pedestrian environment shall be enhanced by amenities such as street furniture, landscaping, awnings, and movable planters with flowers, as required by the Development Review Board.

C. Sidewalk width may vary from block to block, depending upon the nature of adjacent land uses and the setbacks of existing buildings. Provided, however, that a continuity of streetscape design is maintained along Boones Ferry Road, generally following the pattern that has been started with the 1996 approval for Old Town Village on the west side of Boones Ferry Road from Fourth Street to Fifth Street.

[Amended by Ordinance No. 538, 2/21/02.]

1. North of Bailey Street, where the most intense commercial development is anticipated, the widest sidewalks and most mature landscaping are required.

2. In situations where existing buildings are located at the right-of-way line, special sidewalk designs may be necessary to assure pedestrian access.

Findings: not applicable.

D. When practicable, buildings along Boones Ferry Road shall occupy 100% of the street frontage between block segments. Up to 25% of street frontage may be in public plazas, courtyards, and similar landscape or streetscape features that provide public spaces adjacent to the sidewalk. For smaller lots, which may not have functional alternatives for parking, up to 40% of lot frontage may be used for

parking, provided that appropriate screening and visual enhancement is created between the parking area and the sidewalk. Appropriate pedestrian connections shall be constructed between such parking lots and sidewalks.

Findings: The proposed building is a residence on a lot of record these standards are not applicable to this proposal.

(.05) Building compatibility.

A. The design and materials of proposed buildings shall reflect the architectural styles of the Willamette Valley during the period from 1880 to 1930.

Findings: Our Colonial design incorporates Hadri Cedarmill 4" horizontal siding with rough sawn wood window trim, double hung windows and paneled door would be typical of homes built in the area in the time frame noted. The body will be painted Shermin Williams Kilim Beige 6106 and the trim Latte 6108.

B. Commercial and manufacturing buildings shall be designed to reflect the types of masonry or wood storefront buildings that were typical in the period from 1880 to 1930. Larger modern buildings shall be designed with facades that are divided to give the appearance of a series of smaller buildings or distinctive store fronts, and/or multi-storied structures with, at least, the appearance of second stories.

Findings: Not applicabl

C. Residential buildings shall be designed to reflect the size and shape of traditional dwellings from the period from 1880 to 1930. Where larger multiple family residential buildings are proposed, their building facades shall be divided into units that give the appearance of a series of smaller dwellings.

Findings: The scale and design of our proposal would be extremely typical of homes construted in the noted time period.

D. Manufactured housing units and mobile homes, if located outside of approved manufactured or mobile home parks, shall meet the design standards applied to other single family dwellings in the area.

Findings: Not applicable.

(.06) Building materials.

A. Facades shall be varied and articulated to provide visual interest to pedestrians.

Within larger developments, variations in facades, floor levels, architectural features, and/or exterior finishes shall be used to create the appearance of a series of smaller buildings.

B. Exterior building materials shall be durable, and shall convey a visual impression of durability. Materials such as masonry, stone, stucco, and wood will generally provide such an appearance. Other materials that replicate the appearance of those durable materials may also be used.

Findings: Raised masonry porch, large columns and wide window trim are incorporated to give a sense of strength

C. Where masonry is to be used for exterior finish, varied patterns are to be incorporated to break up the appearance of larger surfaces.

D. Wood siding is to be bevel, shingle siding or channel siding or the equivalent. T- 111 and similar sheathed siding shall not be used unless it is incorporated with batten treatment to give the appearance of boards.

E. Exterior materials and colors are to match the architecture of the period.

(.07) Roof materials, roof design and parapets.

Pitched roof structures shall have a minimum pitch of 4:12.

Findings: our proposed roof is 5/12

B. Roofs with a pitch of less than 4:12 are permitted, provided that they have detailed, stepped parapets or detailed masonry coursing.

C. Parapet corners are to be stepped. Parapets are to be designed to emphasize the center entrance or primary entrance(s).

D. Sloped roofs that will be visible from the adjoining street right-of-way shall be of a dark, non-ornamental color.

E. Preferred roofing materials that are visible from a public street include wood or architectural grade composition shingle, tile, or metal with standing or batten seams. Metal roofs without raised seams shall not be used in visible locations.

Findings: We are proposing architectural asphalt roofing to mimic shake roofing that would have been used in the time period mentioned. The color will be Pabco Premier Oakwood.

F. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes, wireless communication equipment, and vent pipes are to be completely screened from public view by parapets, walls or other approved means; or , alternatively, may be effectively camouflaged to match the exterior of the building.

1. "Public view" is intended to mean the view from the sidewalk directly across the street from the site.

2. Roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes, wireless communication equipment, and vent pipes that are visible from Interstate-5 shall be effectively camouflaged to match the exterior of the building

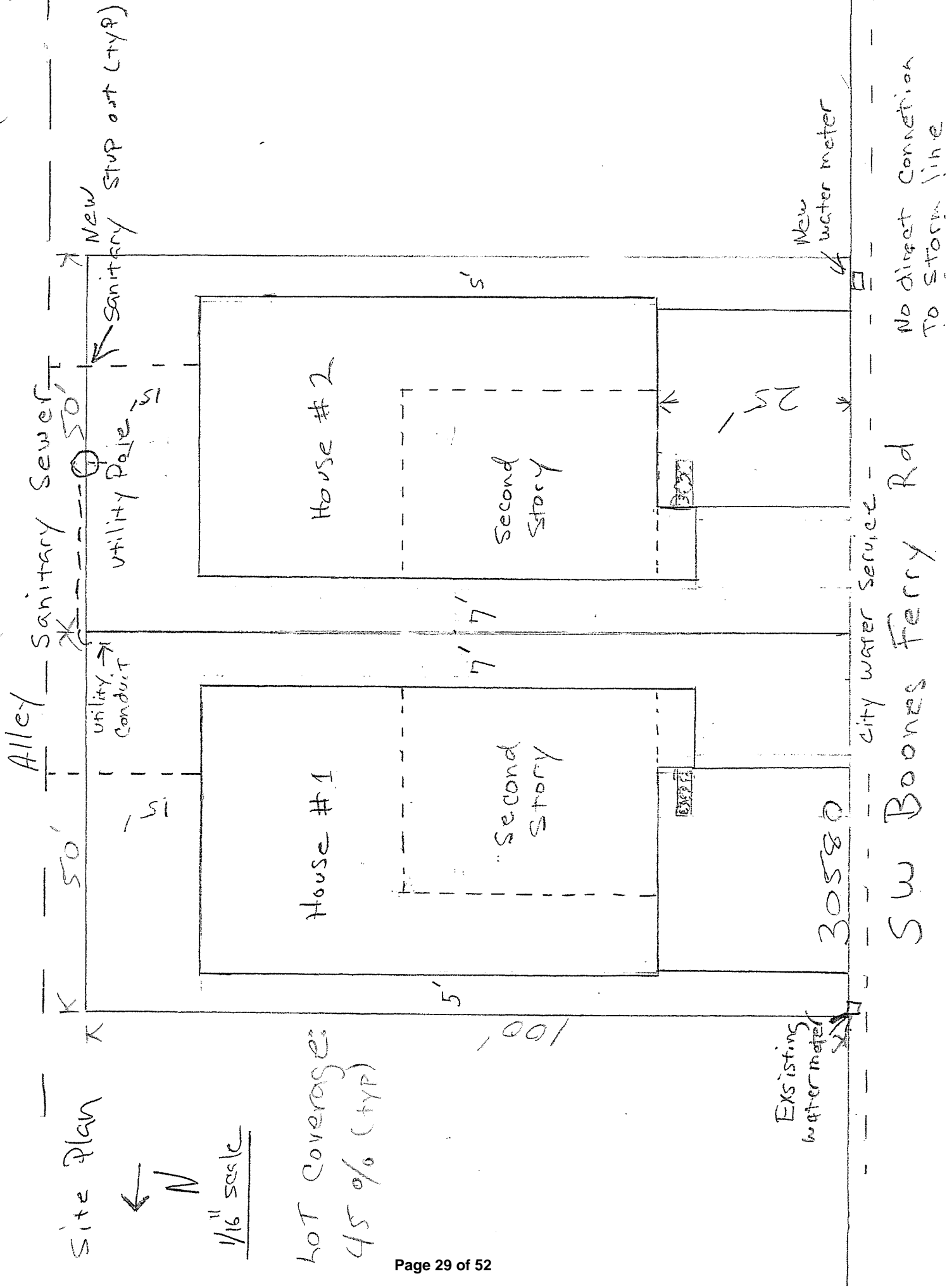
We believe our proposal fully conforms to the code and spirit of the Old Town Overlay

Site Plan

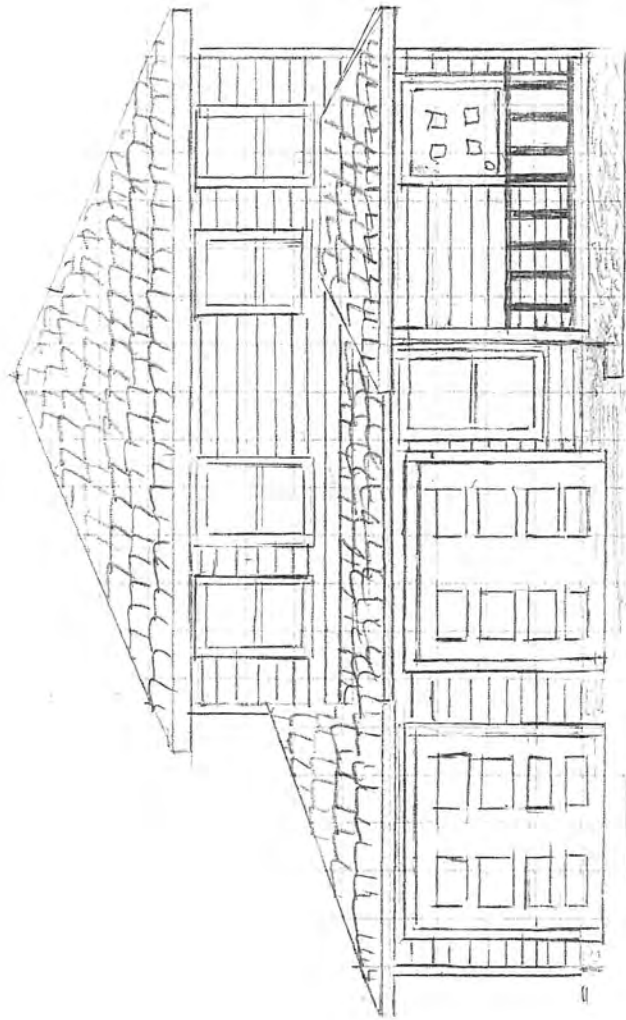


1/16" scale

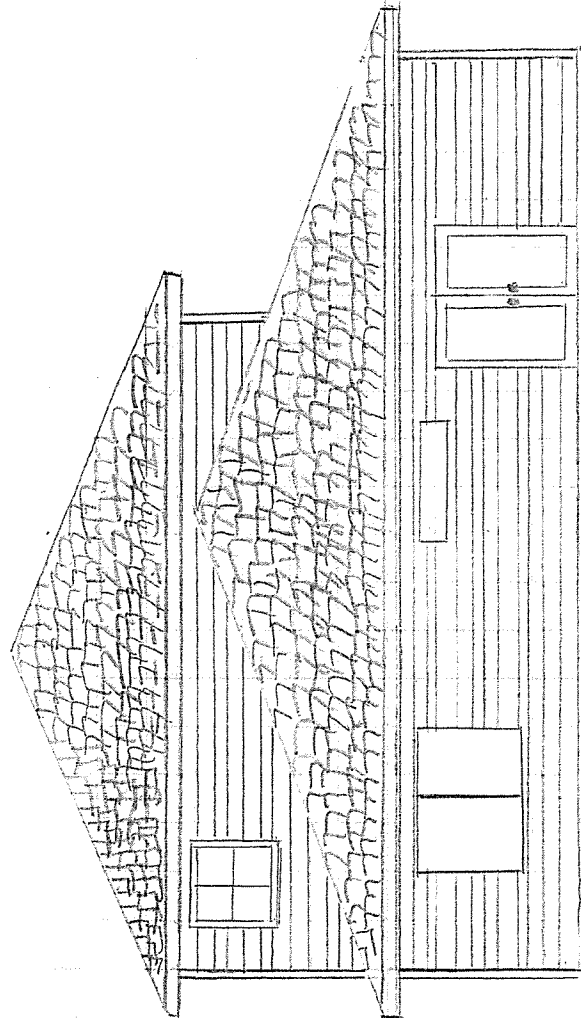
Lot Coverages
45% (typ)



House #1



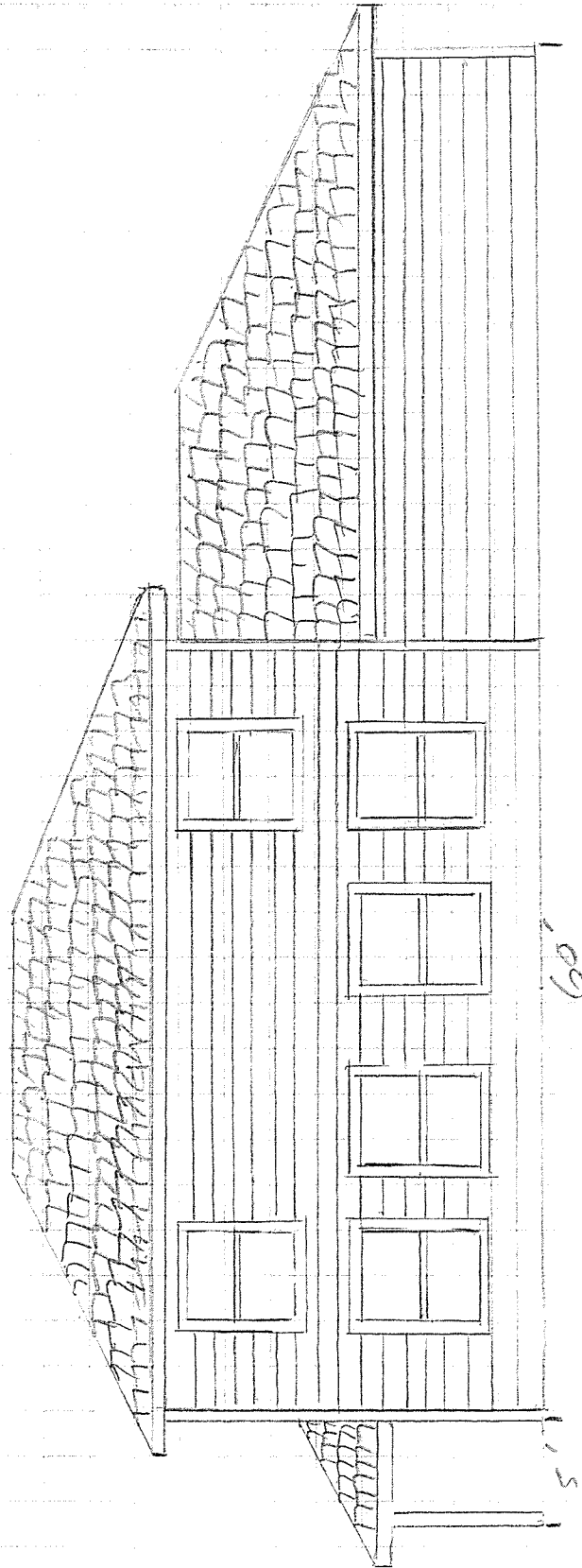
City of Wilsonville
EXHIBIT B3.a DB15-0074

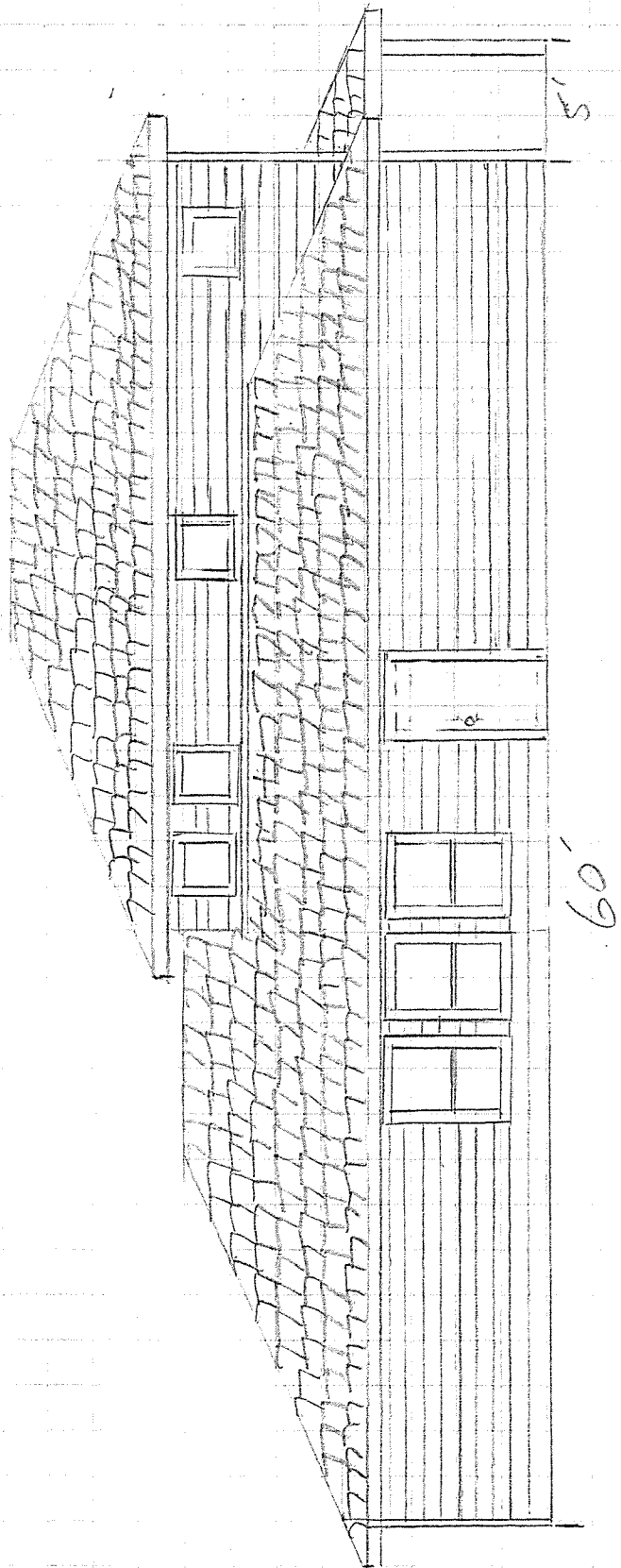


380

236

1 23 6 1

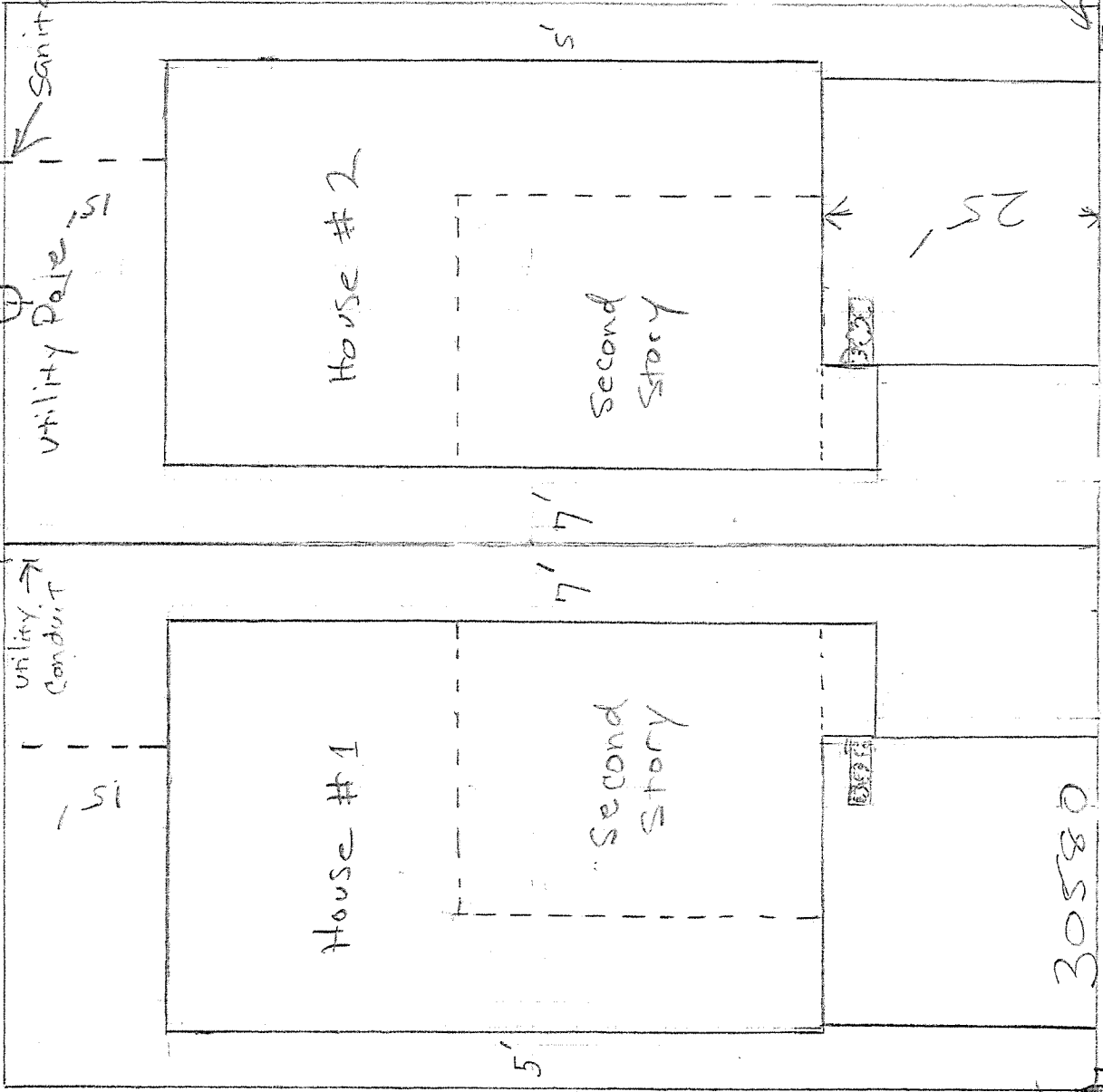




Alley Sanitary Sewer

New Sanitary STUP out (TYP)

Utility Pole



1/16" scale

Existing water meter

city water service

Sw Boones Ferry Rd

No direct connection to storm line



1st
Story

First level 837 sq ft
 Second level 824 sq ft
 Total main house 1661 sq ft

60'

786 sq ft ADU



2nd
Story
837A

III. SITE DESIGN HOUSE #2/COMPLIANCE

Requirement standards of RA-H zoning.

Section 4.138. Old Town (O) Overlay Zone.

(.01) Purpose. The purpose of this overlay zone is to establish the design standards that will be applied to developments within the Old Town neighborhood, mapped as the Boones Ferry District in the City's West Side Master Plan. The following purpose statement is not intended as a set of additional permit criteria. Rather, it is a description of the desired outcome as development occurs incrementally, over time. This overlay district is intended to create a modern interpretation of a traditional old town Main Street and mixed use neighborhood. It is recognized that the Old Town neighborhood is of unique significance because of its existing pattern of mixed uses, its access to the Willamette River and because it was the original center of housing and commerce for the community.

A. The standards of the "O" overlay zone are intended to assure that, through the appropriate use of architectural details, windows, building orientation, facades, and construction materials, new structures, and major alterations of existing structures, create a pleasing and pedestrian-friendly environment.

B. It is the desire of the City to have buildings in the "O" overlay zone reflect a range of architectural types and styles that were popular in the Willamette Valley from approximately 1880 to 1930. The following design standards are intended to further define those characteristics that will convey the desired architecture.

C. These standards are intended to encourage quality design, to enhance public safety, and to provide a comfortable and attractive street environment by providing features and amenities of value to pedestrians. Quality design will result in an arrangement of buildings that are in visual harmony with one-another, leading to a neighborhood that is vital, interesting, attractive, and safe. These qualities

contribute to the health and vitality of the overall community.

D. These standards shall be used by the City's Planning Department and Development Review Board in reviewing development applications within the Old Town neighborhood.

Findings: The Craftsman architectural style implemented in the design and details of the proposed structure reflect a style popular in the Willamette Valley in the time

II. SITE DESIGN HOUSE #1

Section 4.138. Old Town (O) Overlay Zone.

(.01) Purpose. The purpose of this overlay zone is to establish the design standards that will be applied to developments within the Old Town neighborhood, mapped as the Boones Ferry District in the City's West Side Master Plan. The following purpose statement is not intended as a set of additional permit criteria. Rather, it is a description of the desired outcome as development occurs incrementally, over time. This overlay district is intended to create a modern interpretation of a traditional old town Main Street and mixed use neighborhood. It is recognized that the Old Town neighborhood is of unique significance because of its existing pattern of mixed uses, its access to the Willamette River and because it was the original center of housing and commerce for the community.

A. The standards of the "O" overlay zone are intended to assure that, through the appropriate use of architectural details, windows, building orientation, facades, and construction materials, new structures, and major alterations of existing structures, create a pleasing and pedestrian-friendly environment.

B. It is the desire of the City to have buildings in the "O" overlay zone reflect a range of architectural types and styles that were popular in the Willamette Valley from approximately 1880 to 1930. The following design standards are intended to further define those characteristics that will convey the desired architecture.

C. These standards are intended to encourage quality design, to enhance public safety, and to provide a comfortable and attractive street environment by providing features and amenities of value to pedestrians. Quality design will result in an

arrangement of buildings that are in visual harmony with one-another, leading to a neighborhood that is vital, interesting, attractive, and safe. These qualities contribute to the health and vitality of the overall community.

D. These standards shall be used by the City's Planning Department and Development Review Board in reviewing development applications within the Old Town neighborhood.

Findings: The Craftsman architectural style implemented in the design and details of the proposed structure reflect a style popular in the Willamette Valley in the time range referred to.

(.02) The "O" Overlay zone shall be applied in conjunction with the underlying base zones in the Old Town neighborhood.

A. The following shall require site design review for conformance with these standards:

1. New building construction and the substantial redevelopment of existing buildings, including the construction of new single family dwellings; and
2. Any exterior remodeling that requires a building permit, when that remodeling is visible from a public street (other than an alley).

Response: The current zone is RA-H. A single-family home with attached ADU is a permitted use of RA-H zone. This lot of record's lot size is 5,000 SF. Minimum required lot size is 30,000 SF so this lot of record qualifies as a legal, non-conforming RA-H lot with setbacks per Section 4.120(.04)B.1.

B. Except, however, that exterior remodeling of residential units other than those facing Boones Ferry Road shall be reviewed through the Class I Administrative Review procedures of Sections 4.009 through 4.012. This review will be applied only to the portions of buildings that are visible from public streets (not including alleys) and is intended to assure that the design of the portion of the building being remodeled will either match the standards of the Old Town Overlay Zone or be consistent with the existing design of the structure.

Findings: This proposal is for a new construction, so this section does not apply.

C. Those proposing to build or remodel the exterior of any building in the area are encouraged to contact the City about the availability of funds for historic façade treatment.

Findings: The Applicant has contacted the city in regards to this issue (.03) Development standards.

A. Lot area, width, depth - As specified in the underlying base zone. Single family and two-family dwelling units, other than those on lots fronting Boones Ferry Road, shall be subject to the following minimum setbacks:

- 1. Front and rear yard: 15 feet;
- 2. Street side of corner lots: 10 feet;
- 3. Other side yards: 5 feet

Findings: Since the proposed lot fronts Boones Ferry Road, this is not applicable.

B. Building Setbacks - Buildings fronting Boones Ferry Road shall abut the public sidewalk except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved. Except, however, that residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken. The Development Review Board may approve other setbacks to accommodate sidewalks, landscaping, or other streetscape features located between the street right-of-way and the building.

Findings: Garage has 25' setback

C. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-ofway.

D. Building height - As specified in the underlying base zone.

Findings: RA-H allows 35' MAX building height, we are proposing 25'-6" building height per attached drawings. Applicant will landscape the front yard.

E. Street access to Boones Ferry Road. Ingress and egress points along Boones Ferry Road shall be designed and constructed such that access points on one side of the road shall coordinate with access points on the other side of the road. New developments along Boones Ferry Road and north of Bailey Street will have access points designed and constructed in a pattern that replicates the shape of Main Street blocks.

Findings: The access point will be a driveway similar to the neighborhood (.04) Pedestrian environment. In order to enhance the pedestrian scale of the neighborhood:

A Special attention shall be given to the primary building entrances, assuring that they are both attractive and functional.

Findings: We propose a prominent raised front porch with 12x12 tapered columns and wood railings. The front door will be a raised paneled door typical of the targeted time period.

B. The pedestrian environment shall be enhanced by amenities such as street furniture, landscaping, awnings, and movable planters with flowers, as required by the Development Review Board.

C. Sidewalk width may vary from block to block, depending upon the nature of adjacent land uses and the setbacks of existing buildings. Provided, however, that a continuity of streetscape design is maintained along Boones Ferry Road, generally following the pattern that has been started with the 1996 approval for Old Town Village on the west side of Boones Ferry Road from Fourth Street to Fifth Street.

[Amended by Ordinance No. 538, 2/21/02.]

- 1. North of Bailey Street, where the most intense commercial development is anticipated, the widest sidewalks and most mature landscaping are required.
- 2. In situations where existing buildings are located at the right-of-way line, special sidewalk designs may be necessary to assure pedestrian access.

Findings: not applicable.

D. When practicable, buildings along Boones Ferry Road shall occupy 100% of the street frontage between block segments. Up to 25% of street frontage may be in public plazas, courtyards, and similar landscape or streetscape features that provide public spaces adjacent to the sidewalk. For smaller lots, which may not have functional alternatives for parking, up to 40% of lot frontage may be used for parking, provided that appropriate screening and visual enhancement is created between the parking area and the sidewalk. Appropriate pedestrian connections shall be constructed between such parking lots and sidewalks.

Findings: The proposed building is a residence on a lot of record these standards are not applicable to this proposal.

(.05) Building compatibility.

A. The design and materials of proposed buildings shall reflect the architectural styles of the Willamette Valley during the period from 1880 to 1930.

Findings: Our Craftsman design incorporates Hardi Cedarmill 8" horizontal siding with wide rough sawn wood window trim, double hung windows and paneled door would be typical of homes built in the area in the time frame noted. The body of the house will be painted Sherwin Williams Crème 7556 and the trim Pure White 7005.

B. Commercial and manufacturing buildings shall be designed to reflect the types of masonry or wood storefront buildings that were typical in the period from 1880 to 1930. Larger modern buildings shall be designed with facades that are divided to give the appearance of a series of smaller buildings or distinctive store fronts, and/or multi-storied structures with, at least, the appearance of second stories.

Findings: Not applicable

C. Residential buildings shall be designed to reflect the size and shape of traditional dwellings from the period from 1880 to 1930. Where larger multiple family residential buildings are proposed, their building facades shall be divided into units that give the appearance of a series of smaller dwellings.

Findings: The scale and design of our proposal would be extremely typical of homes constructed in the noted time period.

D. Manufactured housing units and mobile homes, if located outside of approved

manufactured or mobile home parks, shall meet the design standards applied to other single family dwellings in the area.

Findings: Not applicable.

(.06) Building materials.

A. Facades shall be varied and articulated to provide visual interest to pedestrians.

Within larger developments, variations in facades, floor levels, architectural features, and/or exterior finishes shall be used to create the appearance of a series of smaller buildings.

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Findings: A raised masonry porch, large tapered columns and wide window trim are incorporated to give a sense of strength

C. Where masonry is to be used for exterior finish, varied patterns are to be incorporated to break up the appearance of larger surfaces.

D. Wood siding is to be bevel, shingle siding or channel siding or the equivalent. T- 111 and similar sheathed siding shall not be used unless it is incorporated with batten treatment to give the appearance of boards.

E. Exterior materials and colors are to match the architecture of the period.

(.07) Roof materials, roof design and parapets.

Pitched roof structures shall have a minimum pitch of 4:12.

Findings: our proposed roof is 7/12

B. Roofs with a pitch of less than 4:12 are permitted, provided that they have detailed, stepped parapets or detailed masonry coursing.

C. Parapet corners are to be stepped. Parapets are to be designed to emphasize the center entrance or primary entrance(s).

D. Sloped roofs that will be visible from the adjoining street right-of-way shall be of a dark, non-ornamental color.

E. Preferred roofing materials that are visible from a public street include wood or architectural grade composition shingle, tile, or metal with standing or batten seams. Metal roofs without raised seams shall not be used in visible locations.

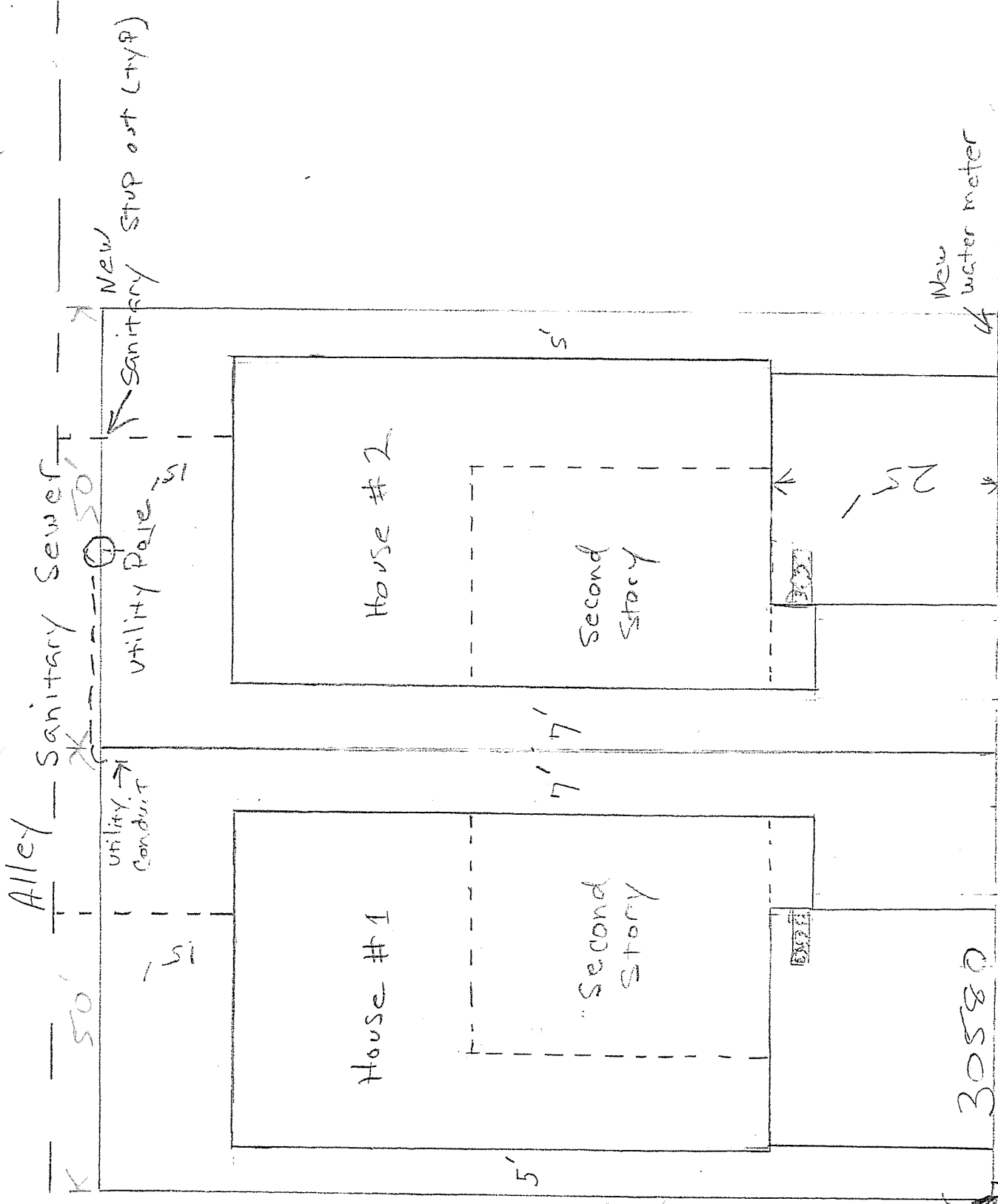
Findings: The roofing will be asphalt Architectural to mimic a shake material that would have been common in the noted time frame. The color will be Pabco Premier Weather Wood.

F. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes, wireless communication equipment, and vent pipes are to be completely screened from public view by parapets, walls or other approved means; or , alternatively, may be effectively camouflaged to match the exterior of the building.

1. "Public view" is intended to mean the view from the sidewalk directly across the street from the site.

2. Roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes, wireless communication equipment, and vent pipes that are visible from Interstate-5 shall be effectively camouflaged to match the exterior of the building

We believe our proposal fully conforms to the code and spirit of the Old Town Overlay



1/16" scale

LOT Coverages:
45% (typ)

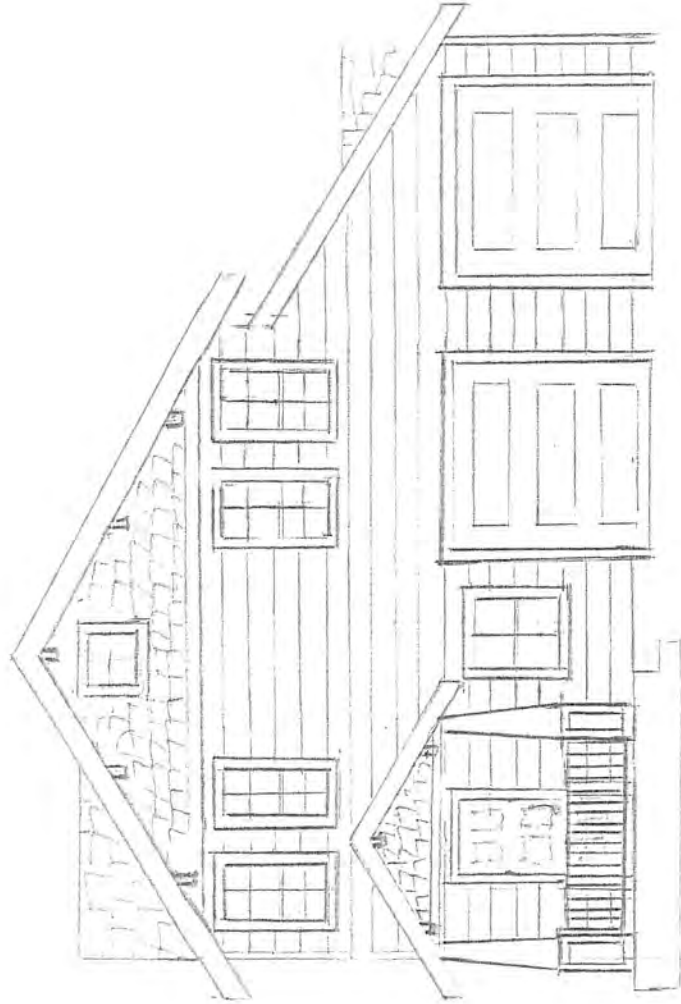
Existing water meter

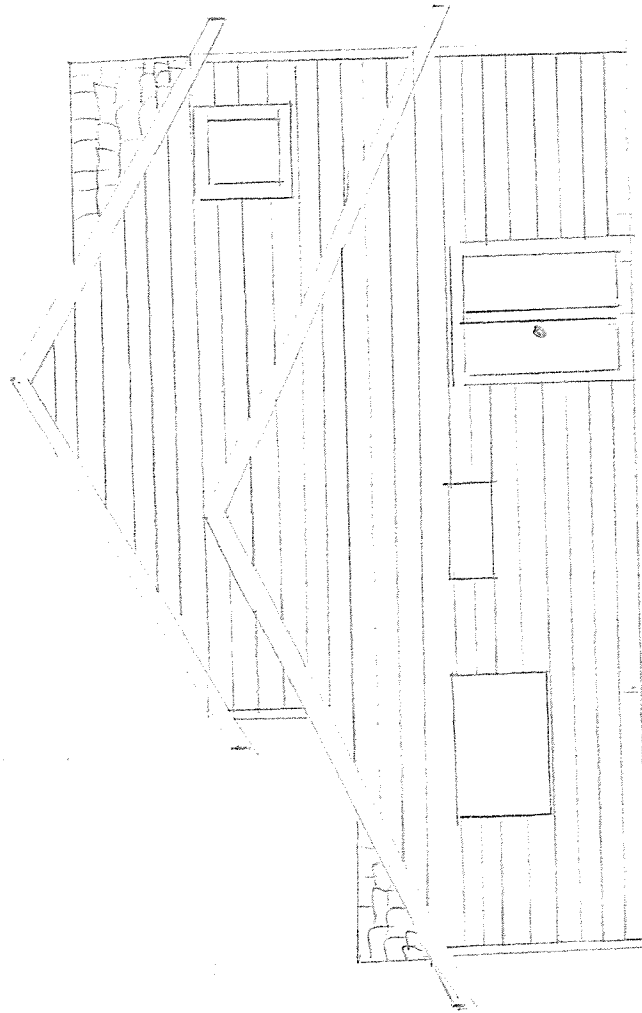
New water meter

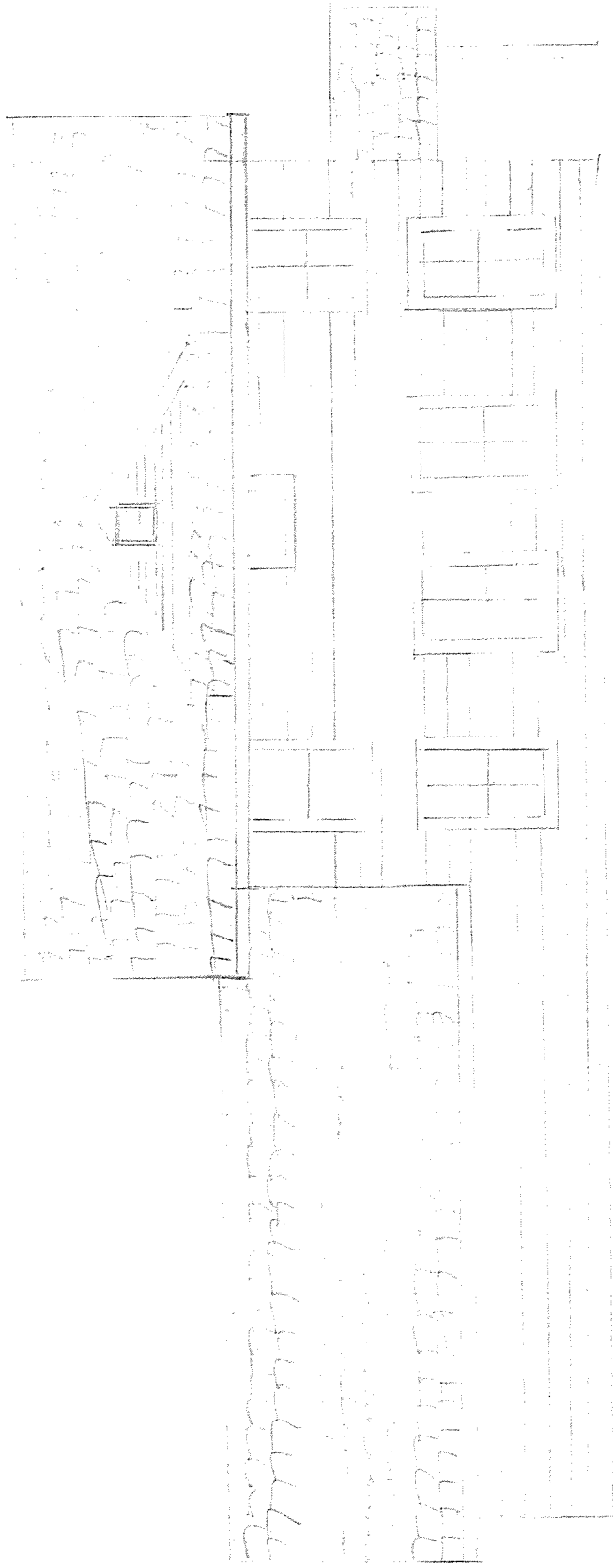
city water service Rd
Sw Boones Ferry

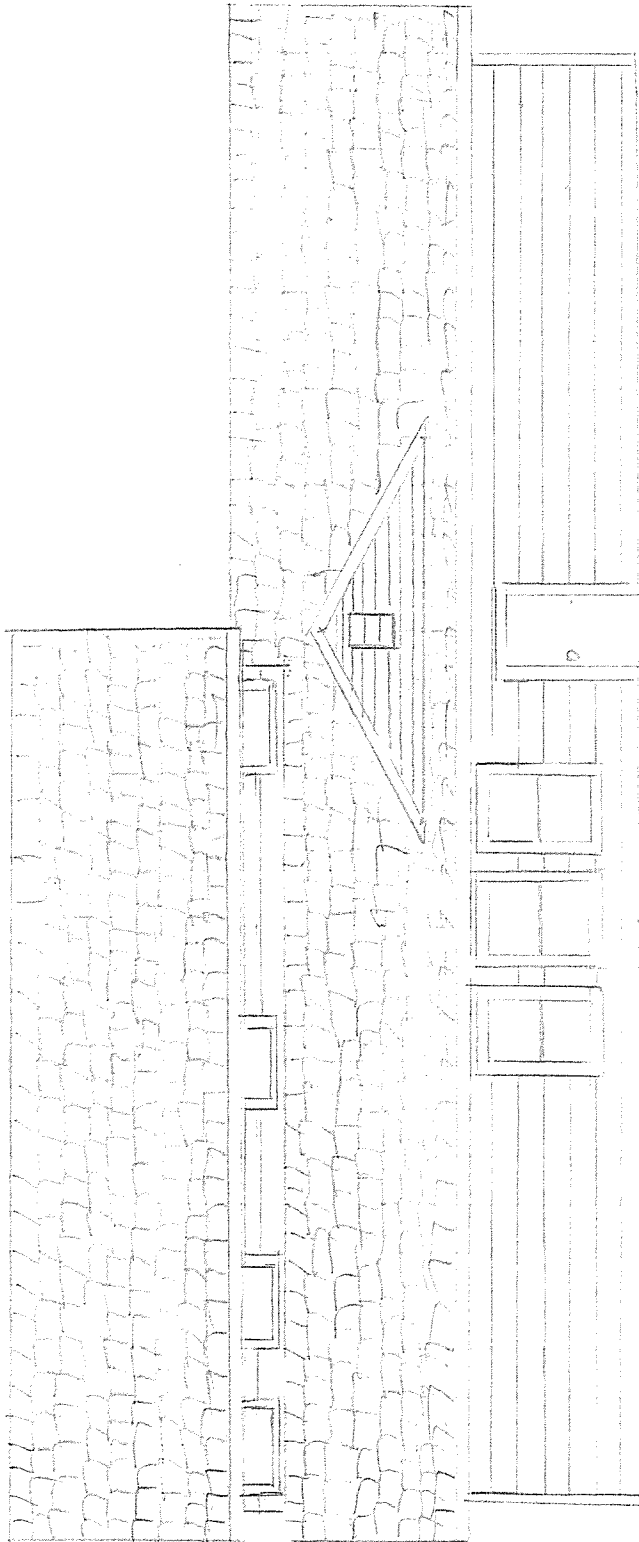
No direct Connection To Storm Line

House #2





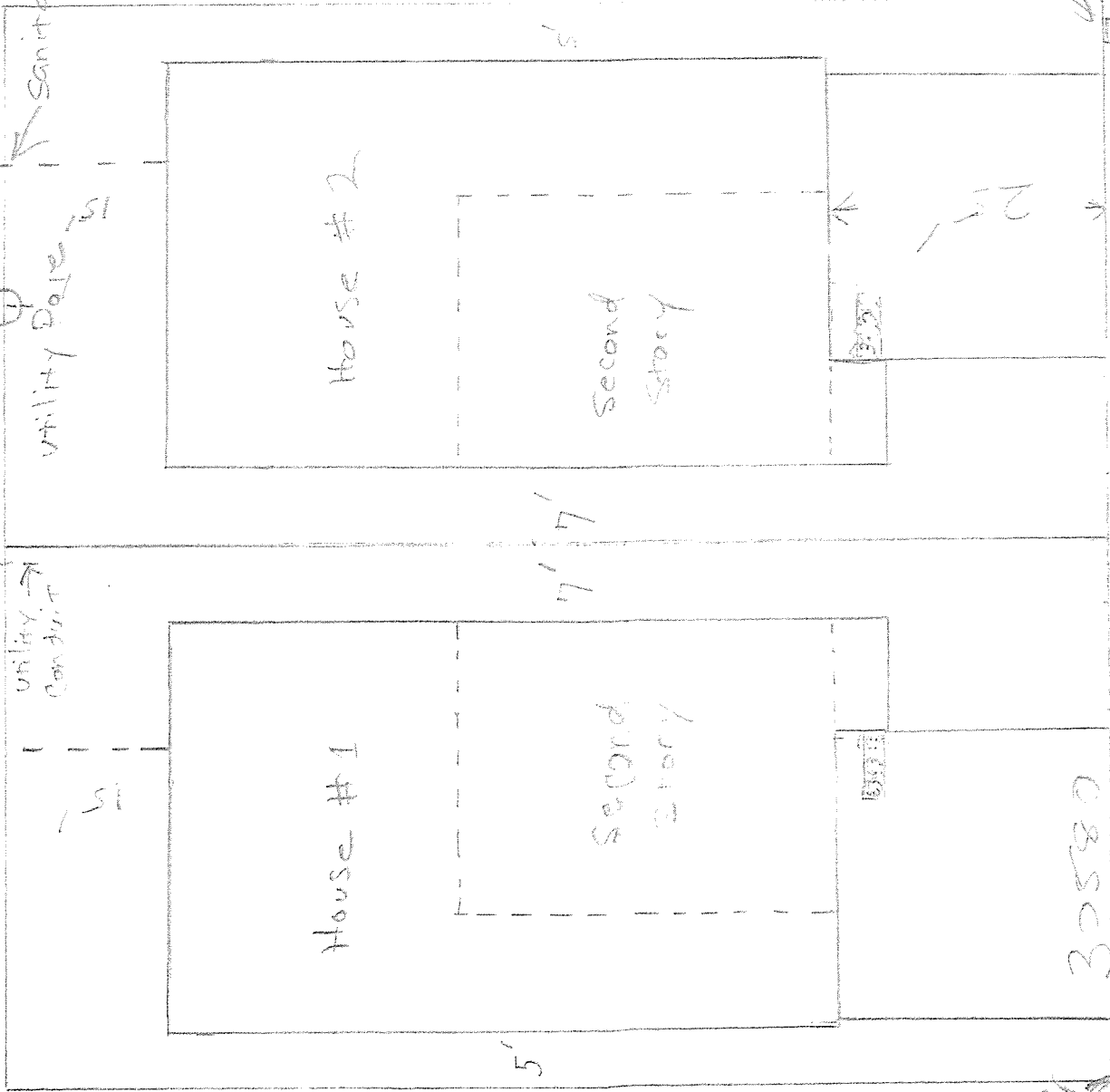




Alley Sanitary Sewer

New Sanitary STUP out (NYP)

Utility Pole



1/16" scale

Existing water meter

New water meter

city water service

No direct Connection TO STUP Line

Sw Boones Ferry Rd

30580

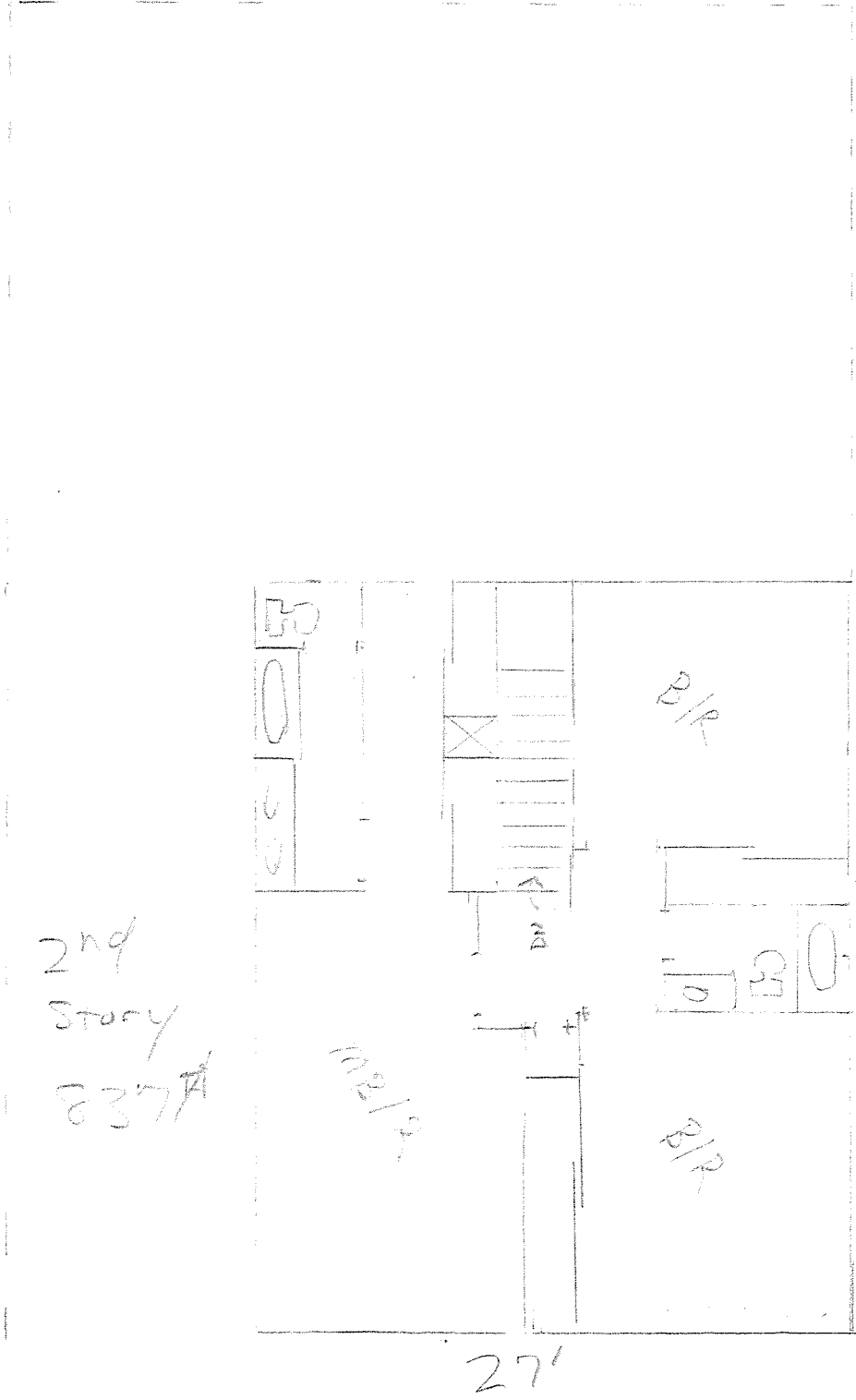


First level 837 sq ft
 Second level 824 sq ft
 Total main house 1661 sq ft

60'

786 sq ft ADU

1st Story



DEVELOPMENT REVIEW BOARD MEETING

MONDAY, NOVEMBER 23, 2015

6:30 PM

VII. Public Hearing:

B. Resolution No. 317. Charbonneau Boat Dock Access: Charbonneau Country Club - Applicant. The applicant is requesting approval of a Conditional Use Permit within the Willamette River Greenway Boundary, Type 'C' Tree Removal Plan and an abbreviated Significant Resource Overlay Zone (SROZ) Impact Report (SRIR) for Charbonneau Country Club, for replacement and relocation of an access gangway to the Charbonneau boat marina. the site is located on the northwest corner of Tax Lot 318, and also affecting Tax Lot 308, and ODOT R.O.W, in Section 25, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Staff: Blaise Edmonds

Case Files: DB15-0059 – Greenway Conditional Use
DB15-0060 – Type C Tree Plan
SI15-0001 – Abbreviated Significant Resource Impact Report (SRIR) and map verification within the Significant Resource Overlay Zone (SROZ)

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 317**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A CONDITIONAL USE PERMIT WITHIN THE WILLAMETTE RIVER GREENWAY BOUNDARY, TYPE 'C' TREE REMOVAL PLAN AND AN ABBREVIATED SIGNIFICANT RESOURCE OVERLAY ZONE (SROZ) IMPACT REPORT (SRIR) FOR CHARBONNEAU COUNTRY CLUB, FOR REPLACEMENT AND RELOCATION OF AN ACCESS GANGWAY TO THE CHARBONNEAU BOAT MARINA. THE SITE IS LOCATED ON THE NORTHWEST CORNER OF TAX LOT 318, AND ALSO AFFECTING TAX LOT 308, AND ODOT R.O.W, IN SECTION 25, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. CHARBONNEAU COUNTRY CLUB - 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 November 16, 2015, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a scheduled meeting conducted on November 23, 2015, 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 B of the City of Wilsonville does hereby adopt the staff report dated November 23, 2015, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB15-0059 Greenway Conditional Use Permit Flood Plain P and Permit and new landscaping.
DB15-0060 Type 'C' Tree Plan
SI15-0001 Abbreviated SRIR report.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 23rd day of November, 2015 and 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)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

_____,
Aaron Woods, Chair, Panel B
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant

EXHIBIT A1

**WILSONVILLE PLANNING DIVISION
DEVELOPMENT REVIEW BOARD PANEL 'B'
QUASI -JUDICIAL STAFF REPORT
CHARBONNEAU VILLAGE COUNTRY CLUB
MARINA ACCESS
RELOCATION/REPLACEMENT**

Public Hearing Date: November 23, 2005
Date of Report: November 16, 2015

Application Numbers: Request A: DB15-0059 Greenway Conditional Use Permit Flood Plain P and Permit and new landscaping.
Request B: DB15-0060 Type 'C' Tree Plan
Request C: SI15-0001 Abbreviated SRIR and map verification within the SROZ

Property Owners: Illahee Drive Fee Owner LLC, the City of Wilsonville and Oregon Department of Transportation.

Applicant: Charbonneau Village Country Club

Request: Mr. Ben Altman of Pioneer Design Group, Inc., acting as agent for the applicant, Charbonneau Village Country Club proposes a boat marina access project described below:

Proposed Improvements Provided by the Applicant:

“The applicant is proposing to replace and relocate the access ramp or gangway to the marina. The current access is from the west, via a paved pathway, over ODOT property, to a gangway that leads to an elevated platform at the shoreline. From this platform there is a locked gate and another ramp down to the dock.”

“Because of a bank failure, this access alignment is to be abandoned and relocated to the east, directly from the marina parking lot.”

“At the northeast corner of the marina parking, the following improvements are proposed as a replacement for the existing pathway access:

- A 4 foot wide welded aluminum gangway (12 feet in length);
- A welded aluminum platform (5'x 5' x 3.5'), mounted on f foot footing piers. This platform will be at the top of bank, with two of the pier footings just over the bank; and
- A 56 inch wide welded aluminum gangway (80 feet in length). The gangway will actually be stairs, as the grade will be about 28%. It will be anchored at the top of bank to

the elevated landing platform. The elevated platform at the top of bank, allows the ramp to extend to about the middle of the existing elevated landing at the shoreline, while maintaining a 1 foot vertical clearance above the slope of the bank.”

“The intent is to leave the existing east/west gangway from the existing pathway (ODOT) to the shoreline platform in-place. The applicant’s Design Team has concluded that removal would have greater environmental impacts than leaving it as is. Barriers will be installed to maximize safety and control access to the gangway.”

“Overall, this design minimizes ground and vegetation impacts, with only two trees (staff note: four trees) required to be removed. Except for the 4 pier footings and two trees, the installation of the ramping will not result in any alternations to the bank surface or vegetation. The ramp will span above the ground level (1’ minimum vertical clearance) down the bank to the elevated shoreline landing platform.”

“The two sections of gangway will be constructed of welded aluminum, with open grate decking, and use truss-style railings. This design allows for rain drainage and light penetration.”

Comprehensive Plan Designation: Residential and Significant Resource Overlay Zone (SROZ)

Current Zone Map Designation: Planned Development Residential – 3 (PDR-3) and Willamette River Greenway

STAFF RECOMMENDATION: Approve the application, together with recommended conditions.

Project Location: The property lies along northwesterly bank of the Willamette River at Charbonneau next to Interstate – 5. The subject property is more particularly described as being Tax Lots 308, 318 and I-5 ROW in Section 25; T3S R1W; Clackamas County, Oregon.

VINCINITY MAP



The following was provided by the applicant:

GENERAL INFORMATION

This Land Use and Development application is submitted on behalf of The Charbonneau Village Country Club. The Country Club is the General Manager for the combined Homeowners Associations within Charbonneau, which manages the common ownerships, including the Marina (dock facility). However, access to the marina is through the Haven Apartments, now owned by Illahee Fee Owners. LLC; and also affects lands owned by the City of Wilsonville and Oregon Department of Transportation (ODOT). Therefore these additional land owners are technically co-applicants.

This application relates to replacement and relocation of the access ramp to the Charbonneau Marina (dock), see Existing Conditions Plan. The current access to the dock is provided by a pathway over ODOT right-of-way, but in December 2010 the bank collapsed just before the gangway to the landing. This bank failure made it unsafe to access the dock, so the facility has been closed to resident's access.

The Country Club now desires to replace and relocate the access ramp to the dock. The access ramp is proposed to be relocated from the end of the ODOT pathway to the Marina parking lot. This will eliminate the need to cross ODOT property.

The ramp (stairs) will be anchored at the top of bank to a small aluminum platform elevated (3.5') above ground on 4 posts, see Proposed Ramp Plan. This elevated base, at top of bank, will allow the ramp (stairs) to extend to about the middle of the existing elevated landing at the shoreline and also clear the slope of the bank. This design minimizes ground and vegetation impacts, as only two trees will need to be removed. Except for the abutment at the top, there will be no ground disturbance.

Historic Summary

The Charbonneau Marina was conceptually part of the originally 1971 Charbonneau Master Plan. It was originally proposed to be located more central to the development, farther to the east. However, the Marina was subsequently relocated to its current location as part of the Riverfront Townhomes 78PC03.

In September 1975, the Corps/DSL issued notice of a pending permit (071-0YA-1-001400), which authorized an initial 42 slip dock, with future development up to 92 slips. But, based on public opposition, the dock permit approval was finally approved with 34 slips in 1976. In 1978, Willamette Factors, the original Charbonneau developer, granted a scenic easement to ODOT, Parks and Recreation Branch, who at that time managed the Willamette River Greenway. The easement acknowledged the marina.

The existing Marina was approved with a Willamette Greenway Conditional Use Permit (78CU03). In 1984, the Isberg boat house was approved as an addition to the dock (84DR9) and (Corps/DSL permit 071-0YA-1-005450).

APPLICABLE REVIEW CRITERIA:

Zoning Review Criteria:	
Sections 4.008 - 4.035	Application Procedure
Section 4.124.4 (as applicable)	Planned Development Residential (PDR-3) Zone
Section 4.139.00 – 4.139.10	Significant Resource Overlay Zone (SROZ)
Section 4.500 – 4.514	Willamette River Greenway
Section 4.155	Parking
Section 4.172	Flood Plain Regulations
Section 4.176	
Section 4.184	Conditional Uses
Subsection 4.140(.07)(A)(1)	Owner’s Authorization of Affected Property for Development
Sections 4.600 - 4.620(.20)	Tree Preservation and Protection
Other Planning Documents:	
The Village at Wilsonville Master Plan	

Staff Reviewers: Blaise Edmonds, Manager of Current Planning and Kerry Rappold, Natural Resources Program Manager.

PROJECT SUMMARY

The detailed project is provided by the applicant, found in Exhibit B1. This narrative adequately describes the project, the requested application components, and proposed findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, staff has relied upon the applicant's submittal documents, rather than repeat their contents again here. The application components are described briefly, below.

Request A – Willamette River Greenway Conditional Use Permit

The proposed pedestrian gangway or ramp to the marina for private use and the proposed bank restoration is located within the Willamette River Greenway, which requires approval of a Willamette River Greenway conditional use permit. The location and scope of those improvements is appropriate, and result in little physical impact to the Willamette River resource, while a visual opportunity and recreational benefit will be achieved.

Request B – Type 'C' Tree Plan

Four (4) regulated trees will need to be removed for its construction and fourteen (14) trees will be replanted. The location and scope of the improvement is appropriate, and result in little physical impact to the Willamette River resource, while a visual opportunity and recreational benefit will be achieved.

Request C – Significant Resource Overlay Zone (SROZ) Abbreviated Significant Resource Impact Report and Map (SRIR) Review.

Based upon the detail provided by the applicant, and the level of review it enables, the applicant's proposal may be approved as submitted, subject to compliance with proposed conditions of approval.

PROPOSED CONCLUSION AND CONDITIONS OF APPROVAL:

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.

The applications and supporting documents are hereby adopted for approval with the following conditions:

PD = Planning Division conditions NR = Natural Resources Conditions	
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Request A: DB15-0059: Willamette River Greenway Conditional Use Permit

Planning Division Conditions:

PD1. This action approves a conditional use for the project proposed within the Willamette River Greenway, as entered into the record on November 23, 2015. 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.

PD2. Any areas that have soil disturbed, or vegetation removed, in the Significant Resource Overlay Zone shall be restored and replanted with native plants as approved by the Natural Resources Program Manager.

PD3. Upon completion of the project, the Applicant/Owner shall arrange for a final inspection to be conducted by the Natural Resources Program Manager.

PD4. 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.

PD5. 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.

<p>PD6. The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • 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. The proposed Oregon grape and snowberry shrubs shall be increased from 1 gallon to 2 gallon size. See Finding A18. • 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.
<p>PD7. 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.</p>
<p>PD8. The Applicant/Owner shall obtain a flood plain permit from the City before construction or development within any area of 100-year flood hazard.</p>

<p>Request B: DB15-0060: Type ‘C’ Tree Plan</p>
<p>PD4. This approval for removal applies only four (4) trees identified in the Applicant’s submitted materials. All other trees on the property shall be maintained unless removal is approved through separate application.</p>
<p>PD5. The fourteen (14) 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 tree to be staked, fertilized and mulched, and shall guarantee the tree 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.</p>
<p>PD6. 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.</p>

RE: Conditional Use Permit (DB15-0059 and SI15-0001, Charbonneau Marina Access)

This memorandum includes staff conditions of approval. The conditions are based on the Conditional Use Permit and the SRIR review. The conditions of approval apply to the applicant’s submittal of construction plans (i.e., engineering drawings).

<p>Request C: SI015-0001: Abbreviated SRIR within SROZ</p>
<p><u>Natural Resources Conditions:</u></p>
<p>Significant Resource Overlay Zone Map Refinement:</p>

Significant Resource Overlay Zone	
NR1.	Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
NR2.	All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Program Manager. Native plants are required for landscaping in the SROZ.
NR3.	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 Significant Resource Overlay Zone and the 25-foot Impact Area.
NR4.	Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
NR5.	The applicant shall submit a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Natural Resources Program Manager documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards. If the ownership of the mitigation site property changes ownership, the new owners will have the continued responsibilities established by this section.
NR6.	The Significant Resource Overlay Zone (SROZ) and mitigation area depicted on the SRIR mapping for the site shall be identified in a conservation easement. The applicant shall record the conservation easement with Clackamas Court Clerk's office. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division and the Natural Resources Program Manager. The conservation easement shall be reviewed by the City Attorney prior to recording.
Other	
NR7.	The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g., DEQ NPDES #1200-CN permit).

EXHIBITS LIST

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

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.

Applicant's Written and Graphic Materials:

B1. Charbonneau Village Marina Access Relocation/Replacement Application, date received October 15, 2015 including application, compliance report, SRIR/SROZ Map, arborist report, site photos, tax Map & easements & Ownership and preliminary plans.

B2. Full size and 11" x 17" size Drawings/Plan Sheets of the reduced plan sheets on file and also provided in the DRB packets:

Plan Set, Sheet Number

- 1/7 Ownership Affected by Dock Access – Existing & Proposed
- 2/7 Existing Conditions
- 3/7 SROZ/Green Way Zoning
- 4/7 Site Sections
- 5/7 Proposed Site Plan
- 6/7 Ramp Detail
- 7/7 Aerial Plan
- 1/1 SRIR Impact & Mitigation Areas
Planting Conceptual Plan

Development Review Team

C1. Natural Resources Program Manager Conditions, dated November 12, 2015

Public Testimony

Letters (neither for nor Against): None submitted

Letters (In Favor): None submitted

Letters (Opposed): None submitted

FINDINGS OF FACT

1. Existing Site Conditions:

The applicant has provided a site description found in the project narrative in Exhibit B1 is described below:

Topography

The topography of the site varies from the ordinary high water level at 67.44 feet up to top of bank at 107 feet. From the top of bank there is an average slope of about 20% with a slight hump, then the bank steepens to about 40% down to the toe of slope.

The 100 year flood elevation is 94 feet at this location. The dock parking area sits at an elevation of 106 feet. The deck of the elevated landing at the shoreline is 80.1 feet. No significant changes are proposed for the shoreline landing. Only minor revisions will occur above the deck and will include:

- Abandonment of the existing gangway (west) connecting to the ODOT pathway; **NOTE** - The Design Team has determined that there will be less impact to the bank (SROZ resource) by leaving the gangway in place.
- Installation of railing, closing-off the old gangway;
- Install the new access ramp from the parking lot down to the existing shoreline platform. The ramp will land in about the middle of the deck. There will be a 5' x 5' landing deck installed at the top-of-bank, mounted on 4 posts/footings (12' dia. & 42" in depth). This design minimizes ground disturbance.
- The existing pathway over City/ODOT property will be removed and replanted with native trees, shrubs and ground cover. The make-shift stairs from to-of-bank to the pathway will also be removed and replanted.
- The existing wire fencing along ODOT property will be extended to the south across the pathway entrance, and also to the north extending over the top-of-bank to clearly define ownership and restrict access to ODOT's property.

Vegetation

There are scattered trees along the bank in the vicinity of the dock access, as reflected on the Existing Conditions Plan. The site contains a mix of natural upland forest, including Douglas Fir, Big-leaf Maple, and Riparian Cottonwoods, with understory brush, with some English Ivy and ferns. (see Arborist's Report and Abbreviated SRIR are included with this application).

2. The applicant's Significant Resource Impact Report (SRIR) delineates specific resource boundaries and provided a justification for the proposed project within the SROZ. The applicant's SRIR contained all the required information, including a physical analysis, ecological analysis, and development recommendations.
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. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
5. The statutory 120-day time limit applies to this application. The application was originally received on August 31, 2015. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the applicant on September 30, 2015, of missing items. On October 15, 2015, the applicant submitted additional materials intended to complete the application. On October 26, 2015, the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 23, 2016.

CONCLUSIONARY FINDINGS

REQUEST A, CONDITIONAL USE PERMIT

Section 4.508(.01)(A) - (B) – Conditional Use Permit

- A1. The applicant is proposing a pedestrian ramp form an existing parking lot leading to the Charbonneau marina which encroaches into the Willamette River Greenway. As a result, these improvements require approval of a conditional use permit.

Section 4.031. Authority of the Development Review Board.

D. *Conditional Use Permits, as authorized in Section 4.184.*

- A2. The applicant has submitted this request to the Development Review Board, which is the proper review authority for a Willamette River Greenway Conditional Use Permit. This criterion is met.

Section 4.124.3. Planned Development Residential - 3 (PDR-3) Zone.

- A3. The subject property is located in the PDR- 3 Zone. Private recreation facilities are conditional uses as defined by the Willamette River Greenway section of the code (WC 4.500). Such recreational facilities are not listed as an outright permitted or accessory use, but are conditional uses. This criterion is satisfied.

Section 4.184. Conditional Use Permits – Authorization.

(.01) *Conditional Use of property may be granted by the Development Review Board after concluding a public hearing as provided in Section 4.013. A land use that is “conditional” is one that is generally not compatible with surrounding uses unless mitigating conditions of approval are established. In acting on applications for Conditional Use Permits, the DRB may establish conditions of approval that are found to be necessary to implement the Comprehensive Plan or to assure compliance with the standards of this Code, based on information in the record.*

A. *Authorization to Grant or Deny Conditional Uses: A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In judging whether a conditional use permit shall be approved, or determining appropriate conditions of approval, the Development Review Board shall weigh the proposal’s positive and negative features that would result from authorizing the particular development at a location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:*

1. *The proposal will be consistent with the provisions of the Comprehensive Plan and the requirements of Chapter 4 of the Wilsonville Code and other applicable policies of the City.*

2. *The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.*

3. *All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development.*

4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.*

- A4.** The applicant's request would result in an insignificant impact to the Willamette River Greenway and the SROZ because the proposed ramp will span over the resource area supported by landings at either end. Four (4) trees are proposed to be removed, and only a minimal impact to remaining trees will result from the proposal. The remaining vegetative fringe of the Willamette River will be enhanced by the applicant's proposal.
- A5.** The applicant's proposal is consistent with the provisions of the Comprehensive Plan for protecting natural resources. The characteristics of the site are suitable for a ramp to an existing marina. The proposed improvements are the minimum necessary to serve the proposed project.
- A6.** There are no public facilities required to serve the proposed project.
- A8.** The proposed use will not substantially alter the character of the existing bank and surrounding area, and will not limit or preclude the use of surrounding property. Staff finds that the approval criteria for granting a conditional use permit are met.

WILLAMETTE RIVER GREENWAY

Section 4.500. General Purpose.

The general purposes of this Section are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

- A9.** The applicant's proposal will have a minimal impact on the Willamette River Greenway, as four (4) trees are proposed to be removed and only a 45 step, 56' – 10" long ramp will span the SROZ area. See Plan Sheet 6 of 7. The applicant's request supports the purpose section of the Greenway by improving the economic and recreational qualities of this property along the Willamette River. The proposal would result in an enhancement in pedestrian use of the natural and scenic qualities of the river. A1. This criterion is satisfied.

Section 4.504. General - Greenway Boundaries.

The Willamette River Greenway Boundaries in the City shall be the same as the Oregon State Parks and Recreation Department Willamette River Greenway Boundaries, and shall be defined on the City of Wilsonville Zoning and Comprehensive Plan Maps. The boundary is generally 150 feet from the ordinary low water line unless otherwise defined by the Map and this Section. Given that the Greenway Boundary does not always parallel the banks of the River, contact should be made with the City's Planning Department to verify boundary locations.

A10. The applicant's proposal is within the Willamette River Greenway Boundary as defined by the City of Wilsonville zoning map. This criterion is satisfied.

Section 4.506. General - Uses Permitted Outright.

(.01) The following are outright permitted uses within the Willamette River Greenway Boundary:

- A. The placing, by a public agency, of signs, markers, aids, etc. to serve the public.*
- B. Activities to protect, conserve, enhance and maintain public recreational, scenic, historical, and natural uses on public and private lands, except that changes of use, intensification of use or development shall require Conditional Use Permit review as provided by this Code.*
- C. Agriculture as defined in ORS 215.203(2).*
- D. Reasonable emergency procedures necessary for the safety or protection of property.*
- E. Maintenance and repair usual and necessary for the continuance of an existing use not defined as intensification of use or change of use.*
- F. Uses legally existing on December 6, 1975.*

A11. The proposed activity is related to an existing boat dock marina and is not identified as a use permitted outright. Therefore, a Willamette River Greenway Conditional Use Permit is required. This criterion is met.

Section 4.508. Conditional Use Permit - Uses Permitted Conditionally.

(.01) The following uses may be allowed within the Willamette River Greenway Boundaries subject to a Conditional Use Permit by the Development Review Board:

- A. All uses permitted in the underlying zone which are not listed as permitted uses in Section 4.506.*
- B. All uses which are classified as intensification of use, change of use or development, other than tree removal, which shall be governed by the provisions of Section 4.600.*

A12. The applicant's proposal for a ramp to an existing boat dock marina is considered an intensification of use. This is due to the provision of pedestrian access to an existing private boat dock marina. This portion of Greenway will be used more frequently as a result of the improvement of the proposed ramp. This criterion is satisfied.

Section 4.510. Conditional Use Permit - Findings In Support of Granting.

(.01) A Greenway Conditional Use Permit may be granted by the Development Review Board upon making the findings required in Section 4.184 (Conditional Use Permits) and the following additional findings:

- A. That to the greatest extent possible, the maximum possible landscape area, open space or vegetation between the activity and the river are provided,*

- B. *That to the greatest extent possible, necessary public access in accordance with the Comprehensive Plan will be provided to and along the River by appropriate legal means.*
- C. *That the change of use, intensification of use, or development complies with this Code, all other applicable City Ordinances, the Comprehensive Plan, and the Oregon State Parks and Recreation Department Greenway Plan.*

A13. The proposed gangway or ramp will augment access to an existing boat marina. The previous pathway and ramp was washed out by a flood event. This proposal places the ramp entrance at an existing parking lot away from the river at a location that minimizes any impacts to the slope, reduces the likelihood of erosion, and requires minimal impact to trees in the Greenway. Due to the private nature of the property, public access will not be provided and is not required. The applicant's proposal satisfies the WC, and is consistent with the Comprehensive Plan regarding protection of natural resources. The proposal is consistent with the State Greenway Plan by restoring vegetation along the bank of the river, and increasing the recreational opportunities for the owners of the property. The Oregon State Parks and Recreation Department has been notified of this proposal and Staff has not received any comments. The above criteria, which are required to be satisfied for the granting of a Willamette River Greenway CUP are met.

Section 4.512. Conditional Use Permit - Application Procedures.

(.01) All Conditional Use Permits shall be applied for and reviewed by the Development Review Board in accordance with Section 4.184.

A14. The DRB will be conducting a public hearing on this matter consistent with the powers granted to this body by the WC, and the application will be reviewed using the Conditional Use criteria consistent with this section. These criteria are met.

Section 4.514. Conditional Use Permit - Use Management Standards.

(.01) The natural scenic views, historical character and recreational qualities of the Willamette River shall be protected by preservation and enhancement of the vegetative fringe along the river bank.

(.02) A plan to remove any tree or trees shall be reviewed by the Development Review Board under the procedures of Section 4.600, et seq. Based on the standards and procedures of Section 4.620.10, mandatory mitigation shall be required as a condition of approval for any conditional use permit granted under this Section.

(.03) Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses within the Greenway shall be permitted to continue as urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities.

(.04) All development after the effective date of this ordinance, except water dependent and water related uses, shall be set back a minimum of 75 feet upland from the top of each bank.

- (.05) *Fish, riparian and wildlife corridors leading into the river channel shall remain open.*
- (.06) *All development, change of use or intensification of use shall demonstrate, to the maximum extent possible, maintenance of public safety and protection of public and private property, especially from vandalism and trespass.*

A15. The applicant's proposal will replace a damaged pathway into landscaping of the Willamette River. See the Planting Conceptual Plan in Exhibit B1. Only four (4) trees are proposed to be removed in order to install the proposed ramp. The location of the proposed ramp is directed away from the river to the greatest extent possible. The proposed ramp to the existing marina is water-dependent. There will be no impact to wildlife corridors leading into the river channel as a result of the proposal. The proposed intensification of use is required to follow the State rules for providing safe conditions, and there are no issues to address related to vandalism and trespass as this is private property. These criteria are met.

Section 4.172 Flood Plain:

Section 4.172 (.03): Development Permit Required:

A. A Development Permit shall be obtained before construction or development, including grading, begins within any area of special flood hazard. The Permit shall be for all structures including manufactured homes and for all development including fill and other activities.

B. Outright Permitted Uses in the 100-year Flood Plain:

- 1. Agricultural use that is conducted without a structure other than a boundary fence.*
- 2. Recreational uses which would require only minor structures such as picnic tables and barbecues.*
- 3. Residential uses that do not contain buildings.*
- 4. Underground utility facilities.*
- 5. Repair, reconstruction or improvement of an existing structure, the cost of which is less than 50 percent of the market value of the structure, as determined by the City's Building Official, prior to the improvement or the damage requiring reconstruction, provided no development occurs in the floodway.*

Section 4.172 (.04): Uses within the 100-year Flood Plain requiring a Flood Plain Permit:

A. Any development except as specified in subsection (.03), above, that is otherwise permitted within the Zoning District provided such development is consistent with the Flood Plain Standards.

B. All subdivisions and land partitions.

C. Installation of dikes to provide buildable or usable property, provided that said dikes do not conflict with the policies of the Comprehensive Plan and this Section.

A16. The applicant is requesting a Flood Plain Permit based upon the following improvements:

The 100 year flood elevation is 94 feet at this location. The dock parking area sits at an elevation of 106 feet. The deck of the elevated landing at the shoreline is 80.1 feet. No significant changes are proposed for the shoreline landing. Only minor revisions will occur above the deck and will include:

- Abandonment of the existing gangway (west) connecting to the ODOT pathway; **NOTE** - The Design Team has determined that there will be less impact to the bank (SROZ resource) by leaving the gangway in place.
- Installation of railing, closing-off the old gangway;
- Install the new access ramp from the parking lot down to the existing shoreline platform. The ramp will land in about the middle of the deck. There will be a 5' x 5' landing deck installed at the top-of-bank, mounted on 4 posts/footings (12' dia. & 42" in depth). This design minimizes ground disturbance.
- The existing pathway over City/ODOT property will be removed and replanted with native trees, shrubs and ground cover. The make-shift stairs from top-of-bank to the pathway will also be removed and replanted.
- The existing wire fencing along ODOT property will be extended to the south across the pathway entrance, and also to the north extending over the top-of-bank to clearly define ownership and restrict access to ODOT's property.

With proposed condition PD8 a flood plain permit is required.

Landscaping:

Subsection 4.176.06(A-E): Plant Materials.

- A17.** The applicant's Planting Conceptual Plan in Exhibit B1 depicts tree, shrub, and ground cover types. The proposed Oregon grape and snowberry shrubs shall be increased from 1 gallon to 2 gallon size.
- A18.** The proposed specifications for secondary and accent trees meet code criterion for caliper size and/or height. This code criterion is met.

Subsection 4.176.07(A-D): Installation and Maintenance.

- A19.** 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.

SUMMARY FINDING FOR REQUEST A:

A20. As demonstrated in Findings A1 through A19 the proposed project meets the City criteria for granting approval of a Willamette River Greenway Conditional Use Permit.

REQUEST B – TYPE ‘C’ TREE PLAN.

Sections 4.008-4.009 Application Procedures and Applicant’s Rights

B1. The applicant’s submitted documents meet these code criteria.

Section 4.610.10 Guidelines and Limitations on Tree Removal

B2. This section limits tree removal to, among other criteria, when tree removal is necessary for construction, when trees are diseased, become a nuisance, hazard, or interfere with the healthy growth of other trees. The tree proposed for removal had been deemed conflicting with construction of a proposed ramp to an existing boat marina by an arborist. The stated reason falls within the limits set by this subsection.

Section 4.610.40 Type C Tree Permit

B3. As the request involves the removal of four (4) trees within the SROZ, the request is being reviewed as a Type C application. This provision is satisfied.

Subsection 4.610.40 (.02) and Subsection 4.610.40 (.02) Submittal Requirements

B4. The requirements of these subsections are thus satisfied.

Requirement	Submitted	Waiver Granted		Condition of Approval	Not Applicable	Additional findings/notes
		Info Already Available to City	Info Not Necessary for Review			
Statement why removal is necessary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Description of trees (common name, d.b.h.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Name of person removing (if known)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Time of removal (if known)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Map showing location of tree(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Arborist's Report (health and condition, species, common name, d.b.h.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tree protection information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Condition PD5
Replacement tree description (species, size, number, cost)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Copy of CC&R's	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Additional findings:

Section 4.620.00 Tree Relocation, Mitigation, or Replacement

Subsection 4.620.00 (.01) Requirement Established

B5. 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. Four (4) trees are proposed for removal. The applicant is proposing to replace four (4) trees as part of the pathway planting restoration. This criterion is satisfied.

Subsection 4.620.00 (.02) Basis for Determining Replacement

B6. 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"). The applicant is proposing to replace tree numbers 12, 13, 16 and 21 (2- Big-leaf maples, 1- Douglas fir and 1- bird cherry) with 7 – Big-leaf maples and 7 – Douglas firs. This criterion is satisfied.

Subsection 4.620.00 (.03) A. Replacement Tree Requirements-Comparable Characteristics

B7. 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 is proposing to replace tree numbers 12, 13, 16 and 21 (2- Big-leaf maples, 1- Douglas fir and 1- bird cherry) with 7 – Big-leaf maples and 7 – Douglas firs. The provisions of this subsection are satisfied.

Subsections 4.620.00 (.03) B. and C. Replacement Tree Requirements-Tree Care and Guarantee

B8. 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. The applicant is proposing to replace the four (4) trees. This subsection is satisfied, or will be satisfied by a condition of approval.

Subsection 4.620.00 (.3) D. Replacement Tree Requirements- Encouragement of Diversity of Species

B9. This subsection encourages a diversity of tree species to be planted. The trees subject to removal are the same species as that of the proposed replacement trees, maintaining the same level of diversity of the surrounding area. Staff finds this criterion satisfied.

Subsection 4.620.00 (.04) Additional Requirements for Replacement Trees

B10. 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. The applicant is proposing to replace four (4) trees. This subsection is satisfied, or will be satisfied by a condition of approval.

Subsection 4.620.00 (.05) Replacement Tree Location- Review Required

B11. This subsection requires the City to review tree replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. It requires that to the extent feasible and desirable, trees be replaced on site and within the same general area as the removed trees. The applicant is proposing fourteen (14) replacement trees, which will be located near the same location as the one removed. This criterion is therefore satisfied.

SUMMARY FINDING FOR REQUEST B:

As demonstrated in Findings B1 through B11, the proposed Type ‘C’ Tree Plan and meets the City tree criteria.

REQUEST C – ABBREVIATED SRIR AND MAP VERIFICATION WITHIN THE SROZ.

The detailed report titled Charbonneau Country Club Marina Access Project Abbreviated Significant Resource Impact Report (SRIR) prepared by SWCA, Environmental Consultants found in Exhibit B1 adequately studied the proposed impact of the project on the SROZ. Furthermore, the proposed findings regarding applicable review criteria are met in Exhibit B1. Staff has relied upon the applicant’s submittal documents, rather than repeat their contents again here. The application components are described briefly, below.

SIGNIFICANT RESOURCE OVERLAY ZONE

Section 4.139.02 Where These Regulations Apply

The regulations of this Section apply to the portion of any lot or development site, which is within a Significant Resource Overlay Zone and its associated “Impact Areas”. The text provisions of the Significant Resource Overlay Zone ordinance take precedence over the Significant Resource Overlay Zone maps. The Significant Resource Overlay Zone is described by boundary lines shown on the City of Wilsonville Significant Resource Overlay Zone Map. For the purpose of implementing the provisions of this Section, the Wilsonville Significant Resource Overlay Zone Map is used to determine whether a Significant Resource Impact Report (SRIR) is required. Through the development of an SRIR, a more specific determination can be made of possible impacts on the significant resources. Unless otherwise exempted by these regulations, any development proposed to be located within the Significant Resource Overlay Zone and/or Impact Area must comply with these regulations. Where the provisions of this Section conflict with other provisions of the City of Wilsonville Planning and Land Development Ordinance, the more restrictive shall apply. The SROZ represents the area within the outer boundary of all inventoried significant natural resources. The Significant Resource Overlay Zone includes all land identified and protected under Metro’s UGMFP Title 3 Water Quality Resource Areas, as currently configured, significant wetlands, riparian corridors, and significant wildlife habitat that is inventoried and mapped on the Wilsonville Significant Resource Overlay Zone Map.

- C1.** The subject property contains the Significant Resource Overlay Zone (SROZ). The SROZ on the subject property was designated to protect the Willamette River riparian corridor and significant wildlife habitat. All development in the SROZ, unless exempted, shall comply with the regulations in WC Section 4.139. The proposed gangway or ramp to an existing boat marina are not exempt under the code due to the small areas of disturbance (i.e., greater than 120 SF). This criterion is satisfied.

Section 4.139.04 Uses and Activities Exempt from These Regulations

(.15) Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting

requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area.

- C2. The proposed project does not satisfy the requirements for a minor encroachment of impervious area in the SROZ. No impervious areas will be located in the SROZ. This criterion is satisfied.

Section 4.139.03 - Significant Resource Overlay Zone Impact Report.

Section 4.139.06(.01) - Abbreviated SRIR Review.

A Significant Resource Impact Report (SRIR) is a report that delineates specific resource boundaries and analyzes the impacts of development within mapped significant resource area based upon the requirements of this Section. An SRIR is only required for non-exempt development that is located within the Significant Resource Overlay Zone and/or its associated 25 foot Impact Area.

The Significant Resource Overlay Zone Map identifies areas that have been classified as significant natural resources. The preparation of the Significant Resource Overlay Zone Map did not include specific field observations of every individual property. These maps are designed to be specific enough to determine whether further environmental review of a development proposal is necessary. If any portion of the development or alteration of the land (except those exempted by this Section) is located within the Significant Resource Overlay Zone boundary or the identified Impact Area, then an SRIR is required before any development permit can be issued. Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review. The Planning Director may consult with a professional with appropriate expertise to evaluate an applicant's SRIR prepared under this Section or may rely on appropriate staff expertise, in order to properly evaluate the report's conclusions.

(.01) Abbreviated SRIR Requirements. It is the intent of this subsection to provide a user friendly process for the applicant. Only the materials necessary for the application review are required. At the discretion of the Planning Director, an abbreviated SRIR may be submitted for certain small-scale developments such as single family dwellings, additions to single family dwellings, minor additions and accessory structures. The following requirements shall be prepared and submitted as part of the abbreviated SRIR evaluation:

- C3. A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance; An Site Development application was submitted on August 31, 2015 meeting this code criterion.
- B. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed and existing utility locations*; The applicant has identified on page 5 of 44 and on Plan Sheet 2 of 7 of Exhibit B1 showing existing features meeting this code criterion.
- C. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank; The applicant has identified water bodies and flood hazards on page 4 of 44, and in the Charbonneau Country Club Marina Access Project Abbreviated Significant Resource Impact Report (SRIR) prepared by SWCA, Environmental Consultants in Exhibit B1 meeting this code criterion.
- D. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches in diameter at breast height (DBH). Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type

or types; The applicant has provided an arborist report in Exhibit B1 meeting this code criterion.

*E. The location of the SROZ and Impact Area boundaries**; The applicant has provided the location of SROZ in the Charbonneau Country Club Marina Access Project Abbreviated Significant Resource Impact Report (SRIR) prepared by SWCA, Environmental Consultants in Exhibit B1 meeting this code criterion.

*F. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream**; The applicant has identified on Plan Sheet 4 of 7 of Exhibit B1 showing three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments meeting this code criterion.

*G. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards)**; The applicant has provided Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards in the Charbonneau Country Club Marina Access Project Abbreviated Significant Resource Impact Report (SRIR) prepared by SWCA, Environmental Consultants and shown on Plan Sheet 3 of 7 in Exhibit B1 meeting this code criterion.

*H. Current photos of site conditions shall be provided to supplement the above information**. The applicant has provided photos of existing site conditions in the Charbonneau Country Club Marina Access Project Abbreviated Significant Resource Impact Report (SRIR) prepared by SWCA, Environmental Consultants in Exhibit B1 meeting this code criterion.

*I. A narrative describing the possible and probable impacts to natural resources and a plan to mitigate for such impacts**. The applicant has provided a narrative describing the possible and probable impacts to natural resources and a plan to mitigate for such impacts in the Charbonneau Country Club Marina Access Project Abbreviated Significant Resource Impact Report (SRIR) prepared by SWCA, Environmental Consultants and on Plan Sheets 5, 1 of 1 and on the Planting Conceptual Plan in Exhibit B1 meeting this code criterion.

**Indicates information that City Staff may have readily available to assist an applicant.* Kerry Rappold, Natural Resources Program Manager has and is readily available to assist the applicant meeting this code criterion.

COMMUNITY DEVELOPMENT MEMORANDUM

To: Blaise Edmonds, Manager of Current Planning

From: Kerry Rappold, Natural Resources Program Manager

Date: November 12, 2015

RE: Conditional Use Permit (DB15-0059 and SI15-0001, Charbonneau Marina Access)

This memorandum includes staff conditions of approval. The conditions are based on the Conditional Use Permit and the SRIR review. The conditions of approval apply to the applicant's submittal of construction plans (i.e., engineering drawings).

Significant Resource Overlay Zone

- NR1. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
- NR2. All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Program Manager. Native plants are required for landscaping in the SROZ.
- NR3. 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 Significant Resource Overlay Zone and the 25-foot Impact Area.
- NR4. Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
- NR5. The applicant shall submit a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Natural Resources Program Manager documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards. If the ownership of the mitigation site property changes ownership, the new owners will have the continued responsibilities established by this section.

NR6. The Significant Resource Overlay Zone (SROZ) and mitigation area depicted on the SRIR mapping for the site shall be identified in a conservation easement. The applicant shall record the conservation easement with Clackamas Court Clerk's office. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division and the Natural Resources Program Manager. The conservation easement shall be reviewed by the City Attorney prior to recording.

Other:

NR7. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g., DEQ NPDES #1200-CN permit).

**Land Use Application
City of Wilsonville**

GREENWAY CONDITIONAL USE

**CHARBONNEAU VILLAGE
MARINA ACCESS
RELOCATION/REPLACEMENT**

**Planned Residential Development
Willamette River Greenway; and SROZ**

**September 1, 2015
Revised for Completeness 10-14-2015**

APPLICANT:

**Charbonneau Country Club
Joan Buccino, President
32000 SW Charbonneau Drive
Wilsonville, OR 97070
Contacts: Susie Stevens & Richard Schram
Phone: (503) 694-2300
Email: susie@charbonneaucountryclub.com
richardschram.rs@gmail.com**

APPLICANT'S REPRESENTATIVE:

**Pioneer Design Group, Inc.
9020 SW Washington Square Drive, Suite 170
Portland, OR 97223
Contact: Ben Altman
Phone: (503) 643-8286; Dir: 971-708-6258
Email: baltman@pd-grp.com**

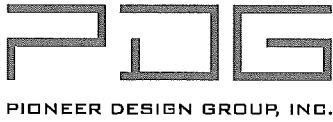
OCT 15 2015



City of Wilsonville

EXHIBIT B1 DB15-0059 et al

Incomplete Application Response



CIVIL LAND USE PLANNING SURVEY

P 503.643.8286 F 844.715.4743 www.pd-grp.com
9020 SW Washington Square Rd Suite 170
Portland, Oregon 97223

October 14, 2015

Mike Wheeler, Associate Planner
City of Wilsonville
29799 SW Town Center Loop E.
Wilsonville, OR 97070

RE: Responses to Letter of Incomplete Application – Charbonneau Dock Access
DB15-0059, 0060 & SI15-00001
Pioneer Project No.: 999-146.5

Dear Mike:

This letter is in response to your Letter of Incomplete Application, dated September 30, 2015 regarding the Charbonneau Dock Access. The following is a summary of Responses to the 5 items listed.

Item 2: Obtained ODOT Signature, as affected owner, see attached.

Item 3: Provided documentation of recent new ownership, and Authorized signer for Illahee Drive Fee Owner LLC, who are the recent new owners of The Haven Apartments, see attached.

Item 4: I corrected the number of trees being removed on page 30 of the Compliance narrative, see attached.

Item 5: Replaced full-sized Landscaping Plan with corrected version, matching the reduced copy.

Item 6: SWCA revised the SRIR to include Figure 3, identifying the impact and mitigation areas, see attached, also included in full-sized Plan Set.

We are submitting: 10 complete sets of Revised Application Documents, 1 Revised Narrative and full-sized Plan Set for your file, and 10 CDs of all documents.

Sincerely,
Pioneer Design Group, Inc.

A handwritten signature in black ink that reads 'Ben Altman'.

Ben Altman
Senior Planner/Project Manager

ADDITIONAL PROPERTY OWNER AUTHORIZATION
FOR APPLICATION BY
CHARBONNEAU COUNTRY CLUB
CHARBONNEAU MARINA ACCESS MODIFICATION
WILAMETTE GREENWAY CONDITIONAL USE PERMIT &
SROZ REVIEW


Tax Lot 308: City of Wilsonville

The applicant is hereby authorized to submit the above reference land use application, which affects a portion of property owned by the City of Wilsonville.

_____, Date _____

ODOT: I-5 right-of-way

The applicant is hereby authorized to submit the above reference land use application, which affects a portion of property owned by the Oregon Department of Transportation.

 Date 10/13/19
ODOT Region 1
Senior Planner

CERTIFICATION
(Haven at Charbonneau)

Chicago Title Insurance Company certifies that the attached is a true and correct copy of the **Transfer Deed** [**SELECT ONE:** filed of record with **OR** sent for recording to] the Clackamas County Recorder on JUNE 4, 2015, as Document No. 2015-033684, and if such document has been sent for recording, Chicago Title Insurance Company acknowledges that it is responsible for seeing that recording is complete.

Date: JUNE 4, 2015.

Chicago Title Insurance Company

By:
Its:

Mark De
Commercial Title Officer

Clackamas County Official Records
Sherry Hall, County Clerk

2015-033684

06/04/2015 12:51:32 PM

D-D Cnt=1 Str=6 KARLYN
\$40.00 \$16.00 \$10.00 \$22.00

\$88.00

After recording, return to:

Sklar Kirsh, LLP
1880 Century Park East, Suite 300
Los Angeles, California 90067
Attention: Andrew T. Kirsh, Esq.

Until a change is requested, all tax statements shall be sent to the following address:

TruAmerica Multifamily LLC
12100 Wilshire Boulevard, Suite 250
Los Angeles, California 90025
Attention: Dessire Armas

SPECIAL WARRANTY DEED-STATUTORY FORM

FAOF Illahee, LLC, a Delaware limited liability company, Grantor, does convey and specially warrant to Illahee Drive Fee Owner LLC, a Delaware limited liability company, Grantee, the real property in Clackamas County, State of Oregon described in Exhibit A attached hereto and by this reference made a part hereof (the "Property"), free of all encumbrances created or suffered by or through Grantor, except as described in Exhibit B attached hereto and by this reference made a part hereof.

The true consideration for this conveyance is Sixteen Million Dollars (\$16,000,000).

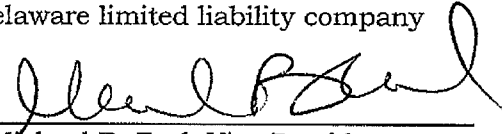
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

[Signature Page to Follow]

Recorded by TICOR TITLE 3626073 44670

IN WITNESS WHEREOF, the undersigned Grantor has executed this Special Warranty Deed as of June 4, 2015.

GRANTOR:
FAOF ILLAHEE, LLC,
a Delaware limited liability company

By: 
Michael B. Earl, Vice President

ACKNOWLEDGMENT

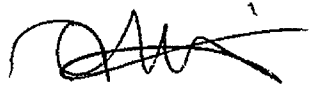
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

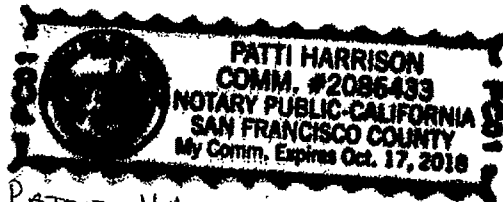
STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On this 28th day of May, 2015 before me, Patti Harrison, notary public, personally appeared Michael B. Earl who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.


Notary Public



* PATTI HARRISON
COMM. #2086433
Notary Public - California
SAN FRANCISCO COUNTY
My Comm. Expires Oct. 17, 2018

Exhibit A
Real Property Legal Description

All that land situated in the State of Oregon, County of Clackamas, City of Wilsonville and described as follows:

Parcel 1:

A tract of land being a portion of the George L. Curry Donation Land Claim No. 43, situated in the Southeast one quarter of Section 23 and the Southwest one quarter of Section 24, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at a point on the Northerly right of way line of French Prairie Road, said point also being the initial point of EDGEWATER AT CHARBONNEAU, a subdivision recorded in Book 86, Page 3, Plat Records, said Clackamas County, said point being North a distance of 2,518.46 feet and West a distance of 4,482.43 feet from the Southeast corner of the George L. Curry Donation Land Claim; thence running on said Northerly right of way line the following courses: South 79°53'06" West a distance of 505.68 feet to the beginning of a tangent 456.00 foot radius curve right; thence on said curve through a central angle of 18°56'45" (the long chord of which bears South 89°21'28" West, a distance of 150.10 feet) an arc distance of 150.78 feet to the end thereof; thence North 81°10'09" West a distance of 133.96 feet to the beginning of a tangent 244.00 foot radius curve left; thence on said curve through a central angle of 56°27'43" (the long chord of which bears South 70°36'00" West a distance of 230.84 feet) an arc distance of 240.45 feet to the end thereof; thence South 42°22'08" West a distance of 176.04 feet to the true point of beginning; thence leaving said right of way line and running North 47°37'52" West a distance of 129.62 feet; thence South 42°22'08" West, 33.65 feet; thence North 47°37'52" West, 70.86 feet; thence North 42°22'08" East, 33.65 feet; thence North 47°37'52" West, 116.52 feet; thence North 12°37'34" West, a distance of 111.86 feet; thence North 42°22'08" East, a distance of 222.36 feet; thence North 12°01'00" East, a distance of 140.02 feet to a point on the ordinary low waterline of the Willamette River; thence Southwesterly along the meanders of the said low waterline, to a point where it intersects the East right of way line of Interstate 5; thence along said East right of way line, South 0°12'32" East, 201.60 feet to an iron rod at the Northwest corner of that tract of land conveyed by Deed to the City of Wilsonville, recorded June 26, 1978, Fee No. 78 27304, Clackamas County Deed Records; thence along the North line of said Wilsonville Tract, North 89°47'28" East 58.00 feet to the Northeast corner thereof; thence along the East line of said Wilsonville Tract South 0°12'32" East 222.00 feet; thence North 89°47'28" East, 7.00 feet; thence South 0°12'32" East 110.28 feet to an angle point; thence South 42°59'44" East, 80.97 feet to an angle point; thence South 0°12'32" East, 110.30 feet to an iron pipe at the Southeast corner of said Wilsonville Tract; thence South 0°12'32" East, 53.40 feet; thence South 53°12'14" East, 124.07 feet; thence North 89°47'32" East, 165.00 feet; thence North 61°29'44" East, 333.16 feet, to the West right of way line of French Prairie Road as dedicated by CHARBONNEAU VII, THE VILLAGE AT WILSONVILLE, a subdivision recorded in Book 75, Page 8, Clackamas County Deed Records; thence along said West right of way line, along a 583.00 foot radius curve to the right, through a central angle of 3°56'59" (chord bears North 40°23'38" East, 40.19 feet) an arc distance of 40.19 feet; thence continuing along the West right of way line of said French Prairie Road, North 42°22'08" East 134.13 feet to the true point of beginning.

EXCEPTING THEREFROM ownership of the State of Oregon in and to that portion of the premises herein described lying below the line of ordinary high water of the Willamette River.

Parcel 2:

Easements for driveways and parking area as set forth in Reciprocal Easement Agreement as described in document recorded December 21, 1990 as Recording No. 90 62764, Records of Clackamas County, Oregon.

Parcel 3:

A right and easement of enjoyment in and to the common areas as defined and described in Covenants, Conditions

and Restrictions per Charbonneau Country Club recorded April 6, 1977 as Recording No. 77-12613, as amended,
Records of Clackamas County, Oregon.

Exhibit B
Exceptions

SCHEDULE OF PERMITTED ENCUMBRANCES
(HAVEN)

1. Intentionally Deleted.
2. Intentionally Deleted.
3. Intentionally Deleted.
4. Intentionally Deleted.
5. Intentionally Deleted.
6. Intentionally Deleted.
7. Any adverse claim based upon the assertion that:
 - A) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by accretion or reliction to any such portion.
 - B) Some portion of said property has been created by deposit of artificial fill.And Excepting:
 - C) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the premises herein described, lying below the high water line of the Willamette River.
8. The herein described Land has no rights of ingress and egress to, from or across the Interstate Highway 5 other than expressly therein provided for;
Relinquished by a Deed to the State of Oregon
Recording Date: October 16, 1951
Book: 449
Page: 609
9. Charbonneau Agreement (for scenic easement), including the terms, conditions and provisions therein;

Executed by: Willamette Factors Inc. and the State of Oregon, by and through its Department of Transportation,
Highway Division
Recording Date: January 14, 1977
Recording No.: 77-001642
10. 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

Annexed by Declaration;
Recording Date: March 9, 1990
Recording No.: 90-010525

11. Liens and assessments, if any, by the Charbonneau Country Club Homeowners Association as disclosed by Covenants, Conditions and Restrictions recorded April 6, 1977 as Recording No. 77-012613, and Declaration for the Annexation of French Prairie Village, Illahee, Spring Ridge and Louvonne at Charbonneau recorded March 9, 1990 as Recording No. 90-010525.

None due and payable at date of Policy.

12. Easements for the purposes shown below and rights incidental thereto as set forth in a document:

In favor of: The City of Wilsonville
Purpose: Municipal water and sewer lines
Recording Date: June 26, 1978
Recording No.: 78-027304

Modified by Agreement;
Recording Date: December 21, 1990
Recording No.: 90-062763
Affects: A 40 foot strip through the Southerly portion

As depicted on that certain ALTA Survey prepared by Compass Land Surveyors dated March 1, 2015, last revised May 29, 2015, designated Job No. 6976 (the "Survey")

13. Easements for the purposes shown below and rights incidental thereto as set forth in a document:

In favor of: Telephone Utilities of Oregon, Inc.
Purpose: Utilities
Recording Date: July 20, 1987
Recording No: 87-032940
Affects: Exact location cannot be determined

14. Easement Agreement, including the terms and provisions thereof:

In favor of: The City of Wilsonville
Purpose: Underground sanitary sewer and water pipeline or pipelines
Recording Date: September 4, 1987
Recording No: 87-040899

Modified by Agreement;
Recording Date: December 21, 1990
Recording No.: 90-062763

As depicted on the Survey.

15. Easements set forth in Easement and Water Use Agreement, including the terms and provisions thereof;

Executed by: Columbia-Willamette Development Company and Willamette Factors, Inc.
Recording Date: January 31, 1989
Recording No.: 89-004682
Purpose: Well and water line

As amended by instrument;
Recording Date: May 30, 1991
Recording No.: 91-025267

16. Easements set forth in, and covenants and conditions contained in, Easement Agreement, including the terms and provisions thereof;

Executed by: Columbia-Willamette Development Corporation and Charbonneau Country Club
Recording Date: December 21, 1990
Recording No.: 90-062762
Purpose: Concrete ramp and wooden walkway for pedestrians for access to the marina, access driveways and parking

17. Reciprocal Easement Agreement, including the terms and provisions thereof;

Executed by: The City of Wilsonville and Columbia-Willamette Development Corporation
Recording Date: December 21, 1990
Recording No.: 90-062764
Purpose: Access easement over driveways granted to the City of Wilsonville to access property located to the West

As depicted on the Survey.

18. Water Use Agreement, including the terms and provisions thereof;

Executed by: Columbia-Willamette Development Corporation and Ernest Auerbach and Lisa D. Auerbach, as Trustees of the Auerbach Family Trust of 1987
Recording Date: April 11, 1991
Recording No.: 91-016011

19. Easement set forth in MDU Broadband Services Agreement and Memorandum of Easement, including the terms and provisions thereof;

Executed by: IAC Properties, LLC and TCI of Tualatin Valley, Inc.
Recording Date: September 27, 2001
Recording No.: 2001-079114
Purpose: Broadband services

20. Intentionally Deleted.

21. Intentionally Deleted.

22. Intentionally Deleted.

23. Intentionally Deleted.

24. Rights of tenants, as tenants only, under unrecorded leases, with no rights of first refusal or purchase options,

25. Encroachments as disclosed by survey,

Job No.: 6976

Dated: March, 2015, last revised May 29, 2015

Prepared by: Compass Land Surveyors

1. 6" wall encroaches 0.8' into property for a distance of 4.3' along eastern property line
2. 8" wide concrete retaining wall encroaches 2.1' into property along eastern property line
3. Concrete pad encroaches 2.2' into property for a distance of 9.9' along eastern property line
4. Garage encroaches over property line by 1.4' onto adjacent property to the west

of the old roadbed and access trail and stairs, are proposed for site development (Appendix A, Figure 5).

In total, 68 square feet will be disturbed by the project and 4,600 square feet will be restored within the rehabilitation area. The bulleted list below provides a general summary of impacts and restoration areas:

- Four Trees to be removed: one bird cherry (6 inch DBH), two big-leaf maple (12 & 13 inch DBH), and one douglas fir (25 inch DBH);
- Length/width of the new gangways:
 - Parking lot to platform - 7 feet long by 4 feet wide (28 square feet)
 - Top platform to lower platform - Ramp is 56" wide, 64.35' long, rise is 30.23' and run is 56.8' (with no ground impact);
- Top-of-bank landing platform will be a new aluminum 5' x 5; platform installed on 4 pier footings 25 square feet
- Shoreline landing platform 8' x 14' (existing – no new ground impact) : 112 square feet
- Area of the rehabilitation area (existing old roadbed and trail features): 4,600 square feet

Mitigation measures provided below will ensure compliance with SROZ, WRG, and tree replacement requirements specified in the City's Code.

Additionally, impacts to waters of the U.S. are not expected to occur as a result of the project and a removal/fill joint-permit through Oregon Department of State Lands and the U.S. Army Corps of Engineers is not required. However, appropriate best management practices (BMPs) and mitigation measures described below will ensure that fill material (sediments from runoff) will not contaminate the Willamette River.

Mitigation

Mitigation for SROZ encroachment into the forested habitat will include a combination of invasive species control, tree replacement plantings, and enhancement of the understory within the rehabilitation area (Appendix A, Figures 3 and 5). Specific mitigation recommendations are provided below.

Rehabilitation Area Understory and Tree Replacement Planting

The tree mitigation goal is to improve the ecological integrity and functions to the forested habitat. According to the ratios established in Table NR-3 in Section 4.139.07 of the City's SROZ Ordinance, two trees and three shrubs need to be planted for each tree removed that is 6 to 13 inches in diameter. Therefore, a minimum total of four trees and six shrubs shall be planted in the rehabilitation area. Additionally, all bare ground should be planted or seeded with native grasses or herbs.

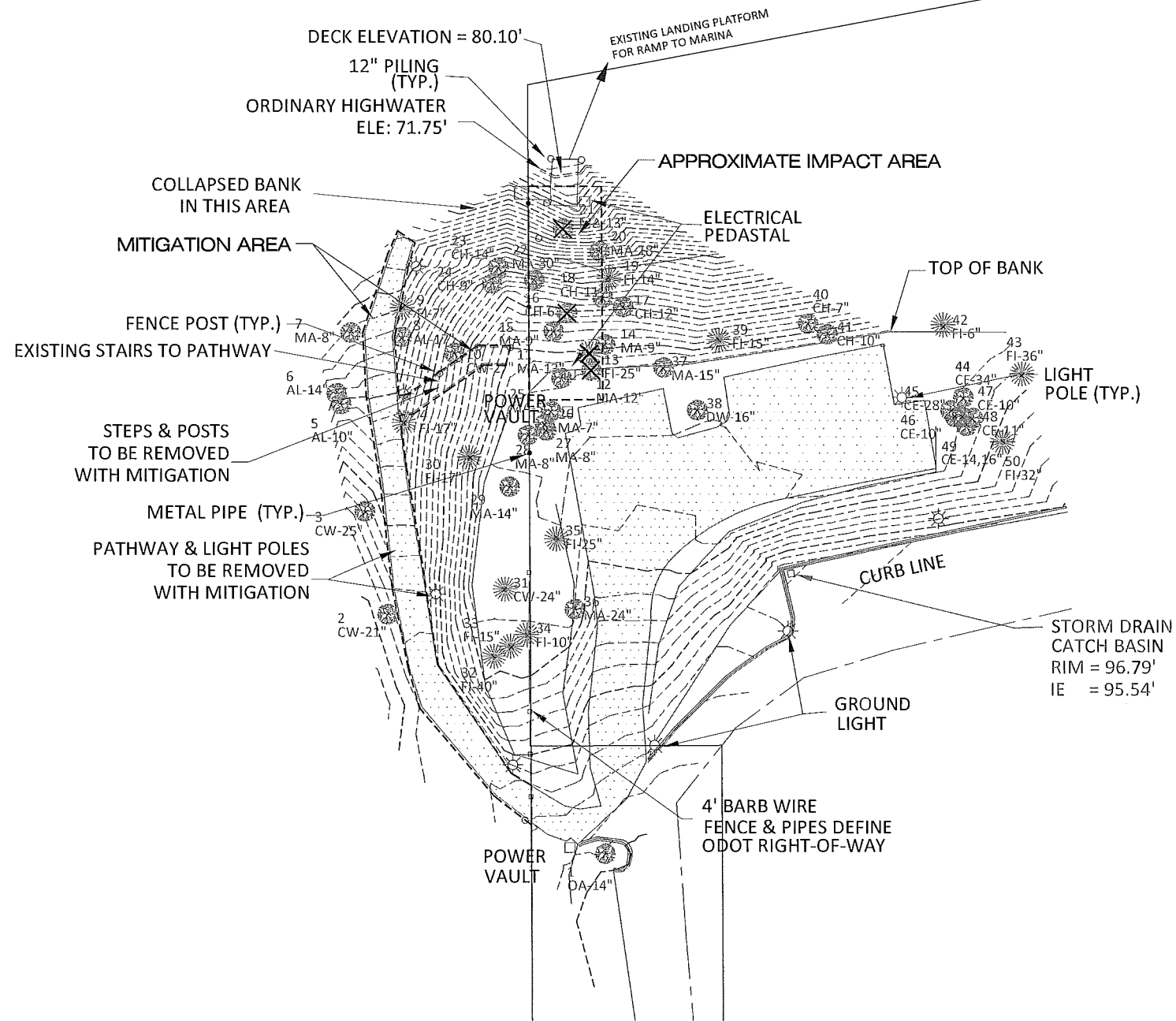


FIGURE NO.3

SRIR IMPACT & MITIGATION AREAS

CHARBONNEAU DOCK
 CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	06/2015
Drawn by	TCC	Date	06/2015
Reviewed by	BA	Date	06/2015
Project No.	999-1465	REF.	
Horizontal Scale	AS NOTED		
Vertical Scale	999-1465.TPO.dwg		

By	
Revision	
Date	
No.	

Project	CHARBONNEAU DOCK
No.	999-1465
Type	PLANNING
Sheet	1 of 1

Rec'd 10/5/15



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

September 30, 2015

Ben Altman
Pioneer Design Group, Inc.
9020 SW Washington Sq. Rd. #170
Portland, Oregon 97223

Application No: DB15-0059 et seq (Alliance Tax Advisors/Charbonneau Country Club)

Submitted Requests:

DB15-0059 Greenway Conditional Use
DB15-0060 Type 'C' Tree Removal Plan
SI15-0001 Abbreviated SRIR and SROZ Boundary Determination

Legal: Tax Lots 308, 318 and I-5 R-O-W in Section 25; T3S R1W; Clackamas County, Oregon

Status: **Notice that your APPLICATION IS NOT COMPLETE**

Dear Ben:

You are listed as the applicant's representative on the City of Wilsonville Site Development Application submitted on August 31, 2015, for property owned by Alliance Tax Advisors, the City of Wilsonville and Oregon Department of Transportation, for the development components described in the table, above. Your application has been found to be 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. You must provide a signature from the Oregon Department of Transportation, authorizing the applicant to provide the improvements and perform the activities within the state's I-5 right-of-way.
3. While you submitted a signature on the application form, it is not apparently that of the owner of the property. If it is the owner, or is an authorized representative of the owner, please provide documentation of the signatory's role in the ownership, or provide a letter from the owner authorizing the signatory's ability to sign in their behalf. Please also provide a copy of the deed, or letters of incorporation, or equivalent, within which the role of the signatory is indicated. Please refer to Section 4.009(.01) in this regard.
4. The submitted narrative, at page 30 identifies that only two trees are identified for removal. It appears from other submitted material that four (4) trees are proposed to be removed. Please submit a revised narrative, in order to address this inconsistency.
5. The submitted graphic material is inconsistent in quantities and format, and is incomplete. The reduced plan set has the correct plantings, which correspond with the SROZ mitigation area. However, the large and reduced plan sets of landscape plans, do not match. Please provide the missing material in the quantities and formats indicated.
6. The SRIR report must be revised to include an exhibit that identifies the impact and mitigation areas.

Items 2 through 6 must be addressed in order to complete your application. Once achieved, you must provide ten complete sets of the revised compliance materials, including all revised narratives, proposed findings, and revised or added project drawings, in both reduced and full-sized form. Please also provide *ten* compact digital disks (CDs) of the submitted, revised narratives, proposed findings, and all revised or added 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 necessary to complete your application, you will have until February 27, 2016 (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.

Ben Altman
Pioneer Design Group, Inc.
September 30, 2015
Page 3 of 3

If you have any questions about your application, please phone me, or send e-mail to me at wheeler@ci.wilsonville.or.us. Thank you.

Sincerely,



Michael R. Wheeler
Associate Planner

Enclosure (1)

cc: Illahee Drive Fee Owner LLC
Susie Stevens, Charbonneau Country Club

September 30, 2015

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 September 30, 2015. To do this, please sign below and return this acknowledgment by October 10, 2015, 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 September 30, 2015.



Signed and Acknowledged (Applicant)
Applicant's Representative

10-5-15

Date

Application

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:

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.

TO BE COMPLETED BY APPLICANT: Please PRINT legibly

Applicant:

Charbonneau Country Club

Address: 32000 SW Charbonneau Drive

Phone: 503-9=694-2300

Fax:

E-mail: susie@charbonneaucountryclub.com

Authorized Representative:

Pioneer Design Group, Ben Altman

Address: 9020 SW Washington Sq. Rd., #170

Phone: 503-643-6258, Direct 971-708-6258

Fax:

E-mail: baltman@pd-grp.com

ILLAHEE DRIVE FOLLOWER LLC

Property Owner:

Haven @ Charbonneau & Others, see attached

Address: 8755 SW ILLAHEE CT.,
WILSONVILLE, OR 97070

Phone: 503.694.8257

Fax:

E-mail: BMUZZAY@TRUAMEZICA.COM

Property Owner's Signature:

R. Muzzay AUTHORIZED SIGNATOR

Printed Name: ROBERT MUZZAY Date: 8/24/15

Applicant's Signature (if different from Property Owner):

Printed Name: _____ Date: _____

Site Location and Description:

Project Address if Available: Charbonneau Marina Suite/Unit _____

Project Location: Illahee Court - northwest corner of Haven at Charbonneau (formerly Illahee Apts.)

Tax Map #(s): T3S R1W 25 Tax Lot #(s): 318 County: Washington Clackamas

Request: Willamette Greenway Conditional Use Permit, Replacement of access ramp to marina dock, together with required SROZ Mitigation, and removal and restoration of pathway on ODOT property.

Project Type: Class I Class II Class III

Residential Commercial Industrial Other (describe below)

Application Type:

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp Plan Map Amend | <input checked="" type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Major Partition | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Parks Plan Review |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs | <input type="checkbox"/> Site Design Review |
| <input checked="" type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> Type C Tree Removal Plan | <input checked="" type="checkbox"/> Tree Removal Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Villebois SAP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Other | | |

ADDITIONAL PROPERTY OWNER AUTHORIZATION
FOR APPLICATION BY
CHARBONNEAU COUNTRY CLUB
CHARBONNEAU MARINA ACCESS MODIFICATION
WILAMETTE GREENWAY CONDITIONAL USE PERMIT &
SROZ REVIEW

Tax Lot 308: City of Wilsonville

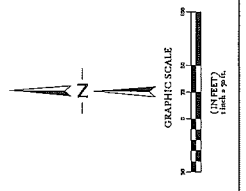
The applicant is hereby authorized to submit the above reference land use application, which affects a portion of property owned by the City of Wilsonville.

_____, Date _____

ODOT: I-5 right-of-way

The applicant is hereby authorized to submit the above reference land use application, which affects a portion of property owned by the Oregon Department of Transportation.

Marah Dimey, Date 10/13/15
ODOT Region 1
Senior Planner

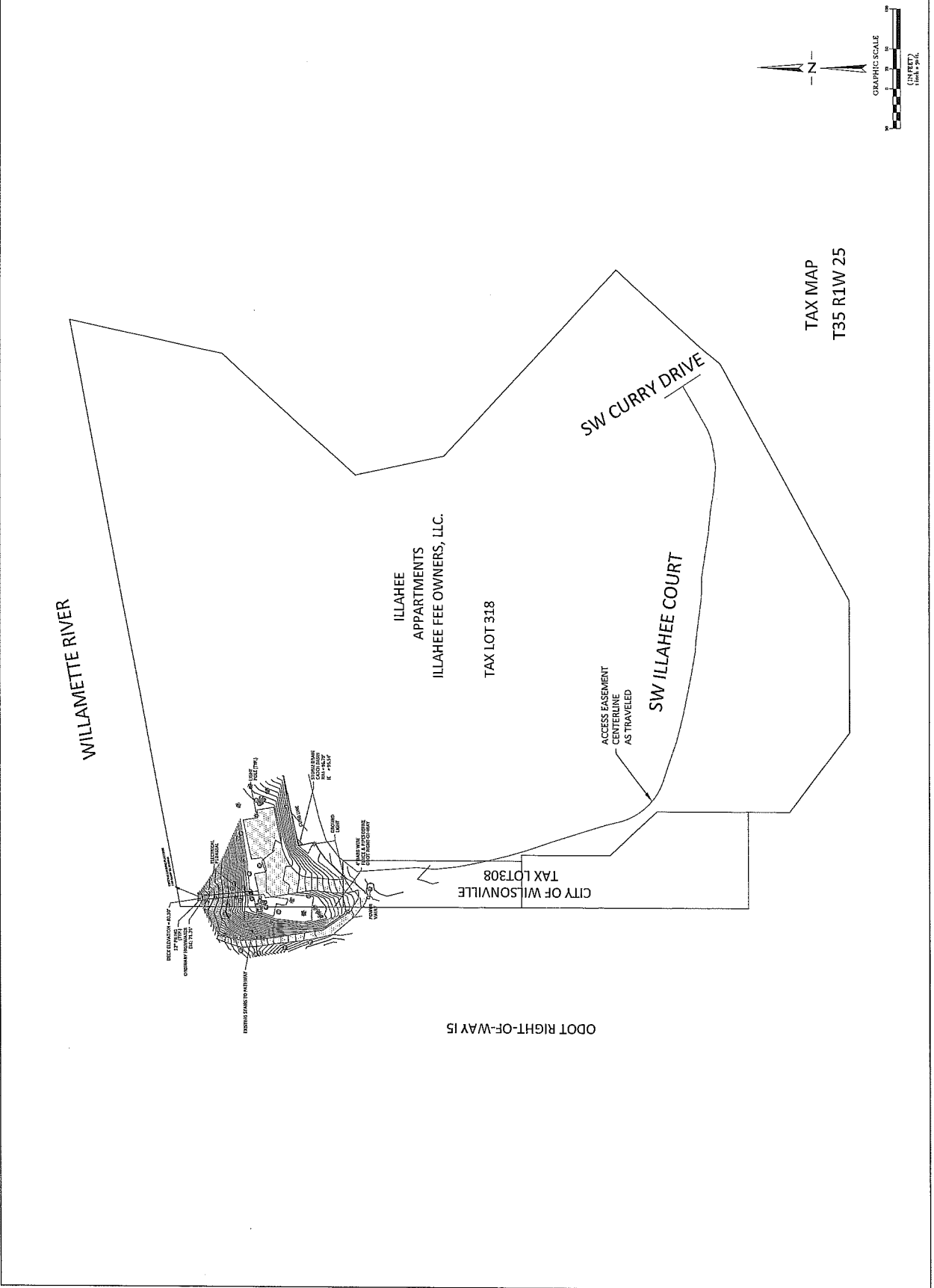


9916320004mg

Drawn by: SA Date: 07/20/15
 Checked by: TJC Date: 07/20/15
 Project No.: 991645 RES.
 Horizontal Scale: AS SHOWN
 Vertical Scale: AS SHOWN

OWNERSHIP AFFECTED BY DOCK
 ACCESS- EXISTING & PROPOSED
 CHARBONNEAU DOCK
 CITY OF WILSONVILLE, OREGON

PIONEER DESIGN GROUP, INC.
 1441710
 4050 NE 10TH AVE
 PORTLAND, OREGON 97218
 503.281.8343



Compliance Report

**Land Use Application
City of Wilsonville**

GREENWAY CONDITIONAL USE

**CHARBONNEAU VILLAGE
MARINA ACCESS
RELOCATION/REPLACEMENT**

**Planned Residential Development
Willamette River Greenway; and SROZ**

**September 1, 2015
Revised for Completeness 10-14-2015**

APPLICANT:

**Charbonneau Country Club
Joan Buccino, President
32000 SW Charbonneau Drive
Wilsonville, OR 97070
Contacts: Susie Stevens & Richard Schram
Phone: (503) 694-2300
Email: susie@charbonneaucountryclub.com
richardschram.rs@gmail.com**

APPLICANT'S REPRESENTATIVE:

**Pioneer Design Group, Inc.
9020 SW Washington Square Drive, Suite 170
Portland, OR 97223
Contact: Ben Altman
Phone: (503) 643-8286; Dir: 971-708-6258
Email: baltman@pd-grp.com**

FACT SHEET

Project Name: Charbonneau Village – **Marina Access Replacement**

Proposed Actions: **Modified Conditional Use, Willamette Greenway/SROZ, Planned Residential Development, PDR-3**

Tax Maps: Northwest corner of Tax Lot 318, and also affecting Tax Lot 308, and ODOT right-of-way, Map T3S R1W 25

Site Size: Portion of 11.24 Acres (based on DSL OHW)

Address: SW Illahee Court

Location: Northwest corner of SW Illahee Court, The Haven at Charbonneau.

Comprehensive Plan: Residential 4-5 DU/AC
Zoning: PDR-3, with Willamette Greenway, SROZ and Flood Plain Overlays

Owners: Charbonneau Country Club, Marina;
Illahee Fee Owners, LLC (New Owners), Haven at Charbonneau, Tax Lot 318;
City of Wilsonville, Parcel I, Tax Lot 308; and
ODOT, I-5 right-of-way

APPLICANT:

Charbonneau Country Club
Joan Buccino, President
32000 SW Charbonneau Drive
Wilsonville, OR 97070
Contact: Susie Stevens
Phone: (503) 694-2300
Email: susie@charbonneaucountryclub.com

APPLICANT'S REPRESENTATIVE:

Pioneer Design Group, Inc.
9020 SW Washington Square Drive, Suite 170
Portland, OR 97223
Contact: Ben Altman
Phone: (503) 643-8286
Email: baltman@pd-grp.com

I. INTRODUCTION

GENERAL INFORMATION

This Land Use and Development application is submitted on behalf of The Charbonneau Village Country Club. The Country Club is the General Manager for the combined Homeowners Associations within Charbonneau, which manages the common ownerships, including the Marina (dock facility). However, access to the marina is through the Haven Apartments, now owned by Illahee Fee Owners, LLC; and also affects lands owned by the City of Wilsonville and Oregon Department of Transportation (ODOT). Therefore these additional land owners are technically co-applicants.

This application relates to replacement and relocation of the access ramp to the Charbonneau Marina (dock), see Existing Conditions Plan. The current access to the dock is provided by a pathway over ODOT right-of-way, but in December 2010 the bank collapsed just before the gangway to the landing. This bank failure made it unsafe to access the dock, so the facility has been closed to resident's access.

The Country Club now desires to replace and relocate the access ramp to the dock. The access ramp is proposed to be relocated from the end of the ODOT pathway to the Marina parking lot. This will eliminate the need to cross ODOT property.

The ramp (stairs) will be anchored at the top of bank to a small aluminum platform elevated (3.5') above ground on 4 posts, see Proposed Ramp Plan. This elevated base, at top of bank, will allow the ramp (stairs) to extend to about the middle of the existing elevated landing at the shoreline and also clear the slope of the bank. This design minimizes ground and vegetation impacts, as only two trees will need to be removed. Except for the abutment at the top, there will be no ground disturbance.

Historic Summary

The Charbonneau Marina was conceptually part of the originally 1971 Charbonneau Master Plan. It was originally proposed to be located more central to the development, farther to the east. However, the Marina was subsequently relocated to its current location as part of the Riverfront Townhomes 78PC03.

In September 1975, the Corps/DSL issued notice of a pending permit (071-0YA-1-001400), which authorized an initial 42 slip dock, with future development up to 92 slips. But, based on public opposition, the dock permit approval was finally approved with 34 slips in 1976. In 1978, Willamette Factors, the original Charbonneau developer, granted a scenic easement to ODOT, Parks and Recreation Branch, who at that time managed the Willamette River Greenway. The easement acknowledged the marina.

The existing Marina was approved with a Willamette Greenway Conditional Use Permit (78CU03). In 1984, the Isberg boat house was approved as an addition to the dock (84DR9) and (Corps/DSL permit 071-0YA-1-005450).

The Riverfront Townhomes plans were subsequently modified with approval of the Illahee Apartments (88PC21 & 88DR14), which were then constructed, as they exist today. With the construction of the apartments, the marina parking was relocated from the northwest edge of the City property (Tax Lot 308) to its current location near the top of bank. The parking that previously was for the marina, on City property, is now reserved for Haven residents. It is noted that the Haven was recently sold and the new owners are Illahee Fee Owners, LLC.

The City of Wilsonville, in 1980, adopted Willamette River Greenway Permit provisions within the Development Code (4.500-4.515); and later in 2001, Significant Resource Overlay Zone provisions (4.139) which now regulate development adjacent to the river. Therefore the Marina was reviewed and approved under the then applicable Willamette River Greenway and Natural Resource protection provisions of the Code, but not the newer SROZ provisions.

Consequently the facility is classified as a Non-Conforming Use. Under the Non-conforming provisions of the Code (4.190) repair or replacement of damage of a non-conforming structure is limited to 18 months from the date of damage.

Since the bank failure occurred in 2010, these replacement provisions are no longer applicable. Therefore, this application must address current Code provisions.

Location and Ownership

This application relates to the access to the Marina (dock), which is located at the northwest corner of the Charbonneau Development. Access to the marina parking area is via an easement over SW Illahee Court, which runs through the Haven at Charbonneau apartment complex (originally approved as Illahee, 88DR14)), Tax Lot 318, Map T3S R1W 25.

The property ownership, based on the legal description, extends to the “water” of the Willamette River. The Division of State Lands (DSL), who has jurisdiction over Waters of the State, has defined the limits of the “water” of the Willamette River. DSL has specified that the Ordinary High Water line (71.75 feet msl) is used to define the ownership boundary. The SROZ Map Verification Plan Sheet reflects this boundary.

The Haven at Charbonneau is now owned by Illahee Fee Owners, LLC, who recently acquired the property from Alliance Tax Advisors, out of Austin Texas. The prior owners granted the Country Club an access easement over SW Illahee Court, which also includes the dock access parking area. The new owners continue to honor the established easement. Further, they have also authorized this application, as an affected property owner.

It is important to note that this access (vehicle and parking) is established and no changes are proposed as part of this application. The only change being proposed is the location of the ramp from the parking area to the dock.

Vehicle access to the Marina Parking area also crosses land owned by the City of Wilsonville, Tax Lot 308. However, this access is also established and no changes are proposed. As an affected owner, the City of Wilsonville has also authorized this application.

The existing access path to the Marina is located primarily on ODOT right-of-way (I-5 freeway), but also crosses City owned property. With this application, this pathway is proposed to be abandoned and replaced with a ramp from the Marina parking area. As affected owners, both ODOT and the City of Wilsonville have also been asked to authorize this application.

Existing Use and Conditions

The Charbonneau Marina has been in existence since the early 1980s. It consists of a floating dock, with 35 boat slips, and an enclosed boathouse. Access to the marina is via an easement over SW Illahee Court, which runs through the Haven at Charbonneau, and also over ODOT right-of-way, with a path down to the shoreline. Existing conditions are documented with a combination of photos and site plan.

At the northwest corner of the Haven there is an auxiliary parking area that was constructed for dock access. This parking was provided when the apartments were built, as the previous marina parking located just south of the pathway was reassigned to the apartments. The current marina parking can accommodate 12-14 vehicles.

The current access to the dock is (was) provided by an asphalt paved pathway over ODOT right-of-way, extending from the northwest corner of Tax Lot 308 (City). However, at the shoreline, the bank has collapsed just before the gangway to the elevated shoreline landing. This bank collapse (2010) makes it unsafe to access the dock, so the facility has been closed to public access, see Index Tab.

In this case, bank restoration, to re-establish the access, is considered too expensive and unnecessary. Therefore this access route is proposed to be abandoned.

Sometime in the past some make-shift steps, with posts and chain hand-railing was installed from the top of bank at the northwest corner of the parking lot down to the ODOT pathway. With the proposed new ramp access, these steps will be removed and Mitigation will be necessary to restore this disturbed area.

Historically marina use has been limited to residents and individuals who acquired a slip through the Country Club. In the past, parking at the marina was also limited to those having use and access rights. Historically guests of authorized users have been directed to park at the County boat launch on Butteville Road west of the I-5 Boone Bridge. The applicant proposes to maintain this practice and is not aware of any major parking issues.

Surrounding Uses

To the north is the Willamette River, and the Charbonneau dock. To the west is ODOT right-of-way and the I-5 Freeway (Boone Bridge). To the south and east are the Haven Apartments and the rest of Charbonneau Village.

Topography

The topography of the site varies from the ordinary high water level at 67.44 feet up to top of bank at 107 feet. From the top of bank there is an average slope of about 20% with a slight hump, then the bank steepens to about 40% down to the toe of slope.

The 100 year flood elevation is 94 feet at this location. The dock parking area sits at an elevation of 106 feet. The deck of the elevated landing at the shoreline is 80.1 feet. No significant changes are proposed for the shoreline landing. Only minor revisions will occur above the deck and will include:

- Abandonment of the existing gangway (west) connecting to the ODOT pathway; **NOTE** - The Design Team has determined that there will be less impact to the bank (SROZ resource) by leaving the gangway in place.
- Installation of railing, closing-off the old gangway;
- Install the new access ramp from the parking lot down to the existing shoreline platform. The ramp will land in about the middle of the deck. There will be a 5' x 5' landing deck installed at the top-of-bank, mounted on 4 posts/footings (12' dia. & 42" in depth). This design minimizes ground disturbance.
- The existing pathway over City/ODOT property will be removed and replanted with native trees, shrubs and ground cover. The make-shift stairs from top-of-bank to the pathway will also be removed and replanted.
- The existing wire fencing along ODOT property will be extended to the south across the pathway entrance, and also to the north extending over the top-of-bank to clearly define ownership and restrict access to ODOT's property.

Vegetation

There are scattered trees along the bank in the vicinity of the dock access, as reflected on the Existing Conditions Plan. The site contains a mix of natural upland forest, including Douglas Fir, Big-leaf Maple, and Riparian Cottonwoods, with understory brush, with some English Ivy and ferns. (see Arborist's Report and Abbreviated SRIR are included with this application).

Comprehensive Plan and Zoning

The subject property is located at the northwest edge of the Haven at Charbonneau (apartments, previously known as Illahee). Charbonneau is generally designated residential 4-5 units per acre on the Comprehensive Plan Map.

The Haven apartments are located in the most western portion of the riverfront development, with French Prairie Village and Edgewater located further to the east. The entire Charbonneau development is zoned PDR-3, with the exception of the Village Center which is PDC, Commercial.

The existing Marina was approved with a Willamette Greenway Conditional Use Permit (78CU03). The applicant seeks to modify the Conditional Use to allow relocation of the access ramp from the parking area down to the elevated landing platform, located at the water's edge. The ramp from the platform to the dock and the dock itself will remain without modification, other than normal and necessary maintenance.

Proposed City Land Use Applications

This application includes the following requests for land use actions:

- Willamette Greenway Conditional Use, pathway, ramp and landscaping, including:
 - Site Development Design Details (gangways & landing platform);
 - Flood Plain Development Permit;
 - Master Landscaping Plan; and
- SROZ Review:
 - Abbreviated Map Verification ;
 - Abbreviated SRIR;
- Type C Tree Removal & Mitigation Plan

Proposed Improvements

The applicant is proposing to replace and relocate the access ramp or gangway to the marina. The current access is from the west, via a paved pathway, over ODOT property, to a gangway that leads to an elevated platform at the shoreline. From this platform there is a locked gate and another ramp down to the dock.

Because of a bank failure, this access alignment is to be abandoned and relocated to the east, directly from the marina parking area.

At the northwest corner of the marina parking, the following improvements are proposed as a replacement for the existing pathway access:

- A 4 foot wide welded aluminum gangway (12 feet in length);
- A welded aluminum platform (5' x 5' x 3.5'), mounted on 4 footing piers. This platform will be at the top of bank, with two of the pier footings just over the bank; and
- A 56 inch wide welded aluminum gangway (80 feet in length). The gangway will actually be stairs, as the grade will be about 28%. It will be anchored at the top of bank to the elevated landing platform.

The elevated base platform at the top of bank, allows the ramp to extend to about the middle of the existing elevated landing at the shoreline, while maintaining a 1 foot vertical clearance above the slope of the bank.

The intent is to leave the existing east/west gangway from the existing pathway (ODOT) to the shoreline platform in-place. The applicant's Design Team has concluded that removal would have greater environmental impacts than leaving it as is. Barriers will be installed to maximize safety and control access to the gangway.

Overall, this design minimizes ground and vegetation impacts, with only two trees required to be removed. Except for the 4 pier footings and the two trees, the installation of the ramping will not result in any other alterations to the bank surface or vegetation. The ramp will span above the ground level (1' minimum vertical clearance) down the bank to the elevated shoreline landing platform.

The two sections of gangway will be constructed of welded aluminum, with open grate decking, and truss-style railings. This design allows for rain drainage and light penetration.

Removal and Restoration of Existing Improvements

Based on discussions with City staff, in addition to the proposed improvements, the applicant proposes to remove the following improvements, together with area restoration:

1. Remove paved pathway and restore with native trees, shrubs and ground cover;
2. Removed steps and hand rail posts from parking to paved path and restore with native trees, shrubs and ground cover; and
3. Removed 3-4 light poles

Professional Design Team

The Planned Development Regulations require the applicant to be represented by a professional design team. The Design Team for this project, led by SFA Design Group, includes the following:

Planning, Engineering, and Surveying:	Pioneer Design Group, Ben Altman
Construction Contractor:	Steve's Marine Service, Steve Molokai
Resource Biologist:	SWCA, Mirth Walker
Landscaping:	Pacific Landscape Management, Kelly Crouch
Arborist:	Multnomah Tree Experts, Ltd., Peter Torres

REPORT FORMAT

The following report addresses the applicable Comprehensive Plan and Development Code provisions related to each of the proposed land use actions. It is formatted with the applicable policy, criterion or standard set out in *bold italic* followed by a narrative response presenting findings and conclusions relative to how this proposed development complies with that policy, criterion, or standard.

II. COMPREHENSIVE PLAN

Plan Compliance

This section of the report addresses compliance with the Comprehensive Plan.

The subject property is located at the northwest edge of Charbonneau and the Haven Apartments. Charbonneau is generally designated residential 4-5 units per acre on the Comprehensive Plan Map. The entire developed area is zoned PDR-3.

The existing Marina was approved with a Willamette Greenway Conditional Use Permit (78CU03). The applicant seeks to modify the Conditional Use to allow relocation of the access ramp from the parking area down to the dock. The original Conditional Use confirmed consistency with the Comprehensive Plan and PDR zoning, with Willamette Greenway and SROZ provisions being more relevant than designated density set forth on the Comprehensive Plan Map.

The construction of the proposed new access ramp will only require removal of two trees, one 6" bird cherry and one 13" big leaf maple, with stumps and root balls retained at ground level for slope stability.

There will be 3.5 foot tall 5' x 5' elevated aluminum platform installed at the top of bank, to anchor the stair/ramp. There will be a 12 foot aluminum ramp from the parking lot to this platform, and then another 80 foot ramp (stairs) extend from the platform down to about the middle of the existing elevated shoreline landing platform.

Except for the landing platform at the top of bank and cutting of the two trees, there will be no other alterations to the bank or vegetation. The ramps will span above the ground level from elevated platform to elevated landing platform. The ramps will be aluminum open grate, which allows rain drainage and light penetration.

There is another existing ramp from the elevated landing platform down to the dock, for which no changes are proposed. Other than normal and necessary maintenance there will also be no alterations to the dock.

Compliance with the Willamette Greenway and SROZ provisions are addressed below in this report.

A. City of Wilsonville Comprehensive Plan

1. Citizen Involvement

Policy 1.1.1 The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.

Policy 1.2.1 The City of Wilsonville shall provide user-friendly information to assist the public in participating in City planning programs and processes.

Policy 1.3 The City of Wilsonville shall coordinate with other agencies and organizations involved with Wilsonville's planning programs and policies.

RESPONSE

The City has developed a citizen involvement program, which provides a variety of opportunities in different formats to encourage and accommodate citizen input. More specific to this application, the City has established a public notification process allowing for public comment on land use decisions. This process provides for mailed notices to surrounding landowners, plus published notices of scheduled public hearings. Comments and concerns raised by interested parties are considered by the Decision Authority, thereby providing consistency with these policies.

B. Urban Growth Management

Policy 2.1.1. The City of Wilsonville shall support the development of all land within the City, other than designated open space lands, consistent with the land use designations of the Comprehensive Plan.

Implementation Measure 2.1.1.e. Allow new development to proceed concurrently with the availability of adequate public services and facilities as specified in Public Facilities and Services Section (Section C) of the Comprehensive Plan.

Implementation Measure 2.1.1.f. To insure timely, orderly and efficient use of public facilities and services, while maintaining livability within the community, the City shall establish and maintain growth management policies consistent with the City's regional growth allocation and coordinated with a Capital Improvements Plan.

RESPONSE

The Charbonneau Village is within the City limits and Urban Growth Boundary (UGB). Urban services are all available and the area is zoned consistent with the Comprehensive Plan, and urban level development has long been established. The application relates to a maintenance and repair functions of an existing facility, which does not require any new urban services.

Compliance with the public facilities provisions identified in Measures 2.1.1.e. and 2.1.1.f. are addressed in the following section.

Therefore it is concluded that urban level development of this area is consistent with this section of the Comprehensive Plan.

3. PUBLIC FACILITIES AND SERVICES

Policy 3.1.2 *The City of Wilsonville shall provide, or coordinate the provision of, facilities and services concurrent with need (created by new development, redevelopment, or upgrades of aging infrastructure).*

Implementation Measure 3.1.2.a *Urban development will be allowed only in areas where necessary facilities and services can be provided.*

Implementation Measure 3.1.2.e *When development is proposed in areas of the City where full urban services/facilities are not yet available, development approval shall be conditioned on the provision of adequate facilities and services to serve the subject property. Where the development can reasonably proceed in phases prior to the availability of full urban services/facilities, such development may be permitted. However, the use of on-site sewage disposal and private water systems shall only be approved where permitted by City ordinance.*

RESPONSE

The Charbonneau Village and its associated urban level development has long been established. All services are available and adequate. However, the proposed land use does not require any new urban services. The proposed development is consistent with these UGB implementing measures.

Roads and Transportation Plan

Access to the Marina site is from SW Illahee Court. Illahee Court connects with French Prairie Road, which intersects with Miley Road. Miley Road, then links with the I-5 Freeway. No new street access is proposed.

The Charbonneau Country Club intends to limit dock access primarily to Charbonneau residents. Authorized access will be controlled by cardlock. Therefore there will be little, if any, change in external traffic impacts resulting from dock usage, at least compared to historical usage. When previously operated, guests were directed to park at the County boat launch on the west side of the I-5 Freeway.

There is an existing pathway from Illahee Court down to the river bank. This path is located on ODOT right-of-way. However, since the bank collapsed this path has been block and posted for no public access.

The proposed new access ramp to the dock will not rely upon this existing path for access, so the pathway will be removed. The ramp will extend directly from the parking area to the dock. While the path is not proposed to be used, there are no current plans to remove it. Any such action will be up to ODOT.

Storm Drainage Plan

Policy 3.1.7 *The City of Wilsonville shall develop and maintain an adequate storm drainage system. However, where the need for new facilities is the result of new development, the financial burden for drainage system improvements shall remain primarily the*

responsibility of developers. The City will use systems development charges, user fees, and/or other funding sources to construct facilities to improve storm water quality and control the volume of runoff.

RESPONSE

The subject site drains directly to the river. Storm drainage for the parking area is already established, and the proposed ramp will not require any storm drainage improvements. The actual footprint of new impervious ground cover is limited to the 4 footings for the top of bank platform, with a total area cover of 15 square feet. The platform and ramp will have pervious surfaces, so changes in storm run-off are de minimus. Additional ground cover will be planted for erosion control. Therefore there will not be any new impacts on the storm drainage system.

Fire Protection Plan

Policy 3.1.8 The City of Wilsonville shall continue to coordinate planning for fire safety with the Tualatin Valley Fire and Rescue District.

Police Protection And Public Safety

Policy 3.1.9 The City of Wilsonville shall continue to provide adequate police protection.

RESPONSE

Fire protection is provided by Tualatin Valley Fire & Rescue. Police services are provided by Clackamas County through a service contract with the City.

There is nothing unusual about this development that would cause undue service demands on either of these public safety agencies. The proposed improvements related to an existing facility, so there will not be any new impacts to emergency services, other than the fact that the facility has not been in use since the bank collapsed (Dec. 2010).

Parks/Recreation/Open Space

Policy 3.1.11: The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park land.

Implementation Measure 3.1.11.d Continue the acquisition, improvement, and maintenance of open space.

Implementation Measure 3.1.11.e Require small neighborhood parks (public or private) in residential areas and encourage maintenance of these parks by homeowner associations.

Implementation Measure 3.1.11.g Where appropriate, require developments to contribute to open space.

RESPONSE

This application relates to an existing water dependent facility, and does not impact any existing parks or open spaces. The proposed access ramp simply re-establishes access to a recreational facility.

The SROZ includes the river riparian edge and some upland forested area along the top of bank. Therefore the proposed development complies with the open space requirements.

Semi-Public Utilities

Policy 3.1.13 The City of Wilsonville shall coordinate planning activities with the utility companies, to insure orderly and efficient installation of needed service lines and equipment.

RESPONSE

PGE, Verizon, Comcast, and Northwest Natural provide electric power, telephone, natural gas, and cable TV service throughout the City. Electric power is currently provide to the dock, and no change is service is anticipated. None of the other services are affected by this application.

CONCLUSION – Urban Growth and Public Facilities

All urban services are generally available and adequate to serve the proposed development. Therefore this development is consistent with the Public Facilities elements of the Comprehensive Plan.

4. LAND USE AND DEVELOPMENT

RESIDENTIAL DEVELOPMENT

Policy 4.1.4: The City of Wilsonville shall provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.

RESPONSE

The subject property is located at the northwest edge of Charbonneau and the Haven Apartments. Charbonneau is generally designated residential 4-5 units per acre on the Comprehensive Plan Map. The entire developed area is zoned PDR-3.

The existing Marina was approved with a Willamette Greenway Conditional Use Permit (78CU03). The applicant seeks to modify the Conditional Use to allow relocation of the access ramp from the parking area down to the dock.

5. ENVIRONMENTAL RESOURCES AND COMMUNITY DESIGN

Policy 4.1.5: Protect valuable resource lands from incompatible development and protect people and property from natural hazards.

RESPONSE

As previously noted, there are designated “Environmentally Sensitive Areas” and Protected Natural Resources (SROZ) associated with the subject property. The property is also affected by the flood plain of the river, and to a minor degree slope hazards associated with the riverbank.

However, no new development is proposed along the river bank, so any such slope and flood hazards are minimized or otherwise unaltered by the proposed replacement access ramp. The river frontage also includes the Willamette River Greenway, which is measured 150 feet from the Ordinary Low Water line (about 58 feet). The Greenway and SROZ are the primary focus of Code compliance discussed later in this report under Section 4.500.

The Existing Conditions Plan, identifies the current mapped SROZ, for which no changes are proposed. A simple environmental assessment (Abbreviated SRIR) has been prepared by SWCA, which addresses the relevant provisions of the SROZ regulations. Compliance with the Tree Preservation requirements of the Code is addressed later in this report, under that code section. Only two trees are proposed to be cut, with stumps to remain. Therefore maximum tree preservation is maintained.

CONCLUSION – Comprehensive Plan

As addressed above, the proposed zoning and development are consistent with the Comprehensive Plan Map, Policies, and Implementing Measures.

III. COMPLIANCE WITH DEVELOPMENT CODE

This section presents information related to applicable zoning and addresses compliance with the code provisions, under the PDR-3, SROZ and Conditional Use regulations.

A. ZONING AND GENERAL STANDARDS

4.113. *Standards Applying to Residential Development In Any Zone.* (.01) *Outdoor Recreational Area in Residential Developments.*

A. *Purpose.* *The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development. Outdoor recreational area shall be:*

1. *Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas. Such outdoor recreational area shall be provided consistent with the requirements of this Section.*
2. *Recreational areas shall be provided in keeping with the needs of the prospective tenants and shall not be located in required yards, parking, or maneuvering areas, or areas that are inaccessible. Standards for outdoor recreational areas may be waived by the Development Review Board upon finding that the recreational needs of the residents will be adequately met through the use of other recreational facilities that are available in the area.*
3. *In mixed-use developments containing residential uses, the Development Review Board shall establish appropriate requirements for outdoor recreational area, consistent with this Section.*
4. *The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development. Multi-family developments shall provide at least the following minimum recreational area:*
 - a. *For ten (10) or fewer dwelling units, 1000 square feet of usable recreation area;*
 - b. *For eleven (11) through nineteen (19) units, 200 square feet per unit;*
 - c. *For twenty (20) or more units, 300 square feet per unit.*
5. *Outdoor recreational area shall be considered to be part of the open space required in the following subsection.*

(.02) *Open Space Area shall be provided in the following manner:*

A. *In all residential subdivisions including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, waling paths, and other like space. For subdivisions with less than*

25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots, ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual lots shall not be counted towards the 25% open space.

Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.

Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas that are preserved un the City's SROZ regulations, and outdoor recreational area as provided in 4.113(A).(01)(1) through (5).

- B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.*
- C. The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party, or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.*

RESPONSE

The proposed access ramp replacement relates to an existing permitted dock facility, which provides for water related recreational activities. River-related recreational opportunities are provided for both semi-public and private use, with access to the marina being limited to authorized individuals, who have acquired dock privileges (Key/Cardlock access).

No new facilities are being proposed. This application relates to a necessary maintenance and repair function, as access to the dock has been closed due to river bank failure associated with the existing access.

Charbonneau in general is zoned PDR-3, and the dock facility is a residential related Conditional Use within this zone, and also associated with the Willamette River Greenway. This requested action does not alter any existing open space within Charbonneau.

Section 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

There has not been an "S" (Solar Access) zone imposed on the subject properties, therefore the solar access provisions set forth in Section 4.137 do not specifically apply to this development. The dock is located on the south side of the river. Therefore full solar exposure for this site is limited by riparian trees.

No residential structures are proposed, and no changes to the existing elevated landing platform or dock are proposed. The only change proposed is the location or alignment of the access ramp from top of bank down to the landing platform, which then provides ramp access to the dock. The proposed ramp will not create any new negative impacts, and will provide more direct access from the parking area to the dock. Views of the river from on or off-site are not affected to any greater degree than currently exists.

The existing pathway is on ODOT property. This pathway and the ramp from the path to the elevated shoreline landing platform will be removed.

With relocation of the access ramp, there will be no new impact to the SROZ associated with dock access. In fact, existing ground related impacts will be eliminated, as the ramp will extend above ground to the elevated landing platform at the river's edge. In addition appropriate mitigation will be provided to restore the prior disturbed area to natural conditions.

The State DSL and Corps of Engineers have previously issued the necessary permits for the dock and they remain in effect. The City has no regulatory jurisdiction in the water.

Therefore, the development complies with these criteria.

- (.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

Electric power to the dock is currently supplied and will remain. No new utilities services are needed, so this provision is not applicable.

- (.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;*
- 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.*

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.*

RESPONSE

The applicant is not requesting any waiver of standards. Therefore these provisions are not applicable.

- D. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines;*

RESPONSE

This application does not relate to any new residential uses or structures, and therefore these clustering options are not applicable.

- 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

Appropriate conditions will be recommended by the City planning staff for consideration in the Final Decision. The applicant will have an opportunity prior to or during the public hearing to review any such conditions. Therefore, the applicant reserves the right to comment at that time, as we do not know what they might be at this time (prior to submittal).

(.05) 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:

- A. Recreational Facilities: The Director, Board, or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development consistent with adopted Park standards and Parks and Recreation Master Plan.*
- B. Open Space Area: Whenever private and/or common open space area is provided, the City shall require that an association of owners or tenants be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such open space areas and/or common areas that are acceptable to the Development Review Board. Said association shall be formed and continued for the purpose of maintaining such open space area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said open space area for the purposes intended. The period of existence of such association shall be not less than twenty (20) years and it shall continue thereafter and until a majority vote of the members shall terminate it, and the City Council formally votes to accept such termination.*
- C. Easements: Easements necessary to the orderly extension of public utilities, and the protection of open space, may be required as a condition of approval. When required, such easements must meet the requirements of the City Attorney prior to recordation.*

RESPONSE

The existing dock is not a required element of open space within the Charbonneau development. There is substantial open space including the 27-hole golf course available with the development. The Marina was originally approved (conditional Use) at the developer's request as an added amenity. Maintenance of the facility is managed by the Charbonneau Country Club.

An access easement has been secured over Illahee Court, and all necessary easements for public utilities are already in place.

Therefore the criteria of this section are met.

- (.07) *Density Transfers. In order to protect significant open space or resource areas, the Development Review Board may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be part of the total development under consideration as a unit.*

RESPONSE

This request does not affect density and therefore this provision is not applicable.

- (.08) *Wetland Mitigation and other mitigation for lost or damaged resources. The Development Review Board may, after considering the testimony of experts in the field, allow for the replacement of resource areas with newly created or enhanced resource areas. The Board may specify the ratio of lost to created and/or enhanced areas after making findings based on information in the record. As much as possible, mitigation areas shall replicate the beneficial values of the lost or damaged resource areas.*

RESPONSE

There are no wetlands associated with the subject site. Therefore this provision is not applicable.

Section 4.124. Standards Applying To All Planned Development Residential Zones.

- (.01) *Examples of principal uses that are typically permitted:*

B. Single-Family Dwelling Units.

RESPONSE

No residential use is proposed so these provisions are not applicable.

- (.08) *Parking. Per the requirements of Section 4.155.*

RESPONSE

No new parking is proposed. Therefore these provisions have previously been met.

Section 4.137.5. Screening and Buffering (SB) Overlay Zone.

RESPONSE

There is no (SB) Overlay zone applicable to this development.

Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance.

Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to

natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas, and Title 13 Habitat Conservation Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated. [Amended by Ord. # 674 11/16/09]

Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas, and Title 13 Habitat Conservation Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated. [Amended by Ord. # 674 11/16/09]

RESPONSE

There are protected resource areas and designated SROZ associated with this riverfront property. Essentially the entire riverfront is covered by the SROZ. Compliance with these provisions is addressed later in this report, and in the Biologist's Abbreviated SRIR.

The proposed new access design relies primarily upon elevated gangways to minimize ground native vegetation impacts within the SROZ Impact Area. There will be a short gangway from the parking lot to a small landing platform at the top of bank. From this platform another gangway will extend above ground to the elevated shoreline landing platform. Only two trees will need to be removed to accommodate the gangway. Appropriate mitigation plantings, as recommended by the Project Arborist and Biologist will be provided.

CONCLUSION

The proposed development complies with the applicable zoning and general development standards.

The following sections of this report address the specific applicable provisions of SROZ, Section 4.139; Flood Plain, Section 4.172; Site Design Review, Section 4.400; Willamette River Greenway, Section 4.500; and Tree Preservation, Section 4.600.

These Code provisions are addressed in order of their Code Section numbering.

Section 4.139.00 Significant Resource Overlay Zone (SROZ) Ordinance.

Section 4.139.01 SROZ - Purpose

The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas, and Title 13 Habitat Conservation Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated. [Amended by Ord. # 674 11/16/09]

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RESPONSE

There are protected areas and designated SROZ associated with this riverfront property. Essentially the entire riverfront is covered by the SROZ. Compliance with these provisions is addressed later in this report, and in the Biologist's Abbreviated SRIR.

(.02) Impact Area. The "Impact Area" is the area adjacent to the outer boundary of a Significant Resource within which development or other alteration activities may be permitted through the review of an SRIR (Significant Resource Impact Report). Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review. The impact area is 25 feet wide unless otherwise specified in this ordinance or by the decision making body. Designation of an Impact Area is required by Statewide Planning Goal 5. The primary purpose of the Impact Area is to ensure that development does not encroach into the SROZ.

(.03) Significant Resource Impact Report (SRIR). For proposed non-exempt development within the SROZ, the applicant shall submit a Significant Resource Impact Report (SRIR) as part of any application for a development permit.

(.04) Prohibited Activities. New structures, development and construction activities shall not be permitted within the SROZ if they will negatively impact significant natural resources. Gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by DEQ, domestic animal waste, dumping of materials of any kind, or other activities shall not be permitted within the SROZ if they will negatively impact water quality.

Unauthorized land clearing or grading of a site to alter site conditions is not allowed, and may result in the maximum requirement of mitigation/enhancement regardless of pre-existing conditions.

RESPONSE

There are identified and mapped significant resources on the subject property. There is a NR-5 Riparian Corridor along the river frontage, in the area of the proposed ramp.

City staff has requested a SROZ Map verification under Section 4.139.05. The existing City Mapped SROZ is reflected on SROZ Map Verification Plan, see SRIR. This verification is addressed in the Abbreviated SRIR. However, the applicant is not challenging the City's mapping. No changes are proposed to the existing Resource Map.

The protected riparian corridor along the river extends a minimum of 75 feet from top of bank. The access ramp and other related impacts are addressed within the SRIR, per Section 4.139.06 (.01).

Due to the definition of the Area of Limited Conflicting Use (i.e., the area which can be impacted in the SROZ), it is necessary to deem the ramp and improvements as being exempt from the SROZ regulations. The SRIR is the means for justifying the two exemptions under 4.139.04 (.02 and .15).

The existing Marina parking area is located within 4 to 12 feet of the top of bank. As identified on the Existing Conditions Plan some make-shift steps were cut into the hill side, west of the parking area, to provide a link to the paved pathway on the ODOT property. With the proposed new access the steps will be removed and this area of the bank will be restored to native condition, as recommended by the Project Biologist.

No changes are proposed to the parking area. But the applicant is proposing to modify the access route to the dock, making it directly from the parking area, as opposed to the current pathway over ODOT property.

With this new access alignment, the intent is to abandon the paved pathway on ODOT property. Consequently the pathway will need to be removed, together with the make-shift steps, with appropriate restoration of the ground to more natural conditions.

The new gangway is proposed from the northwest corner of the parking lot extending to a proposed elevated ramp platform, which will be located at the top of bank. The new access ramp will extend (above grade) from this platform down to the existing elevated landing platform at the shoreline. The access ramps will be welded aluminum, with truss-style railings, and are designed to have minimal ground impact.

Installation of the ramp will require removal of only two trees, and there is no existing ground cover in the area where the new ramps and transition platform will be installed between the parking of and top of bank.

The two trees will be replaced, and additional native ground cover will be planted adjacent to the path as mitigation. Therefore the riparian corridor is retained to the maximum degree practicable.

The applicant has engaged SWCA to prepare an Abbreviated SRIR for the proposed development, consistent with Section 4.139.06(.01). The SRIR has been submitted as part of the application, and this report only summarizes the conclusions of the report.

This minor encroachment and associated mitigation are addressed in the Abbreviated SRIR.

(.05) Habitat-Friendly Development Practices. To the extent practicable, development and construction activities that encroach within the Significant Resource Overlay Zone and/or Impact Area shall be designed, located and constructed to:

- A. Minimize grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;*
 - B. Minimize adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2, 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. Minimize impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2; and*
 - D. Consider using the practices described in Part (c) of Table NR-2.*
- [Section 4.139.03(.05) added by Ord. # 674 11/16/09]*

RESPONSE

The proposed gangways and platform are designed to minimize grading, removal of native vegetation, disturbance and removal of native soils, and to limit impervious area cover. The new gangways and transition platform are designed to be elevated thereby minimizing ground impacts.

The transition platform is designed with 4 pier footings, and will be elevated approximately 3.5 feet above ground (on the parking lot side). The gangway from the parking lot to the transition platform will only rest on the ground at the edge of the parking lot. The second gangway will extend from the transition platform down to the elevated landing at shoreline extending above the slope of the bank, with a minimum ground clearance of 1 foot.

With this design the installation only requires minor excavation for the 4 pier footings and a landing pad for the ramp at the edge of the parking lot. The footings will be installed utilizing sonotubes to a depth of 42 inches. Therefore the total surface area ground disturbance is only about 4 square feet.

The gangways and the transition platform are designed with open grate flow-through decking, which allows for water and light penetration. Only two trees will be removed, with two mitigation trees planted, together with additional native ground cover to enhance slope stability.

Removal of the paved pathway and make-shift steps will be mitigated with additional top soil, and planted with trees and native ground cover, as recommended by the Team Biologist and Arborist.

The new gangways and platform will be the only semi-pervious cover created, thus minimizing adverse hydrological impacts on water resources.

(.02) Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of these regulations.

(.03) Alterations of buildings or accessory structures which do not increase building coverage.

(.07) Normal and routine maintenance and repair of any public improvement or public recreational area regardless of its location.

(.08) The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability.

(.15) Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area.

RESPONSE

City staff has determined that this application is not exempt from these regulations, because of the Non-Conforming status, and it does not qualify under any of the exemptions listed above. The scope comes closest to meeting (.08 or .15), but because the ramp is actually being relocated, it is considered a new facility, and therefore not exempt.

Section 4.139.05 Significant Resource Overlay Zone Map Verification

The map verification requirements described in this Section shall be met at the time an applicant requests a building permit, grading permit, tree removal permit, land division approval, or other land use decision. Map verification shall not be used to dispute whether the mapped Significant Resource Overlay Zone boundary is a significant natural resource. Map refinements are subject to the requirements of Section 4.139.10(.01)(D).

(.01) In order to confirm the location of the Significant Resource Overlay Zone, map verification shall be required or allowed as follows:

A. Development that is proposed to be either in the Significant Resource Overlay Zone or less than 100 feet outside of the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map.

B. A lot or parcel that:

- 1. Either contains the Significant Resource Overlay Zone, or any part of which is less than 100 feet outside the boundary of the Significant Resource Overlay Zone, as shown on the Significant Resource Overlay Zone Map; and*
- 2. Is the subject of a land use application for a partition, subdivision, or any land use application that the approval of which would authorize new development on the subject lot or parcel.*

(.02) An application for Significant Resource Overlay Zone Map Verification may be submitted even if one is not required pursuant to Section 4.139.05(.01).

(.03) If a lot or parcel or parcel is subject to Section 4.139.05(.01), an application for Significant Resource Overlay Zone Map Verification shall be filed concurrently with the other land use applications referenced in Section 4.139.05(.01)(B)(2) unless a previously approved Significant Resource Overlay Zone Map Verification for the subject property remains valid.

(.04) An applicant for Significant Resource Overlay Zone Map Verification shall use one or more of the following methods to verify the Significant Resource Overlay Zone boundary:

A. The applicant may concur with the accuracy of the Significant Resource Overlay Zone Map of the subject property;

B. The applicant may demonstrate a mapping error was made in the creation of the Significant Resource Overlay Zone Map;

C. The applicant may demonstrate that the subject property was developed lawfully prior to June 7, 2001.

(.05) The Planning Director shall determine the location of any Significant Resource Overlay Zone on the subject property by considering information submitted by the applicant, information collected during any site visit that may be made to the subject property, information generated by Significant Resource Overlay Zone Map Verification that has occurred on adjacent properties, and any other relevant information that has been provided.

(.06) For applications filed pursuant to Section 4.139.05(.04)(A) and (C), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B-H).

(.07) For applications filed pursuant to Section 4.139.05(.04)(B), a Significant Resource Overlay Zone Map Verification shall be consistent with the submittal requirements listed under Section 4.139.06(.02)(D)(1). [Section 4.139.05 added by Ord. # 674 11/16/09]

RESPONSE

The applicant concurs with the accuracy of the Significant Resource Overlay Zone Map of the subject property. However, at the same time, the applicant has demonstrated that the subject property was previously developed lawfully prior to June 7, 2001. Therefore these regulations are only being applied to the proposed modifications.

Section 4.139.06 Significant Resource Impact Report (SRIR) and Review Criteria

A Significant Resource Impact Report (SRIR) is a report that delineates specific resource boundaries and analyzes the impacts of development within mapped significant resource areas based upon the requirements of this Section. An SRIR is only required for non-exempt development that is located within the Significant Resource Overlay Zone and/or its associated 25 foot Impact Area.

The Significant Resource Overlay Zone Map identifies areas that have been classified as significant natural resources. The preparation of the Significant Resource Overlay Zone Map did not include specific field observations of every individual property. These maps are designed to be specific enough to determine whether further environmental review of a development proposal is necessary. If any portion of the development or alteration of the land (except those exempted by this Section) is located within the Significant Resource Overlay Zone boundary or the identified Impact Area, then an SRIR is required before any development permit can be issued. Where it can be clearly determined by the Planning Director that development is only in the Impact Area and there is no impact to the Significant Resource, development may be permitted without SRIR review.

The Planning Director may consult with a professional with appropriate expertise to evaluate an applicant's SRIR prepared under this Section or may rely on appropriate staff expertise, in order to properly evaluate the report's conclusions.

(.01) Abbreviated SRIR Requirements. It is the intent of this subsection to provide a userfriendly process for the applicant. Only the materials necessary for the application review are required. At the discretion of the Planning Director, an abbreviated SRIR may be submitted for certain small-scale developments such as single family dwellings, additions to single family dwellings, minor additions and accessory structures. The following requirements shall be prepared and submitted as part of the abbreviated SRIR evaluation:

- A. A Site Development Permit Application must be submitted in compliance with the Planning and Land Development Ordinance;*
- B. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed and existing utility locations*;*
- C. Location of any wetlands or water bodies on the site and the location of the stream centerline and top-of-bank;*
- D. Within the area proposed to be disturbed, the location, size and species of all trees that are more than six (6) inches in diameter at breast height (DBH). Trees outside the area proposed to be disturbed may be individually shown or shown as drip line with an indication of species type or types;*
- E. The location of the SROZ and Impact Area boundaries*;*
- F. A minimum of three slope cross-section measurements transecting the site, equally spaced at no more than 100-foot increments. The measurements should be made perpendicular to the stream*;*
- G. A map that delineates the Metro UGMFP Title 3 Water Quality Resource Area boundary (using Metro Title 3 field observed standards)*;*
- H. Current photos of site conditions shall be provided to supplement the above information*.*
- I. A narrative describing the possible and probable impacts to natural resources and a plan to mitigate for such impacts*.*

RESPONSE

The applicant has engaged SWCA to prepare an Abbreviated SRIR for the proposed development, consistent with Section 4.139.06(.01). The SRIR has been submitted as part of the application, and this report only summarizes the conclusions of the report.

(.03) SRIR Review Criteria. In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.

A. Except as specifically authorized by this code, development shall be permitted only within the Area of Limited Conflicting Use (see definition) found within the SROZ;

B. Except as specifically authorized by this code, no development is permitted within Metro's Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary;

C. No more than five (5) percent of the Area of Limited Conflicting Use (see definition) located on a property may be impacted by a development proposal. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway, no more than five (5) percent of the Area of Limited Conflicting Use on each side of the riparian corridor may be impacted by a development proposal. This condition is cumulative to any successive development proposals on the subject property such that the total impact on the property shall not exceed five (5) percent;

D. Mitigation of the area to be impacted shall be consistent with Section 4.139.06 of this code and shall occur in accordance with the provisions of this Section;

E. The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts;

F. The impacts to the Significant Resources will be rectified by restoring, rehabilitating, or creating enhanced resource values within the "replacement area" (see definitions) on the site or, where mitigation is not practical on-site, mitigation may occur in another location approved by the City;

G. Non-structural fill used within the SROZ area shall primarily consist of natural materials similar to the soil types found on the site;

H. The amount of fill used shall be the minimum required to practically achieve the project purpose;

I. Other than measures taken to minimize turbidity during construction, stream turbidity shall not be significantly increased by any proposed development or alteration of the site;

J. Appropriate federal and state permits shall be obtained prior to the initiation of any activities regulated by the U.S. Army Corps of Engineers and the Oregon Division of State Lands in any jurisdictional wetlands or water of the United States or State of Oregon, respectively.

RESPONSE

There are no changes proposed to the mapped SROZ. SWCA has prepared a limited SRIR, which identifies the unavoidable but minimal impacts within Riparian Impact Area, see SIRI Index Tab.

SROZ Impacts and Mitigation (WC 4.139.06(.01)I)

Impacts

The site development plan was designed to protect the majority of forested habitat on the site, minimizing the potential for impacts to wildlife habitat there. Minor impacts within the SROZ, including the removal of two mature trees and the removal and rehabilitation

of the old roadbed and access trail and stairs, are proposed for site development (Appendix A, Figure 5).

In total, 68 square feet will be disturbed by the project and 4,600 square feet will be restored within the rehabilitation area. The bulleted list below provides a general summary of impacts and restoration areas:

- Four Trees to be removed: one bird cherry (6 inch DBH), two big-leaf maple (12 & 13 inch DBH), and one douglas fir (25 inch DBH);
- Length/width of the new gangways:
 - Parking lot to platform - 7 feet long by 4 feet wide (28 square feet)
 - Top platform to lower platform - Ramp is 56" wide, 64.35' long, rise is 30.23' and run is 56.8' (with no ground impact);
- Top-of-bank landing platform will be a new aluminum 5' x 5; platform installed on 4 pier footings 25 square feet
- Shoreline landing platform 8' x 14' (existing – no new ground impact) : 112 square feet
- Area of the rehabilitation area (existing old roadbed and trail features): 4,600 square feet

Mitigation measures provided below will ensure compliance with SROZ, WRG, and tree replacement requirements specified in the City's Code.

Additionally, impacts to waters of the U.S. are not expected to occur as a result of the project and a removal/fill joint-permit through Oregon Department of State Lands and the U.S. Army Corps of Engineers is not required. However, appropriate best management practices (BMPs) and mitigation measures described below will ensure that fill material (sediments from runoff) will not contaminate the Willamette River.

Mitigation

Mitigation for SROZ encroachment into the forested habitat will include a combination of invasive species control, tree replacement plantings, and enhancement of the understory within the rehabilitation area (Appendix A, Figures 3 and 5). Specific mitigation recommendations are provided below.

Rehabilitation Area Understory and Tree Replacement Planting

The tree mitigation goal is to improve the ecological integrity and functions to the forested habitat. According to the ratios established in Table NR-3 in Section 4.139.07 of the City's SROZ Ordinance, two trees and three shrubs need to be planted for each tree removed that is 6 to 13 inches in diameter. Therefore, a minimum total of four trees and six shrubs shall be planted in the rehabilitation area. Additionally, all bare ground should be planted or seeded with native grasses or herbs.

Section 4.139.04 Uses and Activities Exempt from These Regulations

A request for exemption shall be consistent with the submittal requirements listed under Section 4.139.06(.01)(B – I), as applicable to the exempt use and activity. [Added by Ord. # 674 11/16/09]

(.02) Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of these regulations.

(.15) Developments that propose a minor encroachment into the Significant Resource Overlay Zone. The purpose of this adjustment would be to allow for minor encroachments of impervious surfaces such as accessory buildings, eave overhangs, building appurtenances, building access and exiting requirements or other similar feature. The total adjustment shall not exceed 120 square feet in cumulative area...

RESPONSE

The proposed improvements and access modifications qualify for exemption under .04 (.02) and(.15) above. These improvements are proposed as a substitute access, but related to maintenance and repair of structures and uses that were in existence prior to the effective date of these regulations, and necessitated by the bank failure. The proposed access ramping represents minor encroachments of impervious or semi-pervious surfaces needed to provide access to the marina. The total adjustment will not exceed 120 square feet in cumulative area.

Some of the existing impacts, such as the paved pathway and steps will be removed, with appropriate restoration to native conditions, thereby further minimizing and reducing the cumulative impacts. The net result will be an enhanced riparian corridor.

Section 4.139.10 Development Review Board (DRB) Process

The following actions require review through a Development Review Board quasi-judicial process. Nothing contained herein shall be deemed to require a hearing body to approve a request for a permit under this Section.

(.03) Development of structures, additions and improvements that relate to uses other than single family residential.

RESPONSE

The proposed gangways are not a residential use, although they are a residential related use. Therefore this application is required to be reviewed by the DRB.

Section 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 large expanses of asphalt, they deserve community concern and attention.

RESPONSE

At the northwest corner of the Haven there is an auxiliary parking area that was constructed for dock access. This parking was provided when the apartments were built, as the previous marina parking located just south of the pathway was reassigned to the apartments. The current marina parking can accommodate 12-14 vehicles.

Historically marina use has been limited to residents and individuals who acquired a slip through the Charbonneau Country Club. In the past, parking at the marina was also limited to those having access rights. Guest of authorized users have been directed to park at the County boat launch on Butteville Road west of the I-5 Boone Bridge.

The applicant is not aware of any major parking issues, and with such limited access and no available guest parking, the previous parking procedures are proposed to continue. No changes are proposed for the parking area.

(.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.*
- 2. To the greatest extent possible, separate vehicle and pedestrian traffic.*

RESPONSE

Table 5 in this Code section does not provide a standard for marinas. The parking was previously approved, and the applicant is not proposing any changes to the parking area. Since this is an existing prior approved use, and no specific changes are proposed to the parking area, the applicant is requesting a Waiver of the Traffic Impact Report.

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.*
- 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

The existing parking improvements do not provide any tree islands. All perimeter landscaping was retained as existing natural vegetation. These improvements were prior approved and no changes are proposed. Therefore these provisions are not applicable.

3. Section 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 environmental 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.*

RESPONSE

As discussed earlier, there are protected natural resources associated with this property. These resource areas are appropriately preserved and protected within the riverfront development as designated open space (88DR14), also regulated by SROZ Overlay zoning and Willamette River Greenway provisions in the Code. In addition there is a general Scenic Easement, assigned to ODOT that covers the riparian corridor along the river bank.

As noted, the marina is an existing facility, and this application only seeks to relocate the ramp access down to the dock. The proposed ramp location eliminates reliance upon access over ODOT right-of-way, by providing direct access from the marina parking lot.

This proposal does not alter any existing open space, and is designed to minimize visual impacts from the river. Maximum riparian vegetation is maintained.

Therefore the development complies with these provisions.

4. *Section 4.172 Flood Plain Regulations*

Section 4.172(.03) Development Permit Required.

- A. *A Development Permit shall be obtained before construction or development, including grading, begins, within any area of special flood hazard. The Permit shall be for all structures including manufactured homes and for all development including fill and other activities.*
- B. *Outright Permitted Uses in the 100-year Flood Plain:*
 - a. *Agricultural use that is conducted without a structure other than a boundary fence.*
 - b. *Recreational uses which would require only minor structures such as picnic tables and barbecues.*
 - c. *Residential uses that do not contain buildings.*
 - d. *Underground utility facilities.*
 - e. *Repair, reconstruction or improvement of an existing structure, the cost of which is less than 50 percent of the market value of the structure, as determined by the City's Building Official, prior to the improvement or the damage requiring reconstruction, provided no development occurs in the floodway.*

Section 4.172(.04) Uses within the 100-year Flood Plain requiring a Flood Plain Permit:

- A. *Any development except as specified in subsection (.03), above, that is otherwise permitted within the Zoning District provided such development is consistent with the Flood Plain Standards.*
- B. *All subdivisions and land partitions.*
- C. *Installation of dikes to provide buildable or usable property, provided that said dikes do not conflict with the policies of the Comprehensive Plan and this Section.*

RESPONSE

The Flood plain is 94 feet at this location. The existing elevated landing platform (80.1') at shoreline is located within the 100-year floodplain. However, the dock and landing platform were previously approved by the City and Corps of Engineers/DSL, including appropriate floodplain permit. No changes to these structures are proposed as part of this application.

No new structure or portion of the existing platform is within the defined floodway, and no alteration, affecting the water or shoreline, is proposed. The only proposed work on the platform will occur above the deck surface. The ramp will be appropriately anchored to the deck, consistent with flood-proofing standards.

Therefore no Flood Plain Permit is required. Therefore the proposed development complies with the floodplain provisions.

6. **Willamette River Greenway**

Section 4.500. Purpose.

The general purposes of this Section are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Section 4.508. Conditional Use Permit – Uses Permitted Conditionally.

(.01) The following uses may be allowed within the Willamette River Greenway Boundaries subject to a Conditional Use Permit by the Development Review Board:

- A. *All uses permitted in the underlying zone which are not listed as permitted uses in Section 4.506.*
- B. *All uses which are classified as intensification of use, change of use or development, other than tree removal, which shall be governed by the provisions of Section 4.600.*

Section 4.510. Conditional Use Permit – Findings In Support of Granting.

(.01) A Greenway Conditional Use Permit may be granted by the Development Review Board upon making the findings required in Section 4.184 (Conditional Use Permits) and the following additional findings:

- A. *That to the greatest extent possible, the maximum possible landscape area, open space or vegetation between the activity and the river are provided.*
- B. *That to the greatest extent possible, necessary public access in accordance with the Comprehensive Plan will be provided to and along the River by appropriate legal means.
That the change of use, intensification of use, or development complies with this Code, all other applicable City Ordinances, the Comprehensive Plan, and the Oregon State Parks and Recreation Department Greenway Plan.*

RESPONSE

The area surrounding the Marina site is currently developed with the Haven Apartments. An auxiliary parking area for the Marina was constructed just south of the top of bank, with access provided via SW Illahee Court. The existing parking area and dock access are within the Greenway Boundary.

There is a relatively evenly defined bank along this section of the river, with the exception of the past bank failure, just west of the dock. There is also an existing 36 slip boat dock (78CU03) and a private boat house (84DR09).

The current access to the dock is provided by a paved pathway over ODOT right-of-way, which extends to a lower shelf (top of bank), with a gangway connecting from the path to an elevated landing platform. From this platform another ramp extends down to the dock. The platform has a code locked gate to limit access.

However, a few years ago (2010) the bank collapsed just before the gangway to the landing. This bank collapse made it unsafe to access the dock, so the facility was closed to public access.

The dock, being located within the water is not within the jurisdiction of the City's regulations. The dock has previously been permitted by the State Division of State Lands and the Army Corps of Engineers.

These existing structures were built under a prior approved Willamette River Greenway Permit. The proposed relocated replacement ramp will extend from the top of bank down to the existing elevated landing platform, and the existing gangway from the ODOT path will be removed. Therefore while the new ramp will be within the Greenway Boundary, it technically will not constitute an intensification of use, as it is replacing the existing access ramp. The existing ramp runs parallel to the bank, while the new ramp will run perpendicular to and extend over the bank.

The new ramp is designed to minimize improvements within the Greenway Boundary. Only two trees will be cut, with the stumps retained for slope stability.

Proposed improvements within the Greenway Boundary are limited to a small area of ground disturbance, of about 15 square feet for pier pads and anchor plate for the gangways and transition platform constructed at the top of bank.

Removal of the paved pathway and steps on ODOT property will be mitigated by restoration plantings of native trees, shrubs and ground cover.

Section 4.514. Conditional Use Permit – Use Management Standards.

(.01) The natural scenic views, historical character and recreational qualities of the Willamette River shall be protected by preservation and enhancement of the vegetative fringe along the river bank.

(.02) A plan to remove any tree or trees shall be reviewed by the Development Review Board under the procedures of Section 4.600, et. seq. Based on the standards and procedures of Section 4.620.10, mandatory mitigation shall be required as a condition of approval for any conditional use permit granted under this Section.

(.03) Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses within the Greenway shall be permitted to continue as urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities.

(.04) All developments after the effective date of this ordinance, except water dependent and water related uses, shall be set back a minimum of 75 feet upland from the top of each bank.

(.05) Fish, riparian and wildlife corridors leading into the river channel shall remain open.

(.06) All development, change of use or intensification of use shall demonstrate, to the maximum extent possible, maintenance of public safety and protection of public and private property, especially from vandalism and trespass.

RESPONSE

The scenic views, historic character and recreational qualities of the Greenway area will be protected and preserved essential in their existing state, with minor landscaping enhancements. The riverfront area, which also is protected by the SROZ is set aside as general open space within the Haven Apartment complex.

Except for relocation of the ramp, the improvements within the Greenway will remain unchanged. The existing marina is owned and maintained by the Charbonneau Country Club. But the parking area is owned by the Haven at Charbonneau, and leased to the Charbonneau Country Club, with access easement and maintenance responsibility. This area in general is used by the residents of the Haven Apartments and Charbonneau residents who have acquired dock privileges, as their private open space. This area is not intended for general public access or use.

The riparian vegetation along the river bank will remain as is, except for some removal of non-native plants and mitigation with native riparian plantings, as required mitigation for the Conditional Use Permit. Two trees will be removed within the Greenway Boundary and no additional trees are proposed to be planted within this area. All new landscaping, except the pathway, is located outside of the Greenway Boundary.

All streets, lots and residential structures are setback outside of the Greenway Boundary. No improvements, except the ramping, will be located within 75 feet from the top of bank.

The proposed relocation of the access ramp will minimize any potential public safety hazards, which might be associated with unstable slopes and any further bank failures. No general public access is proposed along the river frontage, as this area will be maintained as reserved for the use of the Charbonneau residents.

Therefore the proposed development complies with the Greenway provisions and standards.

Section 4.184. Conditional Use Permits – Authorization.

(.01) Conditional Use of property may be granted by the Development Review Board after concluding a public hearing as provided in Section 4.013. A land use that is “conditional” is one that is generally not compatible with surrounding uses unless mitigating conditions of approval are established. In acting on applications for Conditional Use Permits, the DRB may establish conditions of approval that are found to be necessary to implement the Comprehensive Plan or to assure compliance with the standards of this Code, based on information in the record.

A. Authorization to Grant or Deny Conditional Uses: A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this Section. In judging whether a conditional use permit shall be approved, or determining appropriate conditions of approval, the Development Review Board shall weigh the proposal’s positive and negative features that would result from authorizing the particular development at a location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observation of conditions, or are not applicable:

1. *The proposal will be consistent with the provisions of the Comprehensive Plan and the requirements of Chapter 4 of the Wilsonville Code and other applicable policies of the City.*
2. *The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.*
3. *All required public facilities and services exist, or will be provided, to adequately meet the needs of the proposed development.*
4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.*

RESPONSE

As demonstrated throughout this report, the proposed development complies with the applicable provisions of the Comprehensive Plan and Development Code.

The dock use (river-related and river-dependent) already exists and only the route for access to the dock is being altered. The new ramp alignment and aerial linkage to the elevated landing platform actually diminishes ground and vegetation impacts, as compared to the existing access. Except for the replacement ramp, this site is currently developed to the extent intended. There is no intensification of use proposed.

There is a clearly defined river bank with riparian trees extending above the bank. There is also an existing dock, with pathway and ramp access, which extends through the SROZ and within the Greenway Boundary.

There will be no residential construction within the Greenway Boundary. Only minor excavation within the Greenway for the ramping (semi-pervious surface), will occur and limited to only about 15 square feet of actual ground impact. Mitigation landscaping improvements will be provided within the Greenway to enhance bank stability and views from the river.

There are no public facilities required for any uses proposed within the Greenway Boundary. Electric power is already provided to the dock, and will remain unchanged.

The proposed recreational use within the Greenway Boundary will maintain unchanged and consistent with the residential character of this neighborhood. Use of this area of the property, by the residents of the development, will not in any way limit permitted uses in the surrounding neighborhood. Surrounding residential uses retain all their current property rights. Public access over ODOT property will be eliminated and controlled with fencing and signage.

The focus of the Greenway area is on its relationship to the river and on views into the property from the river. The proposed development, including new relocated gangways and associated enhanced landscaping will not significantly alter or degrade the visual quality of this area as seen from the river. The ramp will shift from its current horizontal alignment to a vertical alignment, and the pathway at the top of bank will not be visible from the river.

The proposed landscaping will mitigate for the limited tree and ground disturbance. And together with proposed mitigation planting for removal of the paved pathway, will only enhance the overall view.

Therefore the proposed development complies with the Greenway and Conditional Use criteria.

7. *Tree Preservation and Protection*

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.

Section 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:

- A. Standard for the Significant Resource Overlay Zone. The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this Chapter.***
- 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 principle 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.***
- E. Residential Development. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.***
- F. Compliance With Statutes and Ordinances. The proposed activity shall comply with all applicable statutes and ordinances.***

- G. Relocation or 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 trees that are not to be removed, in accordance with WC 4.620.10.*
- H. Limitation.** *Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.*
- 1. 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 or 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. Diseased, 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.*
 - (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

Existing trees have been identified on the site in the immediate vicinity of the existing path and ramp, and along the alignment of the proposed new ramp. Only four trees, (1 - 6"; 1 - 12"; 1 - 13" & 1 - 25") will be cut. However, the stumps will be retained for slope stability. To the degree possible, the maximum number of trees is being preserved.

Trees are shown on the Existing Conditions Plan. Trees proposed to be removed are shown on the Proposed Improvements Plan, and addressed in the Arborist's Report. The Tree Mitigation and Landscaping is shown on Landscaping Plan . A total of 10 trees will be planted for mitigation and enhancement, together with under-story and ground cover plantings, as recommended by the Project Arborist and Biologist, see Landscaping Plan.

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 or DRB, prior to initiating site development.

2. *Platted Subdivisions. The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.*
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

The required tree survey has been provided, prepared by Multnomah Tree Experts. A total of 50 trees were inventoried and assessed for health and hazard. Of these trees only 4 will need to be removed to accommodate the new ramp. The stumps will be left as woody debris. The application includes the following:

- A Tree Removal and Preservation Plan;
- Tree Maintenance Plan; and
- Tree Mitigation Plan.

There is existing electrical power provided to the dock, which will remain. No new utilities are involved, so there will be no additional environmental impacts resulting from utilities trenching. Three (3) existing light poles will be removed, with appropriate ground cover mitigation provided.

Section 4.610.40. Type C Permit

- (.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.***

(.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 a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:

1. Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.

2. Tree survey. The survey must include:

a. An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1") equals one hundred feet (100') and which provides a) the location of all trees having six inches (6") or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, (c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.

b. A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.

c. Where a stand of twenty (20) or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in "b," above.

d. All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.

3. Tree Protection. A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers."

4. Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setbacks required by existing zoning requirements.

5. Grade Changes. Designation of grade changes proposed for the property that may impact trees.

6. Cost of Replacement. A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.

7. Tree Identification. A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection "A," above in addition to clear identification on construction documents.

Section 4.620.00. Tree Relocation, Mitigation, Or Replacement

- (.01) Requirement Established. A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.*
- (.02) Basis for Determining Replacement. The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2") or more in diameter. Alternatively, the Planning Director or Development Review Board may require the permit grantee to replace removed trees on a per caliper inch basis on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow use of replacement Oregon white oak and other uniquely valuable trees with a smaller diameter.*
- (.03) Replacement Tree Requirements. A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.*
 - A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.*
 - B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.*
 - C. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.*
 - D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.*

RESPONSE

Appropriate permits shall be obtained for the removal of any and all trees, not to be preserved. The Team's arborist has prepared a detailed inventory and assessment of all trees within the development area. During construction, trees specified to be protected will be delineated and protected by the placement at the edge of the canopy drip line with plastic orange mesh fencing.

The following table summarizes the proposed tree removal and replacement.

Type of Tree	Existing Trees	Trees to be Removed	Trees to be Planted
Natural Trees (SROZ)	50, 9 species	4, 3 species	10, 1 species

The proposed development will result in removal of 4 trees, preservation of 46 trees, and mitigation in the form of 10 trees planted.

Street trees and mitigation trees will be planted and maintained consistent with City standards. Therefore the proposed development plan complies with the tree preservation criteria.

V. FINAL CONCLUSION

This report and accompanying documents and plans demonstrates that the proposed development, Charbonneau Marina access replacement, complies with all applicable Comprehensive Plan policies and provisions.

The compliance narrative shows that the application satisfies all the applicable Zoning, SROZ and Greenway Conditional Use criteria.

Specifically, the application includes the required documents and information for:

1. Modified Willamette Greenway Conditional Use Permit;
2. Tree Preservation and Removal Plan;
3. Tree & SROZ Mitigation Plan.

Therefore the applicant respectfully requests approval for this Modified Conditional Use Permit.

SRIR
SROZ Map

**CHARBONNEAU COUNTRY CLUB MARINA ACCESS PROJECT
ABBREVIATED SIGNIFICANT RESOURCE IMPACT REPORT (SRIR)
T3S, R1W, SECTION 25, W.M., TAX LOT 318
WILSONVILLE, CLACKAMAS COUNTY, OREGON**

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August 25, 2015

SWCA Project No. 32467

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- A. Site Drawings
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Charbonneau Country Club Marina Access Project
Abbreviated Significant Resources Inventory Report
SWCA Project No. 32467

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INTRODUCTION

SWCA Environmental Consultants (SWCA) was contracted by Charbonneau Country Club (Client) to conduct a delineation of the Willamette River ordinary high water line (OHWL) and to prepare an abbreviated significant resource impact report (SRIR) for the Charbonneau Marina Access Project located in Wilsonville, Clackamas County, Oregon (Appendix A, Figure 1). The site is located on the south bank of the Willamette River immediately east of Interstate 5 on SW Illahee Court, in Township 3 South, Range 1 West, Section 25, Tax Lot 318 (Appendix A, Figure 2).

Kerry Rappold, City of Wilsonville Natural Resources Program Manager, has recommended that an abbreviated SRIR be prepared for the project. The abbreviated SRIR includes only the information necessary for the City's review of the Site Development Permit Application to be submitted in compliance with the Wilsonville Code Planning and Land Development Ordinance (WC) Section 4.139.00. The application will also include a Willamette River Greenway (WRG) conditional use permit (CUP) (WC Sections 4.500–4.515) and information necessary for that permit is also included herein. The Client concurs with the accuracy of the significant resources overlay zone (SROZ) mapping for the project area and is not requesting a map zone amendment.

PROPOSED PROJECT

The Charbonneau Country Club intends to realign and replace the existing pathway and gangway access to the Charbonneau Marina dock. There was a recent bank failure that completely blocked access to the gangway and to the marina. A new gangway will be installed extending from the existing parking area straight down the river bank to the existing landing platform at the water's edge. Four trees (one Douglas-fir [*Pseudotsuga menziesii*], two big-leaf maples [*Acer macrophyllum*], and one sweet cherry [*Prunus avium*], as described below) will be removed by cutting at, or just above, ground level. Stumps and root balls will be left in place to protect slope stability. There will be a concrete abutment at the top of the bank, with the gangway spanning (above ground level) down to the existing elevated landing at the shoreline. Once the gangway is in place, there will be no ground disturbance. Additionally, there is an Oregon Department of Transportation (ODOT) easement which provided a path to the gangway prior to the bank failure. This pathway will be decommissioned and restored to natural conditions to mitigate for impacts associated with the development of the new access ramp. Site drawings of existing conditions, the proposed site plan, and slope cross-sections are provided in Appendix A, Sheets 1–8).

EXISTING CONDITIONS (WC 4.139.06(.01)B)

Existing features within the vicinity of the proposed project site include:

- a parking lot located at the top of the bank;
- forested vegetation;
- an unpaved footpath, including a handrail and staircase with wooden risers and earthen treads along the property and within the ODOT right-of-way (ROW);
- fencing along the ODOT ROW;
- the existing marina, gangway, and landing platform just above the OHWL and at the top of the bank;
- a power vault near the parking lot and electrical pedestal at the existing landing platform; and
- light poles in the parking lot.

Existing forested vegetation surrounding the parking lot and marina access is dominated by big-leaf maple, red alder (*Alnus rubra*), and black cottonwood (*Populus balsamifera*) forming a canopy cover of 80%. Scattered Douglas-fir trees are present. Understory vegetation is dominated by sword fern (*Polystichum munitum*), Pacific waterleaf (*Hydrophyllum tenuipes*), snowberry (*Symphoricarpos albus*), trailing blackberry (*Rubus ursinus*), redbud dogwood (*Cornus alba*), and fringe cup (*Tellima grandiflora*). Invasive plants were also noted in this habitat, including English holly (*Ilex aquifolium*), English ivy (*Hedera helix*), and Himalayan blackberry (*Rubus armeniacus*). These three species are listed as invasive on Metro's Native Plant List (Metro 2013).

WILLAMETTE RIVER GREENWAY (WC SECTIONS 4.500-4.515)

A WRG CUP will be required for the project because the proposed project may result in an intensification of use of the Charbonneau Marina due to increased accessibility. The purpose of the WRG code is to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. Maintaining the integrity of the Willamette River under this code is achieved by minimizing erosion, promoting bank stability, and maintaining and enhancing water quality and fish and wildlife habitats. The boundary of the WRG is typically 150 feet from the ordinary low water line or as mapped by local jurisdictions. According to the City's WRG mapping, the majority of the project area is located within the WRG with the exception of a portion of the rehabilitation area located within the ODOT ROW.

The final project design limits impacts by utilizing existing landing platforms and the gangway, limiting disturbance to forested habitat and slope stability by implementing appropriate tree removal practices, restoring the existing path and stairway within the rehabilitation area to natural conditions, and will avoid direct impacts to the Willamette River by implementing erosion and sediment control measures during construction. The project design ensures that necessary public access will be maintained in accordance with the City's Code, all other applicable City ordinances, the Comprehensive Plan, and the Oregon State Parks and Recreation Department Greenway Plan. Implementation of mitigation measures recommended below will further ensure compliance with applicable regulations and will protect and enhance natural and recreational qualities of the WRG at the Charbonneau Marina.

SIGNIFICANT NATURAL RESOURCES

Wetlands and Waterbodies (WC 4.139.06(.01) C)

The Willamette River forms the northern edge of the project boundary. The OHWL was identified by SWCA based on the presence of litter and debris, wracking, sediment deposition, and water staining evident on marina pilings (Oregon Administrative Rule 141-085-0515; USACE 2005). SWCA marked this elevation in the field and it was professionally surveyed by Pioneer Design Group, LLC. The OHWL elevation was determined to be 71.75 feet (North American Vertical Datum 1988).

No wetlands beyond the OHWL of the Willamette River were identified within the project area.

Trees and Forested Habitats (WC 4.139.06(.01)D)

The boundary of forested wildlife habitat was mapped in the City's SROZ mapping, following the drip line of the mature forest canopy. Four trees will be removed to make way for the gangplank, as shown in Table 1.

Table 1. Trees to be Removed.

Scientific Name	Common Name	Diameter at Breast Height (inches)	Tree Inventory Number*
<i>Acer macrophyllum</i>	big-leaf maple	12, 13	12, 21
<i>Prunus avium</i>	sweet cherry	6	16
<i>Pseudotsuga douglasii</i>	Douglas-fir	25	13

*From arborist report (Multnomah Tree Experts, Ltd. 2015).

Trees will be removed by cutting the base of the tree above the ground surface, leaving rootballs in place and intact. These trees are located in the location of the proposed gangway between the existing and proposed gangway landing platforms. No other trees will be impacted by the project. Mitigation measures for tree replacement and the restoration of forest habitat within the rehabilitation area and enhancement of forest habitat by removing invasive species within the project area are discussed below.

SIGNIFICANT RESOURCES OVERLAY ZONE (WC 4.139.06(.01)E-H)

The SROZ was determined by using the City’s mapping and is based on the existing tree canopy drip line. The SROZ impact area is a 25-foot buffer extending beyond the SROZ boundary. The Metro Urban Growth Management Functional Plan (UGMFP) Title 3 Water Quality Resource Area boundary was determined using data provided by the City and slope cross-section measurements were not needed. The 50-foot vegetated corridor setback was determined using Metro’s Title 3 field observed standards and water quality resource area slope calculations. The sheets in Appendix A show the location of the existing mapped SROZ boundary, the SROZ 25-foot impact area boundary, the UGMFP boundary, and the 50-foot UGMFP vegetated corridor (Appendix A, Sheets 1–8). Current photos of site conditions of the forested habitat within these boundaries are provided in Appendix B.

SIGNIFICANT RESOURCE IMPACTS AND MITIGATION (WC 4.139.06(.01)I)

Impacts

The site development plan was designed to protect the majority of forested habitat on the site, minimizing the potential for impacts to wildlife habitat there. Minor impacts within the SROZ, including the removal of four trees and the removal and rehabilitation of the old roadbed and access trail and stairs, are proposed for site development (Appendix A, Figure 5). In total, 68 square feet will be disturbed by the project and 4,600 square feet will be restored within the rehabilitation area.

The bulleted list below provides a general summary of impacts and restoration areas:

- Trees to be removed: one Douglas-fir, two big-leaf maples, and one sweet cherry (see Table 1).
- Length/width of the new landing platform and gangways:
 - aluminum stair/ramp from parking lot to the platform at the top-of-bank, 12 feet long by 4.67 feet wide equals 56 square feet;
 - platform at the top-of-bank will be 5 feet by 5 feet, elevated above ground 3.5 feet and mounted on four 1-foot diameter piers/footings set into the bank 3.5 feet equals 25 square feet with actual ground disturbance of 4 square feet; and

- relocated gangway top-of-bank stair/ramp, to be installed from top-of-bank platform to existing shoreline platform: 80 feet long by 4.67 feet wide equals 374 square feet (elevated above grade with a minimum of 1 foot clearance, so there is no ground disturbance).
- Existing shoreline landing platform (existing with new aluminum stair/ramp installed on existing structure): 20 square feet (no new impact).
- Size of the rehabilitation area (existing old roadbed and trail features): 4,600 square feet.

Mitigation measures provided below will ensure compliance with SROZ, WRG, and tree replacement requirements specified in the City’s Code.

Additionally, impacts to waters of the U.S. are not expected to occur as a result of the project and a removal/fill joint-permit through Oregon Department of State Lands and the U.S. Army Corps of Engineers is not required. However, appropriate best management practices (BMPs) and mitigation measures described below will ensure that fill material (sediments from runoff) will not contaminate the Willamette River.

Mitigation

Mitigation for SROZ encroachment into the forested habitat will include a combination of invasive species control, tree replacement plantings, and enhancement of the understory within the rehabilitation area. Specific mitigation recommendations are provided below.

Rehabilitation Area Understory and Tree Replacement Planting

The tree mitigation goal is to improve the ecological integrity and functions of the forested habitat. According to the ratios established in Table NR-3 in Section 4.139.07 of the City’s SROZ Ordinance, two trees and three shrubs need to be planted for each tree removed that is 6 to 12 inches in diameter, three trees and six shrubs need to be planted for each tree that is over 12 up to 18 inches in diameter, and seven trees and 18 shrubs need to be planted for each tree over 24 up to 30 inches in diameter. Therefore, a minimum total of 14 trees and 30 shrubs shall be planted in the rehabilitation area. Additionally, all bare ground should be planted or seeded with native grasses or herbs. Recommended species are provided in Table 2 below.

Table 2. Recommended Mitigation Plantings.

Scientific Name	Common Name	Height (Inches)	Spacing	Minimum Quantity*
Trees				
<i>Acer macrophyllum</i>	big-leaf maple	18–24	12–15 feet on center	7
<i>Pseudotsuga douglasii</i>	Douglas-fir	18–24	12–15 feet on center	7
<i>Thuja plicata</i>	western red cedar	18–24	12–15 feet on center	optional
Shrubs				
<i>Acer circinatum</i>	vine maple	18–24	8–12 feet on center	15
<i>Symphoricarpos albus</i>	snowberry	12–18	4–5 feet on center or in clusters of 4 spaced 8-10 feet apart	15
<i>Oemleria cerasiformis</i>	Indian plum	18–24	4–5 feet on center	optional

*Tree and shrub quantities listed are minimum required per the WC. However, additional species and/or substitutions have also been included in this list as a general recommendation for appropriate species that may be planted at the site.

In addition to trees and shrubs, appropriate grass, herbaceous, and vine species should be installed either as individual plants or in a seed mix. Appropriate species include: California brome (*Bromus*

carinatus), blue wildrye (*Elymus glaucus*), showy milkweed (*Asclepias speciosa*), Western yarrow (*Achillea millefolium*), vanillaleaf (*Achlys triphylla*), sword fern, and bracken fern (*Pteridium aquilinum*). Substitutions with appropriate locally-sourced native species for plants recommended above may be necessary based on species quantity and availability at the time of installation. A list of appropriate species to consider is included in the Metro Native Plant List.

Invasive Plant Control

Invasive species control within the immediate vicinity of the project and rehabilitation areas will focus on removal of English ivy, Himalayan blackberry, and English holly or other species as defined as invasive in the Metro Native Plant List. Invasive species will be controlled using a combination of mechanical removal and herbicide application.

Additional Measures

An erosion and sediment control plan will be prepared prior to the start of construction, which will include standard grading and erosion control BMP measures to be used during construction to prevent construction runoff from entering the Willamette River. To remove trees within the project area, the Client will also apply for a Type C Tree Removal Permit (WC Section 4.600 to 4.640) and will comply with the City's recommended tree protection measures during construction (WC Section 4.620.10).

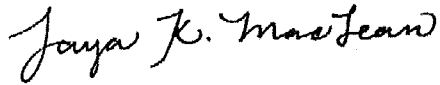
Mitigation Performance Standards

The objective of the proposed mitigation is to establish a diverse native plant understory and reduce the coverage of invasive species, with the goal of increasing the wildlife habitat and ecological integrity. Performance standards will include an 80% survival rate of planted trees and shrubs for a 5-year maintenance and monitoring period. In addition, cover of invasive species shall not exceed 20% of the mitigation area.

CONCLUSION

This SRIR supports the WRG and SROZ permit application for the Charbonneau County Club Marina Access project. Encroachment into the SROZ, Title 3 Water Quality Resource Area boundary, and WRG area has been minimized to the maximum extent practicable for the entire project by siting almost the entire proposed development and mitigation in previously developed areas of the site. Minor permanent impacts are proposed due to relocation of the gangway and a new landing platform. However, these impacts will be offset by the restoration of native vegetation within the rehabilitation area and the control of invasive species within the project area.

LIST OF PREPARERS



Taya K. MacLean, M.S.
Wetland Scientist
Natural Resources and Planning Team Lead
Fieldwork and Report Preparation



C. Mirth Walker, PWS
Senior Wetland Scientist
Report Preparation and Quality Assurance/Quality Control

APPENDICES

Appendix A. Site Drawings

Figure 1. Site location map (USGS)

Figure 2. Tax lot map (Metro aerial)

Sheets 1-8 Provided by Pioneer Design Group, Inc.

Appendix B. Representative Photographs

Appendix C. Literature Cited and References Used

APPENDIX A

Site Drawings

Charbonneau Country Club Marina Access Project
Abbreviated Significant Resources Inventory Report
SWCA Project No. 32467

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Charbonneau Country Club Marina Access Project
 Abbreviated Significant Resources Inventory Report
 SWCA Project No. 32467

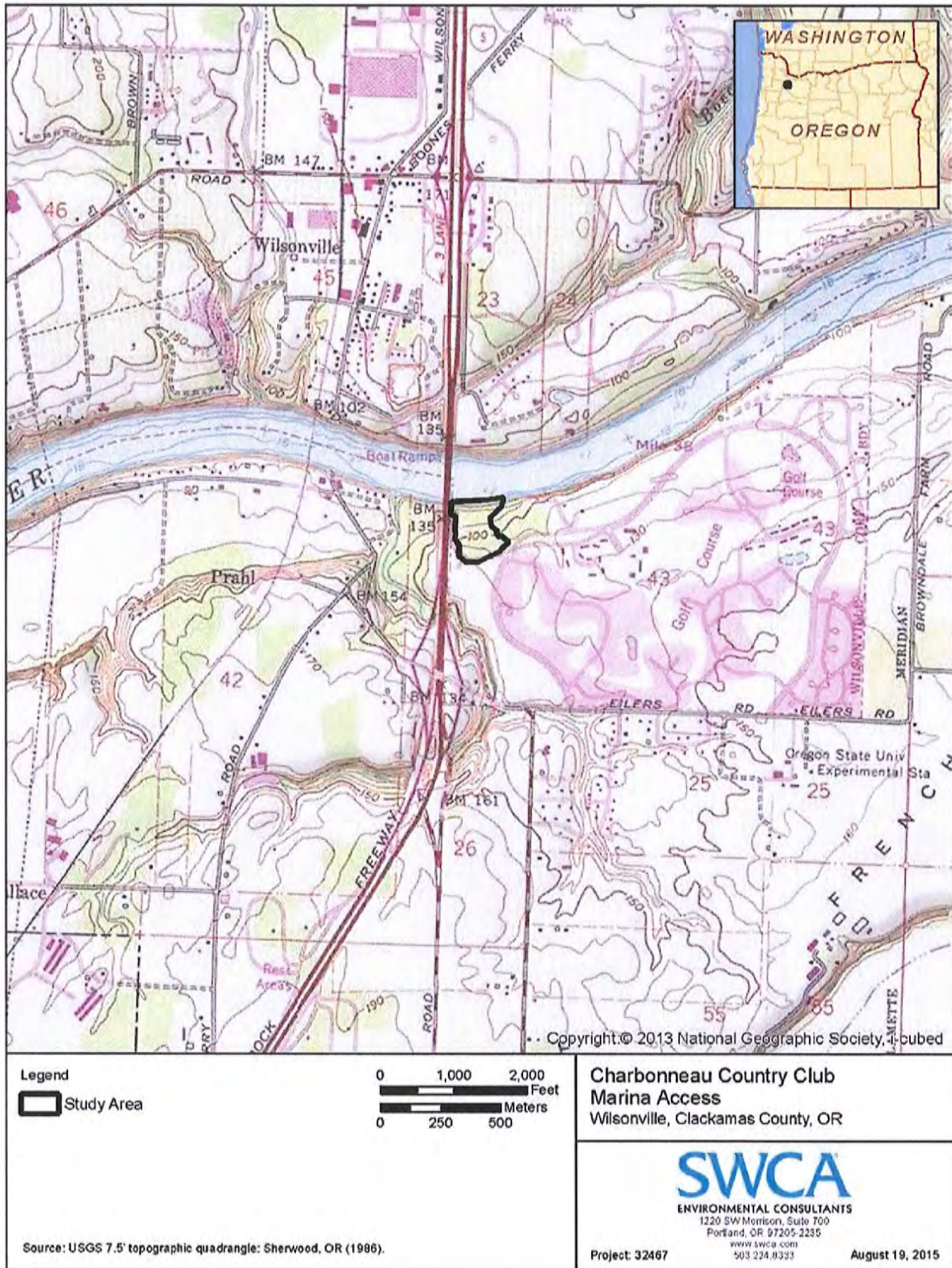


Figure 1. Site location map.

Charbonneau Country Club Marina Access Project
Abbreviated Significant Resources Inventory Report
SWCA Project No. 32467

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Charbonneau Country Club Marina Access Project
 Abbreviated Significant Resources Inventory Report
 SWCA Project No. 32467



Figure 2. Tax lot map.

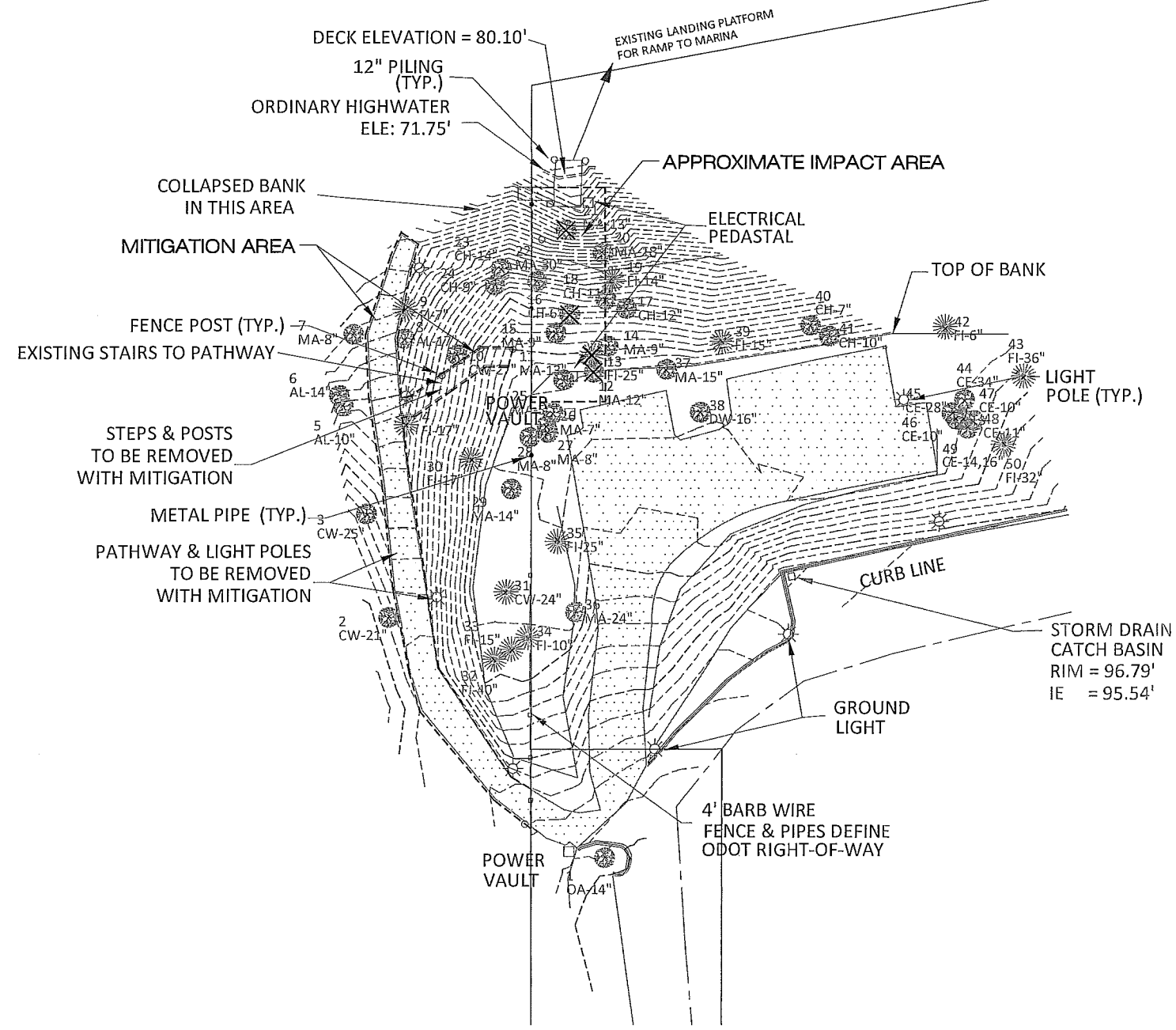


FIGURE NO.3

SRIR IMPACT & MITIGATION AREAS

CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	05/2015
Drawn by	TCC	Date	06/2015
Reviewed by	BA	Date	05/2015
Project No.	999-146.5	REF.	
Horizontal Scale	AS NOTED		
Vertical Scale	999-146.5TPO.Dwg		

By	
Revised	
No.	
Date	

Project
CHARBONNEAU DOCK
No.
999-146.5
Type
PLANNING
Sheet

Charbonneau Country Club Marina Access Project
Abbreviated Significant Resources Inventory Report
SWCA Project No. 32467

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APPENDIX B

Site Photographs

Charbonneau Country Club Marina Access Project
Abbreviated Significant Resources Inventory Report
SWCA Project No. 32467

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Photo 1. Photo taken from top of bank at proposed gangway landing location facing downslope along proposed gangway location. View north. Photo: T. MacLean, June 8, 2015.



Photo 3. Existing pathway in ODOT ROW to be restored. Landslide occurred just beyond the orange cone. View north. Photo: Pioneer Group, February 22, 2015.



Photo 2. Existing landing platform, gangway, dock, and Willamette River. View north. Photo: T. MacLean, June 8, 2015.



Photo 4. Existing pathway in ODOT ROW to be restored. View south. Photo: T. MacLean, June 8, 2015.



Photo 5. Existing path were landslide occurred, blocking access to existing gangway and landing platform. View northeast. Photo: Pioneer Group, February 22, 2015.



Photo 6. Existing landing platform/marina access gate. View southeast. Photo: Pioneer Group, February 22, 2015.



Photo 7. Upslope of existing landing platform at location of proposed gangway location. View south, upslope. Photo: T. MacLean, June 8, 2015.



Photo 8. Existing stair path to ODOT ROW and previous gangway access prior to landslide. View west. Photo: T. MacLean, June 8, 2015.



Photo 9. Existing gangway, dock, and piling. Ordinary high water line displayed by red line. View east from under the I-5 bridge. Photo: T. MacLean, June 8, 2015.



Photo 10. View north of proposed gangway area and existing utility infrastructure. Center tree is Douglas-fir to be removed. Photo: C.M. Walker, August 21, 2015.



Photo 11. View east of Douglas-fir to be removed. Photo: C.M. Walker, August 21, 2015.

APPENDIX C

Literature Cited and References Used

Charbonneau Country Club Marina Access Project
Abbreviated Significant Resources Inventory Report
SWCA Project No. 32467

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Fishman Environmental Services. 2000. *City of Wilsonville Natural Resource Inventory and Goal 5/Title 3/Endangered Species Act Compliance and Protection Plan: Inventory Update, 1999 - 2000*. Prepared for the City of Wilsonville. Revised February 2001. Portland, OR: Fishman Environmental Services.

Hitchcock, C.L. and A. Cronquist. 1973. *Flora of the Pacific Northwest*. Seattle: University of Washington Press.

Metro. 2012. Chapter 3.07, Urban Grown Management Functional Plan. Available at: http://library.oregonmetro.gov/files/03.07_maps_-_title_4_updated_6__14_eff_011812.final.pdf. Accessed June 2015.

———. 2013. Native Plants for Willamette Valley Yards. Portland, Oregon. Available at: http://www.oregonmetro.gov/sites/default/files/native_plants_for_willamette_valley_yards_booklet.pdf

Multnomah Tree Experts, Ltd. 2015. Arborist Report, Charbonneau Country Club. Prepared by Peter Torres, Certified Arborist PN 0650-B.

Oregon Department of Agriculture (ODA). 2015 ODA Plant Programs, Noxious Weed Control. Available at: <http://www.oregon.gov/ODA/PLANT/WEEDS/Pages/lists.aspx>. Accessed June 2015.

U.S. Army Corps of Engineers (USACE). 2005. *Ordinary High Water Mark Identification*. Regulatory Guidance Letter. Washington, D.C.: U.S. Army Corps of Engineers.

Charbonneau Country Club Dock Ramp Replacement
Abbreviated Significant Resources Inventory Report
SWCA Project No. 32467

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Arborist's Report

Arborist Report, Charbonneau Country Club

Improvements are proposed at the Charbonneau Marina in Wilsonville. There was a bank failure on the river and the ramp that served as access to the Marina is blocked. The intent of the improvements is to relocate the ramp from the parking area straight to the landing platform at the water's edge. Existing access from the pathway on ODOT property will be abandoned. The existing steps that connect with the ODOT path will be removed.

A Greenway Conditional Use Permit will be applied for and part of the application includes a tree inventory of fifty trees in the immediate vicinity. These are described in the attached Tree Table. Four of the trees (#12, #13, #16 and #21) will be removed. The trees will be cut close to the ground and the stumps and root ball will be left in place to reduce disturbance to the ground.

Two of the trees to be removed are bigleaf maple. One is a Douglas-fir and one is a bird cherry, which is widely considered an invasive species. I recommend replacing them with Pacific dogwood trees. It is a native species and the single one growing at this site is healthy. Any other native species would be acceptable as well.

Root protection radii (RPZs) are given for each tree in the Tree Table. When construction disturbance intersects with an RPZ I recommend that a certified arborist review the plans and determine whether an arborist is needed to supervise on site. Protected trees should be separated from the work area by, at a minimum, orange plastic fencing on steel poles driven into the ground.

Without supervision by an arborist a root protection zone may be entered only for tasks like surveying, measuring and sampling. Upon completion of the task the fence must be closed. Without authorization, none of the following is allowed within a root protection zone:

1. New buildings;
2. Grade change or cut and fill, during or after construction;
3. New impervious surfaces;
4. Utility or drainage field placement;
5. Staging or storage of materials and equipment during construction;
6. Vehicle maneuvering during construction.

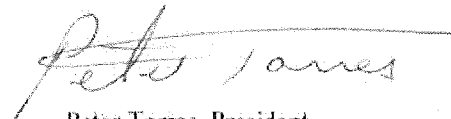
The goal of this Tree Plan is to meet the requirements of the tree preservation code, and to observe all laws, rules, and regulations. All trees to be removed should be verified and marked and all tree protection measures should be inspected and approved before any clearing or grading work begins. It is the owner's responsibility to implement this tree plan fully, and to monitor the construction process to its conclusion. Deviations can result in tree damage, liability, and violations of the City Code.

Assumptions and Limiting Conditions

Multnomah Tree Experts, Ltd. 8325 SW 42nd Ave. Portland, OR 97219
(503) 452-8160 Fax (503) 452-2921 peter@multnomahtree.com

1. Client warrants any legal description provided to the Consultant is correct and titles and ownerships to property are good and marketable. Consultant shall not be responsible for incorrect information provided by Client. Client agrees to defend, indemnify, and hold Consultant, its officers, directors, employees, and agents harmless from any claims or damages, including attorney fees, arising out of acts or omissions of Client in connection with work performed pursuant to this Agreement.
2. All data will be verified insofar as feasible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
3. The Consultant shall not be required to give testimony or attend court or hearings by reason of this report unless subsequent contractual arrangements are made, including additional fees.
4. The report and any values expressed therein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
5. Sketches, drawings and photographs in the report are intended as visual aids and may not be to scale. The reproduction of information generated by others will be for coordination and ease of reference. Inclusion of such information does not constitute a representation by the consulting arborist, or by Multnomah Tree Experts, Ltd., as to the sufficiency or accuracy of the information.
6. Unless expressed otherwise, information in the report covers only items that were examined, and reflects the condition of those items at the time of inspection. The inspection is limited to visual examination of accessible items without laboratory analysis, dissection, excavation, probing, or coring, unless otherwise stated.
7. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
8. The report is the completed work product. Any additional work, including production of a site plan, addenda and revisions, construction of tree protection measures, tree work, or inspection of tree protection measures, for example, must be contracted separately.
9. Loss or alteration of any part of the report invalidates the entire report. Ownership of any documents produced passes to the Client only when all fees have been paid.

CCB# 154349



Peter Torres, President
Certified Arborist PN 0650-B

No.	Species	Diameter	Remarks	RPZ	Action
1	red oak	14	viable	10	
2	black cottonwood	21	viable	14	
3	black cottonwood	25	viable	16	
4	Douglas fir	17	viable	12	
5	red alder	10	viable	8	
6	red alder	14	viable	10	
7	big leaf maple	8	viable	8	
8	red alder	17	viable	12	
9	Douglas fir	7	viable	8	
10	black cottonwood	27	viable	18	
11	big leaf maple	13	viable	8	
12	big leaf maple	12	viable	8	remove
13	Douglas fir	25	viable; size estimated due to poison oak	16	remove
14	big leaf maple	9	viable; size estimated due to poison oak	8	
15	big leaf maple	9	viable	8	
16	bird cherry	6	viable	8	remove
17	bird cherry	12	viable	8	
18	bird cherry	11	viable	8	
19	Douglas fir	14	viable; trunk swoop	10	
20	big leaf maple	18	viable; co-dominate from base	12	
21	big leaf maple	13	viable	8	remove
22	big leaf maple	30	viable	20	
23	bird cherry	14	viable	10	
24	bird cherry	9	basal decay	8	
25	big leaf maple	5	viable	8	
26	big leaf maple	7	viable; size estimated due to poison oak	8	
27	big leaf maple	8	viable; size estimated due to poison oak	8	

28	big leaf maple	8	viable; no tag; size estimated due to poison oak	8
29	big leaf maple	14	viable; size estimated due to poison oak	10
30	Douglas fir	17	viable; size estimated due to poison oak	12
31	black cottonwood	24	viable	16
32	Douglas fir	40	viable	26
33	Douglas fir	15	viable	10
34	Douglas fir	10	viable; size estimated due to poison oak	8
35	Douglas fir	25	viable	16
36	big leaf maple	24	viable	16
37	big leaf maple	15	viable	10
38	Pacific dogwood	16	viable	10
39	grand fir	15	viable	10
40	bird cherry	7	viable	8
41	bird cherry	10	viable; no tag; size estimated due to poison oak	8
42	Douglas fir	6	viable; trunk swoop	8
43	Douglas fir	36	viable; size estimated due to poison oak	24
44	western red cedar	34	viable; co-dominate from base	24
45	western red cedar	28	viable; no tag; size estimated due to poison oak	18
46	western red cedar	10	viable	8
47	western red cedar	10	viable	8
48	western red cedar	11	viable	8
49	western red cedar	14,16	viable; co-dominate from base	10
50	Douglas fir	32	viable; size estimated due to poison oak	22

Species

big leaf maple- Acer macrophyllum

bird cherry- Prunus avium

black cottonwood- Populus trichocarpa

Douglas fir- Pseudotsuga menziesii

grand fir- Abies grandis

red oak- Quercus rubra

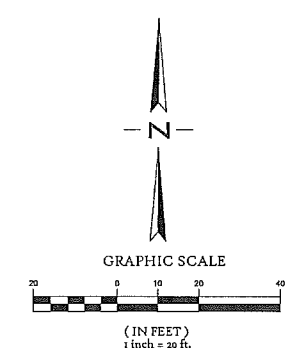
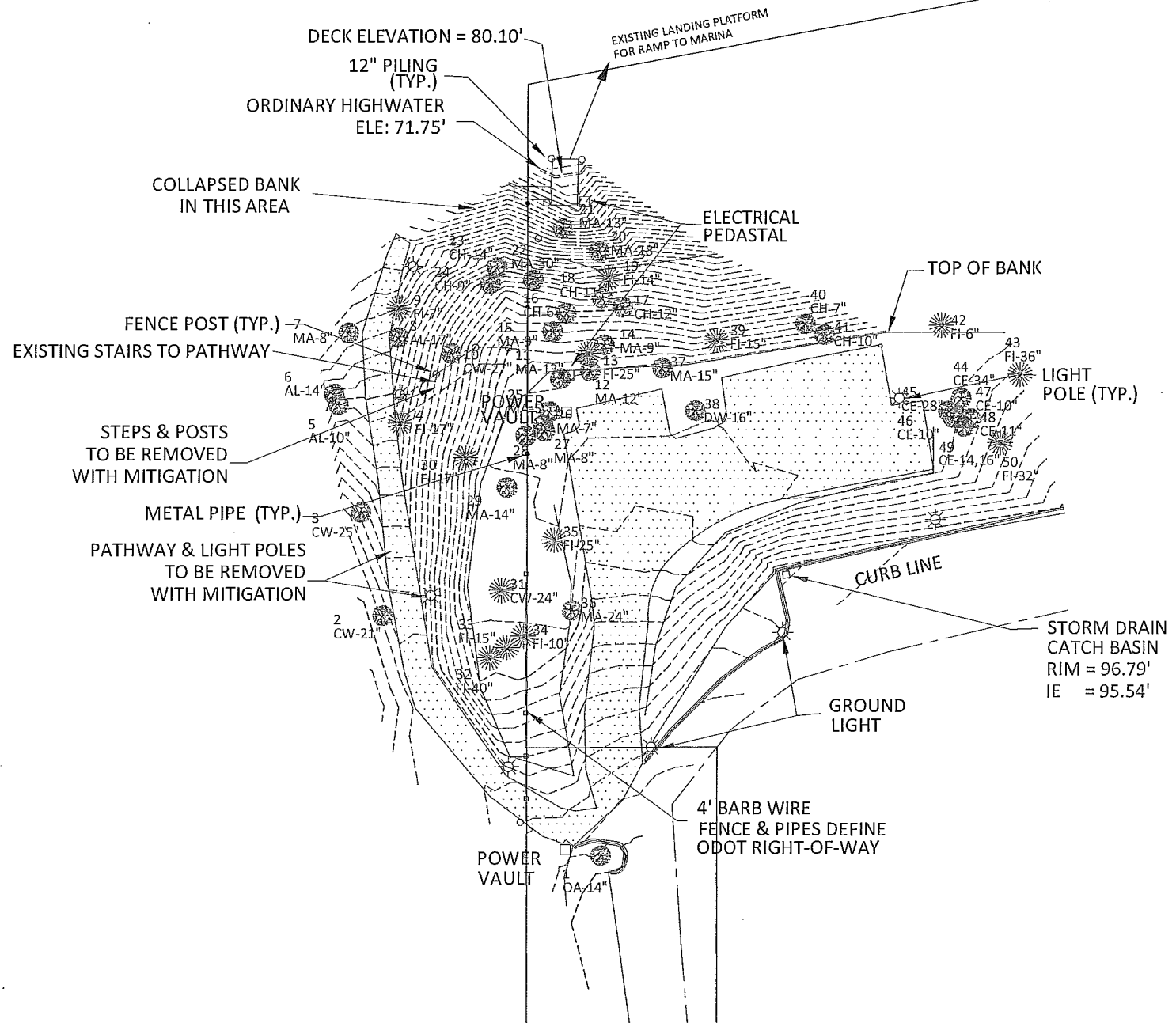
western red cedar- Thuja plicata

Charbonneau Marina

Tree Table

8/21/2015

Pacific dogwood- *Cornus nuttallii*
red alder- *Alnus rubra*



EXISTING CONDITIONS

CHARBONNEAU DOCK
 CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	06/20/05
Drawn by	TCC	Date	06/20/05
Reviewed by	BA	Date	06/20/05
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	899-146.5/DPO/ang		

By	
Revision	
Date	
No.	

Project
 CHARBONNEAU DOCK
 No.
 999-146.5
 Type
 PLANNING
 Sheet
1 of 6

Site Photos



02.27.2015 15:10



02.27.2015 15:09



02.27.2015 15:08



02.27.2015 15:08



02.27.2015 15:09



02.22.2015 09:29



02.27.2015 15:08



02.22.2015 09:24







02.22.2015 09:28





02.22.2015 09:27



02.22.2015 09:27

Tax Map &
Easements &
Ownership

RECIPROCAL EASEMENT AGREEMENT

DATE: December 17, 1990

BETWEEN: THE CITY OF WILSONVILLE ("City")

AND: COLUMBIA-WILLAMETTE DEVELOPMENT COMPANY, ("CWDC")
an Oregon corporation

Recitals:

A. City is the owner of the real property in Clackamas County, Oregon more particularly described in the attached Exhibit A (the "Property").

B. In connection with CWDC's development and operation of an apartment project on certain property adjacent to and to the east of the Property known as Illahee at Charbonneau and more particularly described in the attached Exhibit B (the "Illahae Property"), CWDC desires to obtain and City is willing to grant an easement over the Property, for the purposes and on the terms and conditions set forth in this Reciprocal Easement Agreement (the "Agreement").

C. In connection with City's operation of the Property, City desires to obtain and CWDC is willing to grant an easement over the Illahee Property, for the purposes and on the terms and conditions set forth in the Agreement.

Agreements:

In consideration of the foregoing, the payment by CWDC to City of the amount of \$1.00, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by City, the parties agree as follows:

1. CWDC Easement.

1.1 Grant of Easement. City hereby grants and conveys to CWDC and its successors and assigns a non-exclusive easement over the Property, for the purposes set forth in Section 1.2 and subject to the terms and conditions set forth in this Agreement. Such easement is granted for the benefit of, and shall be appurtenant to, the Illahee Property.

1.2 Purposes of CWDC Easement. The easement granted pursuant to Section 1.1 is for the sole purposes of (i) construction thereon of a driveway, and parking area for 10 vehicles substantially as shown on the attached Exhibit C, (ii) installation of associated landscaping including a picnic table.

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(iii) maintenance and repair of the foregoing, (iv) use of the driveway and parking area for access and parking by CWDC, its successors, assigns, lessees, and mortgagees and their invitees, licensees, agents, and employees in connection with the apartment project on the Illahee Property.

2. City Easement.

2.1. Grant of Easement. CWDC hereby grants and conveys to City a non-exclusive easement over existing roads and streets on the Illahee Property, for the purposes set forth in Section 1.2 and subject to the terms and conditions set forth in this Agreement. Such easement is granted for the sole benefit of City, and shall be appurtenant to the Property.

2.2. Purposes of City Easement. The easement granted pursuant to Section 2.1 is for the sole purpose of ingress and egress to the Property by City, its invitees, licensees, agents and employees in connection with any lawful use of the Property allowed by City.

3. Construction, Maintenance, and Repair of Improvements. CWDC shall construct on the Property, at CWDC's sole expense, the driveway, parking area, and associated landscaping described in Section 1.2. The owner of the Illahee Property shall be solely responsible for maintenance and repair of such improvements and City shall have no responsibility whatsoever in connection therewith.

4. Indemnities. The owner of the Illahee Property shall indemnify and hold harmless City from and against any and all claims, losses, liabilities, and expenses (including without limitation reasonable attorneys' fees) arising out of or in any way related to use of the Property pursuant to this Agreement. City shall indemnify and hold harmless the owner of the Illahee Property from and against any and all claims, losses, liability, and expenses (including without limitation reasonable attorneys' fees) arising out of or in any way related to the use of the Illahee Property pursuant to this Agreement.

5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

6. Easements to Run with Land. The easements granted pursuant to Section 1.1 and 2.1 of this Agreement shall run with the land as to the Illahee Property and the Property, respectively.

7. Attorneys' Fees. In the event a suit or action is instituted to interpret or enforce this Agreement, the prevailing party shall be entitled to recover such amount as the court may

adjudge reasonable as attorneys' or paralegals' fees and expenses of litigation at trial or on any appeal or review, in addition to all other amounts provided by law.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first shown above.

City: THE CITY OF WILSONVILLE
By John M. Ludlow
Its Mayor

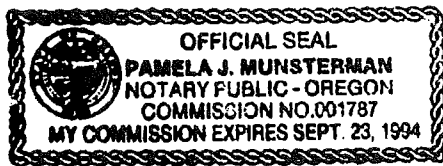
Approved as to form:
Michael E. Kohlhoff
Michael E. Kohlhoff,
City Attorney

Approved as to form:
Richard Drinkwater (12/17/90)
Richard Drinkwater
City Engineer

CWDC: COLUMBIA-WILLAMETTE DEVELOPMENT COMPANY, an Oregon corporation
By [Signature]
Its VIC PRESIDENT

STATE OF OREGON)
County of Clackamas) ss.

The foregoing instrument was acknowledged before me on this 20th day of December, 1990 by John M. Ludlow, who is the Mayor of THE CITY OF WILSONVILLE, on behalf of the City.



Pamela J. Munsterman
Notary Public for Oregon
My Commission Expires: 9/23/94

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on this 13th day of December, 1990 by Doug Nichols, who is the Vice President of COLUMBIA-WILLAMETTE DEVELOPMENT COMPANY, an Oregon corporation, on behalf of the corporation.



Stephanie Madzier
Notary Public for Oregon
My Commission Expires: 10-27-94

RMWBLHWHPICWRICPEAS.002

EXHIBIT A
LEGAL DESCRIPTION
(CITY PROPERTY)

PARCEL I: Part of the George L. Curry D.L.C. No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at a point on the Easterly right-of-way line of Interstate Freeway I-5 which point bears West 6393.81 feet and North 2359.77 feet from the Southeast corner of said Curry DLC; thence North $00^{\circ}12'32''$ West along said Easterly right-of-way line, 222.00 feet; thence North $89^{\circ}47'28''$ East, 58.00 feet; thence South $00^{\circ}12'32''$ East 222.00 feet; thence South $89^{\circ}47'28''$ West, 58.00 feet to the point of beginning.

PARCEL II: Part of the George L. Curry D.L.C. No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at a point on the Easterly right-of-way line of Interstate Freeway I-5 which point bears West 6392.79 feet and North 2079.77 feet from the Southeast corner of said Curry D.L.C.; thence North $89^{\circ}47'28''$ East, 120.00 feet; thence North $00^{\circ}12'32''$ West 110.30 feet; thence North $49^{\circ}59'44''$ West 80.97 feet; thence North $00^{\circ}12'32''$ West, 110.28 feet; thence South $89^{\circ}47'28''$ West, 65.00 feet to a point on said Easterly right-of-way line of Interstate Freeway I-5; thence South $00^{\circ}12'32''$ East, along said Easterly right-of-way line 280.00 feet to the point of beginning.

WHPBLHCWLEGAL.D20

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EXHIBIT B
LEGAL DESCRIPTION
(ILLAHEE PROJECT)

A tract of land being a portion of the George L. Curry Donation Land Claim No. 43, situated in the S.E. 1/4, Section 23, and the S.W. 1/4, Section 24, T.38., R.1W., Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a point on the northerly right-of-way line of French Prairie Road, said point also being the initial point of EDGEWATER AT CHARBONNEAU, a subdivision recorded in Book 85, Page 3, Plat Records, Clackamas County, said point being North a distance of 2,518.46 feet and East a distance of 4,482.43 feet from the southeast corner of the George L. Curry DLC; thence, running on said northerly right-of-way line the following courses: South $79^{\circ}53'06''$ West a distance of 505.68 feet to the beginning of a tangent 456.00 foot radius curve right; thence, on said curve through a central angle of $18^{\circ}56'45''$ (the long chord of which bears South $89^{\circ}21'28''$ West, a distance of 150.10 feet) an arc distance of 150.78 feet to the end thereof; thence, North $81^{\circ}10'09''$ West, a distance of 133.96 feet to the beginning of a tangent 244.00 foot radius curve left; thence, on said curve through a central angle of $56^{\circ}27'43''$ (the long chord of which bears South $70^{\circ}36'00''$ West, a distance of 230.84 feet) an arc distance of 240.45 feet to the end thereof; thence, South $42^{\circ}22'08''$ West, a distance of 176.04 feet to the true point of beginning; thence, leaving said right-of-way line and running North $47^{\circ}37'52''$ West, a distance of 316.99 feet; thence, North $12^{\circ}37'34''$ West, a distance of 111.86 feet; thence, North $42^{\circ}22'08''$ East, a distance of 222.36 feet; thence, North $12^{\circ}01'00''$ East, a distance of 140.02 feet to a point on the Ordinary Low Water Line of the Willamette River; thence, southwesterly, along the meanders of the said Low Water Line, to a point where it intersects the east right-of-way line of Interstate Five; thence, along the said east right-of-way line, South $0^{\circ}12'32''$ East, 201.60 feet to an iron rod at the northwest corner of that tract of land conveyed by deed to the City of Wilsonville recorded June 26, 1978, Fee No. 78-27304, Clackamas County deed records; thence, along the north line of said Wilsonville tract, North $89^{\circ}47'28''$ East, 58.00 feet to the northeast corner thereof; thence, along the east line of said Wilsonville tract, South $0^{\circ}12'32''$ East, 222.00 feet; thence, North $89^{\circ}47'28''$ East, 7.00 feet; thence, South $0^{\circ}12'32''$ East, 110.28 feet to an angle point; thence, South $42^{\circ}59'44''$ East, 80.97 feet to an angle point; thence, South $0^{\circ}12'32''$ East, 110.30 feet to an iron pipe at the southeast corner of said Wilsonville tract; thence, South $0^{\circ}12'32''$ East, 53.40 feet; thence, South $53^{\circ}12'14''$ East, 124.07 feet; thence, North $89^{\circ}47'32''$ East, 165.00 feet; thence, North $61^{\circ}29'44''$ East, 333.16 feet, to the west right-of-way line of French Prairie Road as dedicated by Charbonneau VII, The Village at Wilsonville, a subdivision recorded in Book 75, Page 8, Clackamas County deed records; thence, along said west right-of-way line, along a 583.00 foot radius curve to the right, through a central angle of $3^{\circ}56'59''$, (chord bears North $40^{\circ}23'38''$ East, 40.19 feet) an arc distance of 40.19 feet; thence, continuing along the west right-of-way line of said French Prairie Road, North $42^{\circ}22'08''$ East, 134.13 feet to the true point of beginning.

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EASEMENT AGREEMENT

DATE: November 28, 1990
BETWEEN: COLUMBIA-WILLAMETTE DEVELOPMENT CORPORATION ("CWDC")
AND: CHARBONNEAU COUNTY CLUB ("Grantee")

Recitals:

- A. CWDC is the owner of the real property in Clackamas County, Oregon more particularly described in the attached Exhibit A (the "Illahee Property").
- B. Grantee is the lessee of the real property in Clackamas County, Oregon more particularly described in the attached Exhibit B, which real property is located adjacent to the Illahee Property and is leased from the State of Oregon, Division of State Lands, for use as a marina (the "Marina Property").
- C. CWDC desires to grant to Grantee a non-exclusive easement over the Illahee Property for the purposes and subject to the conditions set forth in this Easement Agreement (the "Agreement").

Agreements:

In consideration of the foregoing and the payment by Grantee to CWDC of the amount of \$1.00, receipt of which is hereby acknowledged by CWDC, the parties agree as follows:

- 1. Grant of Easement. CWDC hereby grants and conveys to Grantee a non-exclusive easement over the Illahee Property, for the purposes and subject to the terms and conditions set forth in this Agreement.
- 2. Purposes. The easement granted pursuant to Section 1 is for the sole purposes of (i) construction, installation, maintenance, repair, and replacement of a concrete ramp and wooden walkway for pedestrians substantially as shown on the attached Exhibit C, (ii) use of the concrete ramp and wooden walkway for access to and from the Marina Property by Grantee and Grantee's invitees, licensees, agents, and employees, (iii) use of the existing parking area in the northwest corner of the Illahee Property (as shown on the attached Exhibit D) for parking by Grantee and Grantee's invitees, licensees, agents, and employees; and (iv) use of the existing roads and streets on the Illahee Property for ingress and egress to the existing parking

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area and Marina Property by Grantee and Grantee's invitees, licensees, agents, and employees.

3. Minimum Interference. In exercising its rights under this Agreement, Grantee shall take all reasonable steps to minimize any interference with the use of the Property by the owners, occupants, or other persons entitled to such use.

4. Indemnity. Grantee shall indemnify and hold harmless CWDC from and against any and all claims, losses, liabilities, and expenses (including without limitation attorneys' fees) arising out of or in any way related to use of the Easement Area by and or all persons or Grantee's exercise of its rights under this Agreement.

5. CWDC Rights. Except to the extent expressly granted herein to Grantee, CWDC shall have the full use and control of the Property. Without limiting the generality of the foregoing, CWDC shall have the right to use the Easement Area for any purpose which does not interfere unreasonably with the use thereof by Grantee as provided in this Agreement. CWDC shall also have the right to relocate within the Property all or any part of the Easement Area, so long as CWDC reimburses Grantee for any costs and expenses incurred by Grantee as a result of such relocation. In addition, and also without limiting the generality of the foregoing, CWDC shall have the right to grant to other third parties non-exclusive easement rights with respect to the Easement Area, so long as such rights do not interfere with the rights of Grantee under this Agreement.

6. Binding Effect. This Agreement shall be binding upon and insure to the benefit of the parties and their respective successors and permitted assigns.

7. Assignment. This Agreement may be assigned or otherwise transferred by Grantee only with the written consent of Grantor, which consent shall not unreasonably be withheld.

8. Term. This Agreement shall continue so long as Grantee's lease from the State of Oregon, Division of State Lands for the Marina Property, or any extension thereof, is in full force and effect. Upon termination of said lease, or any extension thereof, this Agreement shall also terminate. Grantee agrees to execute, acknowledge, and deliver to Grantor such instruments(s) as Grantor may reasonably request to evidence such termination.

9. Attorneys' Fees. In the event a suit, action, or other proceeding is instituted to interpret or enforce this Agreement, the prevailing party shall be entitled to recover such amount as the court may adjudge reasonable as attorneys' fees at trial or on any appeal, or review, in addition to all other amounts provided by law.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first shown above.

CWDC: COLUMBIA-WILLAMETTE DEVELOPMENT COMPANY, an Oregon corporation

By: Douglas S. Nichols
Douglas S. Nichols,
Vice President

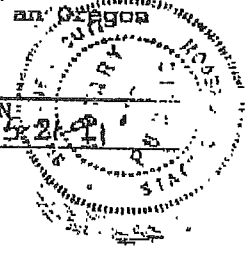
Grantee: CHARBONNEAU COUNTRY CLUB, an Oregon non-profit corporation

By: Walter E. Arzioge
Title: President

STATE OF OREGON)
County of Multnomah) ss.

The foregoing instrument was acknowledged before me this 26th day of November, 1990, by Douglas S. Nichols, as Vice President of Columbia-Willamette Development Company, an Oregon corporation, on behalf of the corporation.

Jacqueline P. Cati
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5-21-91



STATE OF OREGON)
County of CLATSOP) ss.

The foregoing instrument was acknowledged before me this 20 day of November, 1990, by WALTER E. ARZIOGE, as President of Charbonneau Country Club, an Oregon non-profit corporation, on behalf of the corporation.

DEBBIE E. ALEXANDER
NOTARY PUBLIC OREGON
My Commission Expires: 1-15-91

Walter E. Alexander
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-15-94

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3

Illabe (Parcel II)

PROPERTY DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE GEORGE L. CURRY DONATION LAND CLAIM NO. 43 SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, AND THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FRENCH PRAIRIE ROAD, SAID POINT ALSO BEING THE INITIAL POINT OF EDGEWATER AT CHARBONNEAU, A SUBDIVISION RECORDED IN BOOK 86, PAGE 3, PLAT RECORDS, SAID CLACKAMAS COUNTY, SAID POINT BEING NORTH A DISTANCE OF 2,518.46 FEET AND WEST A DISTANCE OF 4,482.43 FEET FROM THE SOUTHEAST CORNER OF THE GEORGE L. CURRY DONATION LAND CLAIM; THENCE, RUNNING ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES: SOUTH 79°53'06" WEST, A DISTANCE OF 505.68 FEET TO THE BEGINNING OF A TANGENT 456.00 FOOT RADIUS CURVE RIGHT; THENCE, ON SAID CURVE THROUGH A CENTRAL ANGLE OF 18°56'45" (THE LONG CHORD OF WHICH BEARS SOUTH 89°21'28" WEST, A DISTANCE OF 150.10 FEET) AN ARC DISTANCE OF 150.78 FEET TO THE END THEREOF; THENCE, NORTH 81°10'09" WEST, A DISTANCE OF 133.96 FEET, TO THE BEGINNING OF A TANGENT 244.00 FOOT RADIUS CURVE LEFT; THENCE, ON SAID CURVE THROUGH A CENTRAL ANGLE OF 56°27'43" (THE LONG CHORD OF WHICH BEARS SOUTH 70°36'00" WEST, A DISTANCE OF 230.84 FEET) AN ARC DISTANCE OF 240.45 FEET TO THE END THEREOF; THENCE, SOUTH 42°22'08" WEST, A DISTANCE OF 176.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE, LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING NORTH 47°37'52" WEST, A DISTANCE OF 129.62 FEET; THENCE, SOUTH 42°22'08" WEST, 33.65 FEET; THENCE, NORTH 47°37'52" WEST, 70.86 FEET; THENCE, NORTH 42°22'08" EAST, 33.65 FEET; THENCE, NORTH 47°37'52" WEST, 116.52 FEET; THENCE, NORTH 12°37'34" WEST, A DISTANCE OF 111.86 FEET; THENCE, NORTH 42°22'08" EAST, A DISTANCE OF 222.36 FEET; THENCE, NORTH 12°01'00" EAST, A DISTANCE OF 140.02 FEET TO A POINT ON THE ORDINARY LOW WATER-LINE OF THE WILLAMETTE RIVER; THENCE, SOUTHWESTERLY ALONG THE MEANDERS OF THE SAID LOW WATERLINE, TO A POINT WHERE IT INTERSECTS THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 5; THENCE, ALONG THE SAID EAST RIGHT-OF-WAY LINE, SOUTH 0°12'12" EAST, 201.60 FEET TO AN IRON ROD AT THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED BY DEED TO THE CITY OF WILSONVILLE RECORDED JUNE 26, 1978, FEE NO. 78-27304, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE NORTH LINE OF SAID WILSONVILLE TRACT, NORTH 89°47'28" EAST, 58.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE, ALONG THE EAST LINE OF SAID WILSONVILLE TRACT SOUTH 0°12'32"

4

Illabee (Parcel 11)

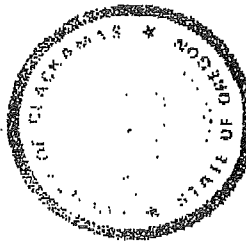
Page 2

EAST, 222.00 FEET; THENCE, NORTH 89°47'28" EAST, 7.00 FEET; THENCE, SOUTH 0°12'32" EAST, 110.28 FEET TO AN ANGLE POINT; THENCE, SOUTH 42°59'44" EAST, 80.97 FEET TO AN ANGLE POINT; THENCE, SOUTH 0°12'32" EAST, 110.30 FEET TO AN IRON PIPE AT THE SOUTHEAST CORNER OF SAID WILSONVILLE TRACT; THENCE, SOUTH 0°12'32" EAST, 53.40 FEET; THENCE, SOUTH 53°12'14" EAST, 124.07 FEET; THENCE, NORTH 89°47'32" EAST, 165.00 FEET; THENCE, NORTH 61°29'44" EAST, 331.16 FEET, TO THE WEST RIGHT-OF-WAY LINE OF FRENCH PRAIRIE ROAD AS DEDICATED BY CHARBONNEAU VII, THE VILLAGE AT WILSONVILLE, A SUBDIVISION RECORDED IN BOOK 75, PAGE 8, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE, ALONG A 581.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 1°56'59" (CHORD BEARS NORTH 40°23'38" EAST, 40.19 FEET) AN ARC DISTANCE OF 40.19 FEET; THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FRENCH PRAIRIE ROAD, NORTH 42°22'08" EAST, 134.13 FEET TO THE TRUE POINT OF BEGINNING.

STATE OF OREGON
 County of Clackamas

I, John F. Kaufman, County Clerk, do hereby certify that the instrument of writing was received for recording in the records of said county at

90 DEC 21 PM 12:57



Witness my hand and seal of said
 County of Clackamas
 John F. Kaufman
 County Clerk

90 62762

5

MODIFICATION AGREEMENT

DATE: Dec 3, 1990

BETWEEN: COLUMBIA-WILLAMETTE DEVELOPMENT COMPANY, ("CWDC")
 an Oregon corporation

AND: CITY OF WILSONVILLE, ("City")
 a municipal corporation

Recitals:

A. CWDC is the owner of the real property in Clackamas County, Oregon, legally described in the attached Exhibit A (the "Property").

B. Pursuant to an instrument recorded on June 26, 1978 as Clackamas County Recorder's Fee No. 78-27304, City was granted an exclusive easement (the "Reservoir Easement") to install, use, maintain, and repair municipal water and sewer lines in, on, over, under, and across that portion of the Property legally described in the attached Exhibit B (the "Reservoir Easement Area").

C. Pursuant to an instrument recorded on September 4, 1987 as Clackamas County Recorder's Fee No. 87-40899, City was granted a non-exclusive easement (the "Utility Easement") to patrol, operate, maintain, repair and replace an underground sanitary sewer, and water pipeline or pipelines in, on, over, under, and across that portion of the Property legally described in the attached Exhibit C (the "Utility Easement Area").

D. The parties desire to modify the Reservoir Easement and the Utility Easement as set forth in this Modification Agreement (the "Agreement").

Agreements:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Access. City's access to the Reservoir Easement Area and the Utility Easement Area shall be limited to those roads constructed on the Property as of the date of this Agreement (the "Existing Roadways"), and City shall not use any other portion of the Property for such access.

FIDELITY NATIONAL TITLE 504731-1

2. Repair. City shall repair or cause to be repaired, at its sole cost and expense, any damage to the Existing Roadways caused by City in exercising its rights pursuant to the Reservoir Easement or Utility Easement that is in excess of that which City would cause through normal and prudent usage of such roadways.

3. Non-Exclusivity of Reservoir Easement. The Reservoir Easement granted and conveyed by CWDC to City and its successors and assigns shall be construed as non-exclusive in that CWDC and its successors and assigns shall have the right to use the Reservoir Easement Area for any purpose, including but not limited to existing roadways, walkways, landscaping, or other improvements, that do not interfere unreasonably with the use thereof by City as provided in the Reservoir Easement.

4. Indemnification. City hereby agrees to indemnify and hold harmless CWDC from and against any and all claims, losses, liabilities, and expenses (including reasonable attorneys' fees) arising out of or in any way related to City's use of the Existing Roadways or any other portion of the Reservoir Easement Area or Utility Easement Area.

5. Effect of Agreement. Except as expressly modified herein, the Reservoir Easement and Utility Easement as originally granted shall remain in full force and effect.

6. Attorneys' Fees. If a suit or an action is instituted in connection with any controversy arising out of this Agreement or to enforce any rights hereunder, the prevailing party shall be entitled to recover such amount as the court may adjudge reasonable as attorneys' or paralegals' fees and costs of litigation at trial or on any appeal or review, in addition to all other amounts provided by law.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first written above.

CWDC:

COLUMBIA-WILLAMETTE
DEVELOPMENT COMPANY,
an Oregon corporation

By [Signature]
Its VICE PRESIDENT

City:

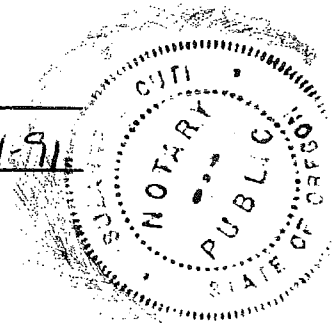
CITY OF WILSONVILLE,
a municipal corporation

By [Signature]
Its Mayor

STATE OF OREGON)
) ss.
County of Multnomah)

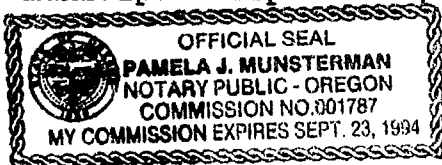
The foregoing instrument was acknowledged before me on this 3rd day of December, 1990 by Doug Richards, who is the Vice President of Columbia-Willamette Development Company, an Oregon corporation, on behalf of the corporation.

[Signature]
Notary Public for Oregon
My Commission Expires: 5-21-91



STATE OF OREGON)
) ss.
County of Clackamas)

The foregoing instrument was acknowledged before me on this 19th day of November, 1990 by John M Ludlow, who is the Mayor of the City of Wilsonville, a municipal corporation, on behalf of the corporation.



[Signature]
Notary Public for Oregon
My Commission Expires: 9/23/94

RMWBLHWHP/CW/WILSONMO.N13

3

EXHIBIT A
LEGAL DESCRIPTION
(FPV PROJECT)

Situate in the southeast quarter of Section 23 and the southwest quarter of Section 24, Township 3 South, Range 1 West, Willamette Meridian, and being a portion of the George L. Curry DLC No. 43, City of Wilsonville, Clackamas County, Oregon, and being described as follows:

Beginning at a point on the northerly right-of-way line of French Prairie Road, said point also being the Initial Point of EDGEWATER AT CHARBONNEAU, a subdivision recorded in Book 86, Page 3, Plat Records, said Clackamas County, said point being NORTH a distance of 2,518.46 feet and EAST a distance of 4,482.43 feet from the southeast corner of the George L. Curry DLC, thence running on said northerly right-of-way line the following courses: South 79°53'06" West a distance of 505.68 feet to the beginning of a tangent 456.00 foot radius curve right; thence on said curve through a central angle of 18°56'45" (the long chord of which bears South 89°21'28" West a distance of 150.10 feet) an arc distance of 150.78 feet to the end thereof; thence North 81°10'09" West a distance of 133.96 feet to the beginning of a tangent 244.00 foot radius curve left; thence on said curve through a central angle of 56°27'43" (the long chord of which bears South 70°36'00" West a distance of 230.84 feet) an arc distance of 240.45 feet to the end thereof; thence South 42°22'08" West a distance of 176.04 feet to a point; thence leaving said right-of-way line and running North 47°37'52" West a distance of 316.99 feet; thence North 12°37'34" West a distance of 111.86 feet; thence North 42°22'08" East a distance of 222.36 feet; thence North 12°01'00" East a distance of 140.02 feet to a point on the low water line (elevation 55.5 feet); thence North 74°21'00" East on said low water line a distance of 181.67 feet; thence leaving said low water line and running North 77°42'00" East a distance of 132.29 feet to a point on the high water line (elevation 62.0 feet); thence on said high water line the following courses: North 75°36'00" East a distance of 96.38 feet; thence North 82°57'00" East a distance of 179.51 feet; thence North 81°39'00" East a distance of 75.76 feet; thence North 70°08'00" East a distance of 173.20 feet to a point; thence leaving said high water line and running South 12°37'34" East a distance of 507.38 feet; thence North 74°51'12" East a distance of 247.04 feet; thence South 16°54'24" East a distance of 114.81 feet to the Point of Beginning

4

EXHIBIT A (continued)
LEGAL DESCRIPTION
(WILLAHEE PROJECT)

A tract of land being a portion of the George L. Curry Donation Land Claim No. 43, situated in the S.E. 1/4, Section 23, and the S.W. 1/4, Section 24, T.3S., R.1W., Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a point on the northerly right-of-way line of French Prairie Road, said point also being the initial point of EDGEWATER AT CHARBONNEAU, a subdivision recorded in Book 86, Page 3, Plat Records, said Clackamas County, said point being North a distance of 2,518.46 feet and East a distance of 4,482.43 feet from the southeast corner of the George L. Curry DLC; thence, running on said northerly right-of-way line the following courses: South $79^{\circ}53'06''$ West a distance of 505.68 feet to the beginning of a tangent 456.00 foot radius curve right; thence, on said curve through a central angle of $18^{\circ}56'45''$ (the long chord of which bears South $89^{\circ}21'28''$ West, a distance of 150.10 feet) an arc distance of 150.78 feet to the end thereof; thence, North $81^{\circ}10'09''$ West, a distance of 133.96 feet to the beginning of a tangent 244.00 foot radius curve left; thence, on said curve through a central angle of $56^{\circ}27'43''$ (the long chord of which bears South $70^{\circ}36'00''$ West, a distance of 230.84 feet) an arc distance of 240.45 feet to the end thereof; thence, South $42^{\circ}22'08''$ West, a distance of 176.04 feet to the true point of beginning; thence, leaving said right-of-way line and running North $47^{\circ}37'52''$ West, a distance of 316.99 feet; thence, North $12^{\circ}37'34''$ West, a distance of 111.86 feet; thence, North $42^{\circ}22'08''$ East, a distance of 222.36 feet; thence, North $12^{\circ}01'00''$ East, a distance of 140.02 feet to a point on the Ordinary Low Water Line of the Willamette River; thence, southwesterly, along the meanders of the said Low Water Line, to a point where it intersects the east right-of-way line of Interstate Five; thence, along the said east right-of-way line, South $0^{\circ}12'32''$ East, 201.60 feet to an iron rod at the northwest corner of that tract of land conveyed by deed to the City of Wilsonville recorded June 26, 1978, Fee No. 78-27304, Clackamas County deed records; thence, along the north line of said Wilsonville tract, North $89^{\circ}47'28''$ East, 58.00 feet to the northeast corner thereof; thence, along the east line of said Wilsonville tract, South $0^{\circ}12'32''$ East, 222.00 feet; thence, North $89^{\circ}47'28''$ East, 7.00 feet; thence, South $0^{\circ}12'32''$ East, 110.28 feet to an angle point; thence, South $42^{\circ}59'44''$ East, 80.97 feet to an angle point; thence, South $0^{\circ}12'32''$ East, 110.30 feet to an iron pipe at the southeast corner of said Wilsonville tract; thence, South $0^{\circ}12'32''$ East, 53.40 feet; thence, South $53^{\circ}12'14''$ East, 124.07 feet; thence, North $89^{\circ}47'32''$ East, 165.00 feet; thence, North $61^{\circ}29'44''$ East, 333.16 feet, to the west right-of-way line of French Prairie Road as dedicated by Charbonneau VII, The Village at Wilsonville, a subdivision recorded in Book 75, Page 8, Clackamas County deed records; thence, along said west right-of-way line, along a 583.00 foot radius curve to the right, through a central angle of $3^{\circ}56'59''$, (chord bears North $40^{\circ}23'38''$ East, 40.19 feet) an arc distance of 40.19 feet; thence, continuing along the west right-of-way line of said French Prairie Road, North $42^{\circ}22'08''$ East, 134.13 feet to the true point of beginning.

5

EXHIBIT B
LEGAL DESCRIPTION
(RESERVOIR EASEMENT AREA)

A tract of land being a portion of the George L. Curry D.L.C. No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon, described as follows:

Beginning at a point which is West 6328.41 feet and North 2249.73 feet from the Southeast corner of said D.L.C.; thence North $00^{\circ}12'32''$ West 37.44 feet; thence South $45^{\circ}04'56''$ East 216.37 feet; thence North $88^{\circ}55'10''$ East 486.75 feet to a point on the Northwesterly right-of-way line of French Prarie Road; thence Southwesterly along the arc of a 583.00 foot radius curve to the left (the cord of which bears South $40^{\circ}23'39''$ West 40.19 feet) a distance of 40.2 feet, more or less, to a point; thence South $88^{\circ}55'10''$ West 476.27 feet; thence North $42^{\circ}49'44''$ West 200.48 feet to the point of beginning.

6

EXHIBIT B
LEGAL DESCRIPTION
(RESERVOIR EASEMENT AREA)

A tract of land being a portion of the George L. Curry D.L.C. No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon, described as follows:

Beginning at a point which is West 6328.41 feet and North 2249.73 feet from the Southeast corner of said D.L.C.; thence North $00^{\circ}12'32''$ West 37.44 feet; thence South $45^{\circ}04'56''$ East 216.37 feet; thence North $88^{\circ}55'10''$ East 486.75 feet to a point on the Northwesternly right-of-way line of French Prarie Road; thence Southwesterly along the arc of a 583.00 foot radius curve to the left (the cord of which bears South $40^{\circ}23'39''$ West 40.19 feet) a distance of 40.2 feet, more or less, to a point; thence South $88^{\circ}55'10''$ West 476.27 feet; thence North $42^{\circ}49'44''$ West 200.48 feet to the point of beginning.

6

EXHIBIT C
LEGAL DESCRIPTION
(UTILITY EASEMENT AREA)

A tract of land situated in the S.E. 1/4 of Section 23 and the S.W. 1/4 of Section 24, T.3S., R.1W., W.M., City of Wilsonville, Clackamas County, Oregon, being more particularly as follows:

A 16.0 foot wide strip of land being 8.0 feet on each side of the following described centerline:

Beginning at a point that bears North 16°54'24" West, 106.81 feet from the Initial Point of "EDGEWATER AT CHARBONNEAU", a subdivision recorded in Book 86, Page 3, Plat Records in Clackamas County;

thence, South 74°51'12" West, 247.96 feet;

thence, South 63°17'46" West, 62.97 feet;

thence, North 33°36'50" West, 120.80 feet;

thence, North 55°07'43" West, 144.27 feet to Point "A";

thence, North 80°54'34" West, 113.94 feet;

thence, South 77°11'46" West, 170.00 feet;

thence, South 60°58'11" West, 266.02 feet;

thence, South 51°38'31" West, 117.61 feet;

thence, South 42°22'01" West, 225.10 feet;

thence, North 47°37'52" West, 169.20 feet;

thence, South 89°53'59" West, 449.77 feet;

thence, South 0°29'21" East, 75.24 feet;

thence, South 66°00'39" West, 6.10 feet to the termination point of said centerline. Said point being South 0°12'32" East, 2.12 feet from the northeast corner of Parcel II as recorded in Fee No. 78-27304, Clackamas County Deed Records.

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TOGETHER WITH the following described centerline:

Beginining at aforementioned Point "A";
thence, North 10°16'34" East, 132.00 feet;
thence, North 10°55'59" West, 14.83 feet;
thence, North 38°46'51" East, 11.36 feet;
thence, North 67°09'00" East, 49.91 feet;
thence, North 27°43'37" East, 48.38 feet;

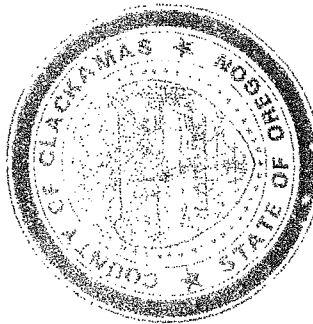
thence, North 78°07'25" East, 61.00 feet to the termination point of said centerline. Said point being North 12°37'34" West, 384.25 feet from the southwest corner of that tract of land described in Fee No. 70-27593, Clackamas County Deed Records.

The sidelines of said 16.0 foot strips are subject to lengthening and/or shortening so as to terminate upon the proper boundaries.

STATE OF OREGON))
County of Clackamas)) ss

I, John F. Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

90 DEC 21 PM 12:57



Witness my hand and seal affixed

John F. Kauffman
JOHN F. KAUFFMAN
County Clerk

Recording Certificate
CCP-R4 (rev. 12/86)

90 62763

8

TERMINATION AGREEMENT

DATE: December 17, 1990

BETWEEN: THE CITY OF WILSONVILLE ("City")

AND: COLUMBIA-WILLAMETTE DEVELOPMENT COMPANY, an Oregon corporation ("CWDC")

Recitals:

A. City is the owner of the real property in Clackamas County, Oregon, more particularly described in the attached Exhibit A ("the "Property").

B. CWDC is the owner of an apartment project on certain real property adjacent to and to the east of the Property, which property is known as Illahee at Charbonneau and is more particularly described in the attached Exhibit B (the "Illahae Property").

C. In connection with the City's operation of the Property, CWDC has granted City an easement providing for ingress and egress to the Property over existing roads and streets on the Illahee Property, which easement is dated December 17, 1990 (the "Easement Agreement").

D. As a result of the rights granted City under the Easement Agreement, an easement agreement between City and CWDC's predecessor in interest, Willamette Factors, Inc., providing for ingress and egress to the Property and dated August 15, 1978 (the Willamette Easement) is no longer necessary for City's use and enjoyment of the Property, and CWDC desires and City is willing to terminate the Willamette Easement on the terms and conditions set forth in this Termination Agreement ("the Agreement").

Agreements:

In consideration of the foregoing and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by City, the parties agree as follows:

1. Termination. City hereby relinquishes all rights granted and conveyed to City by and through the Willamette Easement and said easement shall terminate as of the date of this Agreement.

2. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

FIDELITY NATIONAL TITLE 504731-1

3. Attorney's Fees. In the event a suit or action is instituted to interpret or enforce this Agreement, the prevailing party shall be entitled to recover such amount as the court may adjudge reasonable as attorneys' or paralegals' fees and expense of litigation at trial or on any appeal or review, in addition to all other amounts provided by law.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first shown above.

CITY:

THE CITY OF WILSONVILLE

By

John M. Theobald

Its Mayor

Approved as to Form:

Michael E. Köhlhoff
Michael E. Köhlhoff, City Attorney

Approved as to Legal Description:

Richard H. Dintubler (12/17/90)
City Engineer

CWDC:

COLUMBIA-WILLAMETTE DEVELOPMENT
COMPANY, an Oregon coproaction

By

Wm. J. ...

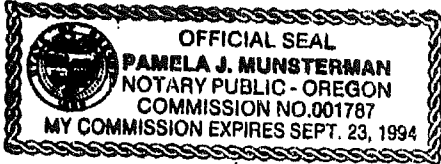
Its

VICE PRESIDENT.

2

STATE OF OREGON)
) ss.
County of Clackamas)

The foregoing instrument was acknowledged before me on this 20th day of December, 1990 by John M. Judlow, who is the Mayor of THE CITY OF WILSONVILLE, on behalf of the City.



Pamela J. Munsterman
Notary Public for Oregon,
My Commission Expires: 9/23/94

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on this 13th day of December, 1990 by Doug Nichols, who is the Vice President of COLUMBIA-WILLAMETTE DEVELOPMENT COMPANY, an Oregon corporation, on behalf of the corporation.



Stephanie Madzier
Notary Public for Oregon,
My Commission Expires: 10-27-94

3

EXHIBIT A
LEGAL DESCRIPTION
(CITY PROPERTY)

PARCEL I: Part of the George L. Curry D.L.C. No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at a point on the Easterly right-of-way line of Interstate Freeway I-5 which point bears West 6393.81 feet and North 2359.77 feet from the Southeast corner of said Curry DLC; thence North 00°12'32" West along said Easterly right-of-way line, 222.00 feet; thence North 89°47'28" East, 58.00 feet; thence South 00°12'32" East 222.00 feet; thence South 89°47'28" West, 58.00 feet to the point of beginning.

PARCEL II: Part of the George L. Curry D.L.C. No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at a point on the Easterly right-of-way line of Interstate Freeway I-5 which point bears West 6392.79 feet and North 2079.77 feet from the Southeast corner of said Curry D.L.C.; thence North 89°47'28" East, 120.00 feet; thence North 00°12'32" West 110.30 feet; thence North 49°59'44" West 80.97 feet; thence North 00°12'32" West, 110.28 feet; thence South 89°47'28" West, 65.00 feet to a point on said Easterly right-of-way line of Interstate Freeway I-5; thence South 00°12'32" East, along said Easterly right-of-way line 280.00 feet to the point of beginning.

WHPBLH\CW\LEGAL.D20

4

EXHIBIT B
LEGAL DESCRIPTION
(WILLAHEE PROJECT)

A tract of land being a portion of the George L. Curry Donation Land Claim No. 43, situated in the S.E. 1/4, Section 23, and the S.W. 1/4, Section 24, T.3S., R.1W., Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a point on the northerly right-of-way line of French Prairie Road, said point also being the initial point of EDGEWATER AT CHARBONNEAU, a subdivision recorded in Book 86, Page 3, Plat Records, said Clackamas County, said point being North a distance of 2,518.46 feet and East a distance of 4,482.43 feet from the southeast corner of the George L. Curry DLC; thence, running on said northerly right-of-way line the following courses: South $79^{\circ}53'06''$ West a distance of 505.68 feet to the beginning of a tangent 456.00 foot radius curve right; thence, on said curve through a central angle of $18^{\circ}56'45''$ (the long chord of which bears South $89^{\circ}21'28''$ West, a distance of 150.10 feet) an arc distance of 150.78 feet to the end thereof; thence, North $81^{\circ}10'09''$ West, a distance of 133.96 feet to the beginning of a tangent 244.00 foot radius curve left; thence, on said curve through a central angle of $56^{\circ}27'43''$ (the long chord of which bears South $70^{\circ}36'00''$ West, a distance of 230.84 feet) an arc distance of 240.45 feet to the end thereof; thence, South $42^{\circ}22'08''$ West, a distance of 176.04 feet to the true point of beginning; thence, leaving said right-of-way line and running North $47^{\circ}37'52''$ West, a distance of 316.99 feet; thence, North $12^{\circ}37'34''$ West, a distance of 111.86 feet; thence, North $42^{\circ}22'08''$ East, a distance of 222.36 feet; thence, North $12^{\circ}01'00''$ East, a distance of 140.02 feet to a point on the Ordinary Low Water Line of the Willamette River; thence, southwesterly, along the meanders of the said Low Water Line, to a point where it intersects the east right-of-way line of Interstate Five; thence, along the said east right-of-way line, South $0^{\circ}12'32''$ East, 201.00 feet to an iron rod at the northwest corner of that tract of land conveyed by deed to the City of Wilsonville recorded June 26, 1978, Fee No. 78-27304, Clackamas County deed records; thence, along the north line of said Wilsonville tract, North $89^{\circ}47'28''$ East, 58.00 feet to the northeast corner thereof; thence, along the east line of said Wilsonville tract, South $0^{\circ}12'32''$ East, 222.00 feet; thence, North $89^{\circ}47'28''$ East, 7.00 feet; thence, South $0^{\circ}12'32''$ East, 110.28 feet to an angle point; thence, South $42^{\circ}59'44''$ East, 80.97 feet to an angle point; thence, South $0^{\circ}12'32''$ East, 110.30 feet to an iron pipe at the southeast corner of said Wilsonville tract; thence, South $0^{\circ}12'32''$ East, 53.40 feet; thence, South $53^{\circ}12'14''$ East, 124.07 feet; thence, North $89^{\circ}47'32''$ East, 165.00 feet; thence, North $61^{\circ}29'44''$ East, 333.16 feet, to the west right-of-way line of French Prairie Road as dedicated by Charbonneau VII, The Village at Wilsonville, a subdivision recorded in Book 75, Page 8, Clackamas County deed records; thence, along said west right-of-way line, along a 583.00 foot radius curve to the right, through a central angle of $3^{\circ}56'59''$, (chord bears North $40^{\circ}23'38''$ East, 40.19 feet) an arc distance of 40.19 feet; thence, continuing along the west right-of-way line of said French Prairie Road, North $42^{\circ}22'08''$ East, 134.13 feet to the true point of beginning.

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WARRANTY DEED

CLACKAMAS
PROPERTY

KNOW ALL MEN BY THESE PRESENTS, That WILLAMETTE FACTORS, INC., an Oregon corporation, hereinafter called the Grantor, for the consideration hereinafter states, to Grantor paid by the CITY OF WILSONVILLE, a municipal corporation of Washington and Clackamas Counties, State of Oregon, hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the said Grantee and Grantee's successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

PARCEL I: Part of the George L. Curry D.L.C. No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at a point on the Easterly right-of-way line of Interstate Freeway I-5 which point bears West 6393.81 feet and North 2359.77 feet from the Southeast corner of said Curry DLC; thence North 00°12'32" West along said Easterly right-of-way line, 222.00 feet; thence North 89°47'28" East, 58.00 feet; thence South 00°12'32" East 222.00 feet; thence South 89°47'28" West, 58.00 feet to the point of beginning.

PARCEL II: Part of the George L. Curry D.L.C. No. 43, in Section 25, Township 3 South, Range 1 West of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at a point on the Easterly right-of-way line of Interstate Freeway I-5 which point bears West 6392.79 feet and North 2079.77 feet from the Southeast corner of said Curry D.L.C.; thence North 89°47'28" East, 120.00 feet; thence North 00°12'32" West 110.30 feet; thence North 42°59'44" West 80.97 feet; thence North 00°12'32" West, 110.28 feet; thence South 89°47'28" West, 65.00 feet to a point on said Easterly right-of-way line of Interstate Freeway I-5; thence South 00°12'32" East, along said Easterly right-of-way line 280.00 feet to the point of beginning.

TOGETHER WITH an exclusive permanent easement for the installation, use, maintenance and repair of municipal water and sewer lines in, on, over, under and across that part of the George L. Curry D.L.C. No. 43 in Section 25, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon, described as follows:

Beginning at a point which is West 6328.41 feet and North 2249.73 feet from the Southeast corner of said D.L.C.; thence North 00°12'32" West 37.44 feet; thence South 45°04'56" East 216.37 feet; thence North 88°55'10" East 486.75 feet to a point on the Northwesterly right-of-way line of French Prairie Road; thence Southwesterly along the arc of a 583.00 foot radius curve to the left (the chord of which bears South 40°23'39" West 40.19 feet) a distance of 40.2 feet, more or less, to a point; thence South 88°55'10" West 476.27 feet; thence North 42°49'44" West 200.48 feet to the point of beginning.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's successors and assigns forever.

And said Grantor hereby covenants to and with said Grantee and Grantee's successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except:

1. Limited access provisions contained in Deed to the State of Oregon by and through its State Highway Commission, which provided that no right of easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property, said Deed being recorded October 16, 1951 in Clackamas County Deed Records Book 449, Page 609 and also recorded December 22, 1969, Fee No. 67-1662 of Clackamas County Records.

RESERVE & EXISTING PIPE EASEMENTS (B) (P)

2. Water agreement, including the terms and provisions thereof dated November 13, 1967, and recorded November 15, 1967 in Clackamas County Records, Fee No. 67-1662.

3. Road Agreement, including the terms and provisions thereof, dated November 13, 1967, and recorded November 15, 1967, in Clackamas County Records, Fee No. 67-1663.

4. Agreement, including the terms and provisions thereof, dated October 20, 1976, and recorded January 14, 1977, in Clackamas County Records, Fee No. 77-1642.

and that Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$7,770.00, which is the whole consideration.

IN WITNESS WHEREOF, the Grantor has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its Board of Directors, this 12 day of June, 1978.

WILLAMETTE FACTORS, INC. Grantor

By: Patrick C. Jordan
Patrick C. Jordan, President

By: Ken Lien
Ken Lien, Secretary

STATE OF OREGON }
County of Multnomah } ss.

Personally appeared PATRICK C. JORDAN and KEN LIEN, who being duly sworn, each for himself and not one for the other, did say that the former is the President and that the latter is the Secretary of WILLAMETTE FACTORS, INC., an Oregon corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

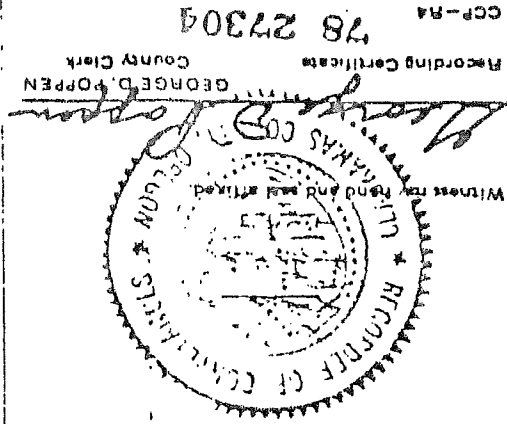
June 12, 1978

BEFORE ME:

Maxim Sheets
Notary Public for Oregon
My Commission Expires: 4-30-82

WILLAMETTE FACTORS, INC. Grantor
1 S.W. Columbia Street
Portland, Oregon 97258
CITY OF WILSONVILLE Grantee
P. O. Box 229
Wilsonville, Oregon 97070
After Recording Return to:
BEITIS & REIF, Attorneys
160 N.W. Third Avenue
Canby, Oregon 97013
Mail Future Tax Statements to:
CITY OF WILSONVILLE
P. O. Box 220
Wilsonville, Oregon 97070

STATE OF OREGON)
County of Clackamas) ss.
I, George D. Poppen, County Clerk, ex-officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, for
the County of Clackamas, do hereby certify that
the within instrument of writing was received for
and recorded in the records of said county at



TRANSFER AND ASSIGNMENT

WILLAMETTE FACTORS, INC., an Oregon corporation, for a valuable consideration, does herewith sell, assign, transfer and set over unto CHARBONNEAU COUNTRY CLUB, a non-profit Oregon corporation, all of the following property and rights:

(1) That certain permit granted by the Department of the Army authorizing the construction of a moorage facility consisting of two dolphins, nine single piles, floats and finger piers for moorage of 37 boats and an access ramp located in the Willamette River mile 38.3 at Wilsonville, Oregon, with the identification marks of 001400 (Willamette River-Moorage) which said permit together with the Notice of Authorization is attached hereto.

(2) That certain Submerged and submersible Land Lease between the State of Oregon, acting by and through the Division of State Lands, as Lessor, and Willamette Factors, Inc., as Lessee, which encompasses all state owned submerged land in the Willamette River between the Ordinary Low Water line of the right bank and a line parallel to and 100 feet distant riverward from the Ordinary Low Water line of said right bank, to-wit:

Beginning at a point where the Ordinary Low Water line of the right bank is intersected by the east right-of-way line of Interstate Highway 5; thence running downstream a distance of 525 feet, encompassing 1.20 acres, more or less, all in Section 25, Township 3 South, Range 1 West, WM, Clackamas County, Oregon.

This lease commenced March 1, 1977, and continues through February 28, 1997. This said lease is attached to this Transfer and Assignment. (This Transfer and Assignment is subject to the consent by the Lessor, which consent is now being sought by Lessee).

(3) The moorage facility in place which consists of two dolphins, nine single piles, floats, finger piers and an access ramp.

This Transfer and Assignment is subject to the conditions subsequent which are:

(1) the strict compliance with the terms and provisions of the permit issued by the Department of the Army of the United States.

(2) the performance of all of the terms, covenants and conditions contained in the Submerged and Submersible Land Lease to be maintained and performed by the Lessee therein and to the same extent as if Charbonneau Country Club were named as the Lessee therein.

(3) to keep in good order and repair the marina and to supervise and police the use thereof in a manner supportive of the overall objectives for the Club.

Executed pursuant to appropriate resolution, August 27, 1979.

WILLAMETTE FACTORS, INC.

By

Patrick C. Jordan

President

Application No. 071-OYA-1-001400

Name of Applicant Willamette Factors, Inc.

Effective Date 8 July 1976

Expiration Date (If applicable) 31 July 1979

DEPARTMENT OF THE ARMY
PERMIT

Referring to written request dated 24 January 1974 for a permit to:

Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

Willamette Factors, Inc. (Here insert the full name and address of the permittee)
Charbonneau Village Center
Wilsonville, Oregon 97070

is hereby authorized by the Secretary of the Army:

to construct a moorage facility, the work is to consist of 2 dolphins, 9 single piles, floats and finger piers for moorage of 37 boats and an access ramp. (Here describe the proposed structure or activity, and its intended use. In the case of an application for a fill permit, describe the structures, if any, proposed to be erected on the fill. In the case of an application for the discharge of dredged or fill material into navigable waters or the transportation for discharge in ocean waters of dredged material, describe the type and quantity of material to be discharged.)

in Willamette River mile 38.3 (Here to be named the ocean, river, harbor, or waterway concerned.)

at Wilsonville, Oregon (Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks);

001400 (Willamette River-Moorage)

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306 and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife and natural environmental values.

e. That the permittee agrees to prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

f. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

h. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not stated on or before 31st day of July, 1977, (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before 31st day of July, 1979, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and condition of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

The following Special Conditions will be applicable when appropriate:

STRUCTURES FOR SMALL BOATS: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

DISCHARGE OF DREDGED MATERIAL INTO OCEAN WATERS: That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

ERECTION OF STRUCTURE IN OR OVER NAVIGABLE WATERS: That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

MAINTENANCE DREDGING: (1) That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (ten years unless otherwise indicated); and (2) That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

II. Special Conditions (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

- aa. All construction debris will be disposed of on land in such a manner that it cannot enter into the waterway.
- bb. All piling and lumber treated with creosote or other protective material will be completely dry before use in or near the waterway.
- cc. Care will be taken to prevent any petroleum products, chemicals or other deleterious materials from entering the water.
- dd. Work in the waterway will be done so as to minimize turbidity increases in the water which tend to degrade water quality and damage aquatic life.
- ee. The facility is to be constructed as close to shore as feasible.
- ff. The permittee agrees and understands that this permit is granted to serve for the whole of the property known as Charbonneau Village. Specifically, the present riparian frontage of approximately onemile is designated to be served by this installation. The permittee further agrees that if any of this riparian frontage is sold, leased, or the use thereof otherwise transferred, such sale, lease or other transfer shall be subject to the encumbrance of this designated servitude and such encumbrance shall be recorded with the Washington County Recorder.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

ILLUMINATE PROPERTIES, INC.
Patrick C. Jordan, President

 PERMITTEE

0 8 76

 DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

 HARVEY L. ARNOLD, JR.
 Colonel, Corps of Engineers
 DISTRICT ENGINEER,
 U.S. ARMY, CORPS OF ENGINEERS

8 July 1976

 DATE
R. J. Heine
 By A. J. HEINEMAN
 Chief, Navigation Division

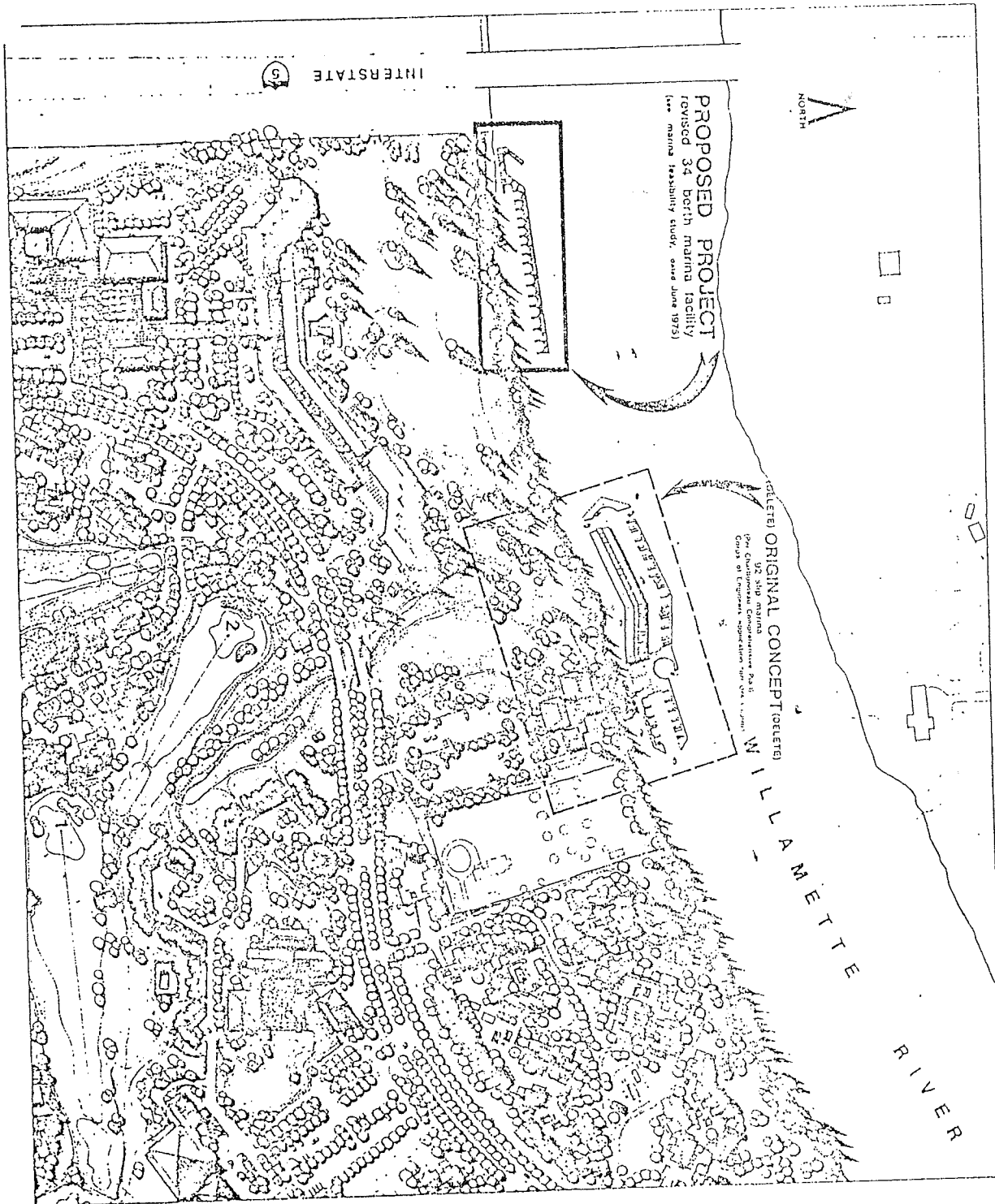
Transferee hereby agrees to comply with the terms and conditions of this permit.

Patrick C. Jordan, President

 TRANSFEREE
Charbonneau Camtray Club

August 27, 1979

 DATE



#071-OYA-1-001400

SUBMERGED AND SUBMERSIBLE LAND LEASE

ML-0504-S

The parties to this lease are the STATE OF OREGON, acting by and through the Division of State Lands, hereinafter referred to as STATE, (Lessor) and WILLAMETTE FACTORS, INC., hereinafter referred to as LESSEE.

STATE leases to LESSEE on the terms and conditions stated below the following described lands:

All STATE-owned submerged land in the Willamette River between the Ordinary Low Water line of the right bank and a line parallel to and 100 feet distant riverward from the Ordinary Low Water line of said right bank.

Beginning at a point where the Ordinary Low Water line of the right bank is intersected by the east right-of-way line of Interstate Highway 5; thence running downstream a distance of 525 feet, encompassing 1.20 acres, more or less, all in Section 25, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

Plat 31W25.

I
TERM

This lease shall commence March 1, 1977 and continue through February 28, 1997.

II
RENTAL

LESSEE shall pay to STATE as rental the sum of \$ 265 per year subject to an initial redetermination any time after five years and any subsequent redeterminations. Rent shall be payable not later than the 10th day of March of each year in advance at the office of the Division of State Lands, Salem, Oregon, except that rent for the first year has been paid upon the execution of this lease, and STATE acknowledges receipt of this sum.

LESSEE fully acknowledges the character of the leased lands and assumes any risk of using the same.

III
REDETERMINATION

STATE may redetermine the yearly rental sum at any time after the period specified in paragraph II of this lease. Subsequent redeterminations may be made at any time, but the period between redeterminations must be at least the period of time specified in paragraph II for the initial redetermination. The LESSEE shall be notified of the redetermined value at least 30 days prior to the due date of the yearly rental sum. The redetermined yearly rent shall commence with the year immediately following the redetermination.

In the event, LESSEE does not agree on any redetermined yearly rent by STATE, including a redetermination pursuant to a partial termination of the lease, LESSEE may apply to any court of record for the appointment of an arbitrator and thereafter the arbitration proceedings shall be in accordance with ORS 33.210 to 33.340.

IV
PURPOSE

The leased lands shall be used by LESSEE for a small boat marina and for no other purposes without the written consent of STATE. This lease does not authorize any injury to private property or invasion of private rights, or any infringement of federal, state, or local laws or regulations, nor does it obviate the necessity of obtaining other federal, state or local government's assent required by law for the structure or work proposed. LESSEE shall conform to all applicable laws and regulations of any public authority respecting the lands and use. (Federal law prohibits any construction of work riverward of the normal high waterline unless a valid permit for said work is obtained from the United States Army Corps of Engineers. See Section 10 of the Act of 3 March 1899 (30 Stat. 1151; 33 USC 403)).

V
ASSIGNMENT

Except as otherwise provided herein, the leased lands or any part thereof shall not be assigned, mortgaged or subleased, nor shall any right of use of said lands be conferred on any third person by any other means without the prior consent of STATE.

- STATE may consent to an assignment of lease (novation) provided:
- a. A fee of \$50 is prepaid to cover administrative costs, and
 - b. LESSEE has satisfied all conditions of the lease precedent to assignment, and
 - c. The STATE standard form application for assignment is completed by both LESSEE and assignee.

Subject to approval of STATE and upon request, LESSEE will obtain release from liability after assignment.

VI
RIGHT OF WAY

The interest of LESSEE under this lease shall at all times be subject to STATE granting right-of-ways in and over the said lands, or any part thereof, for railroad, telegraph and telephone poles, electric poles, oil pipelines,

water pipes, irrigation or other water canals and ditches, and to lease all or part thereof for discovery, development and production of petroleum, mineral oil or minerals of any nature whatsoever, provided such right-of-way or lease does not unreasonably interfere with the purpose of this lease.

VII DEFAULT

The following shall be events of default:

- a. Delinquency in the payment of rent in excess of 60 days beyond the rental due date unless specifically extended in writing by STATE. Within 40 days after the rental due date, the STATE shall notify the LESSEE by registered or certified mail of the pending default. Failure of LESSEE to receive or to acknowledge receipt of notice shall not invalidate the default.
- b. Failure of LESSEE to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within 10 days after written notice by STATE specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the 10-day period, this provision shall be complied with if LESSEE begins correction of the default within the 10-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.
- c. Failure of LESSEE to use the leased lands for the purposes authorized under the terms of this lease.
- d. LESSEE maintaining a nuisance on the leased lands.
- e. Failure to remove any lien or encumbrance placed upon the leased lands.

VIII TERMINATION

In the event of default by LESSEE, the lease may be unilaterally terminated at the option of the STATE by notice in writing to the LESSEE. The notice may be included in a notice of failure of compliance given under paragraph VIII.

STATE will consent to termination of all or part of the lease:

- a. If intended operations under lease are halted by another governmental agency and such action is not due to action or failure to act by LESSEE, or
- b. Upon application of LESSEE providing LESSEE has satisfied all conditions of the lease precedent to date of termination and, in addition, upon payment of one-quarter, or the equivalent thereof, the total sum of future rentals as consideration for said termination, or
- c. Upon mutual consent and such termination would be in the best interest of both the people and natural resources of the state.

Upon partial termination of this lease, STATE shall make a redetermination of the lands remaining subject to lease, and redetermine the rent therefore accordingly.

IX
REMEDIES

In the event of unilateral termination, STATE may elect to pursue whatever legal, equitable, or other remedies are available to it. In case of termination, or at the expiration of the term of this lease, the STATE may re-enter, take possession of the state lands and remove any persons or property by legal action.

In the event STATE brings suit to compel performance of any term or condition of this lease, or to recover for breach of such term or condition, the prevailing party shall recover in addition to costs and disbursements, such sums as the court may adjudge reasonable as attorney fees, including any appeals therefrom.

X
MAILING ADDRESS

Any notice required or permitted under this lease shall be given when actually delivered or when deposited in the United States mail as registered or certified mail addressed as follows:

TO STATE: Division of State Lands
1445 State Street
Salem, Oregon 97310

TO LESSEE: Willamette Factors, Inc.
Charbonneau Village Center
Wilsonville, OR 97070

or to such other address as may be specified from time to time by either the STATE or LESSEE in writing.

XI
TAXES, LIENS

LESSEE shall pay all taxes or assessments levied upon the leased land during the term of the lease. LESSEE shall not cause any liens or encumbrances to be imposed upon the lease land and if any lien or encumbrance is imposed upon such land, LESSEE shall proceed immediately to remove said lien or encumbrance.

XII
INDEMNIFICATION

LESSEE shall be responsible and liable for all injuries to persons, or property resulting from any negligence or otherwise tortious acts or omissions of LESSEE, its servants or agents. LESSEE shall indemnify the STATE and hold it harmless against any and all claims, demands, lawsuits, injuries, damages, and costs, including litigation costs, which STATE may sustain by reason of any such acts or omissions.

XIII
BOND
(Optional)

LESSEE shall furnish STATE a performance bond in the sum of \$ N/A, written by a surety company, authorized to do business in the State of Oregon and must be signed by an authorized attorney in fact and countersigned by an authorized resident agent. If LESSEE shall faithfully and truly observe and comply with the terms, conditions and provisions of this lease, in all respects, and shall well and truly and fully do and perform all the things required by STATE, then the obligation of LESSEE, and surety of LESSEE, shall be void, otherwise to remain in full force and effect.

STATE may, in its discretion, waive the provisions of this section by giving LESSEE written notice of such waiver.

XIV
EXPIRATION

Upon expiration of the lease term or earlier termination on account of default, or mutual consent, LESSEE shall surrender the leased lands in substantially their original condition. STATE may require LESSEE, within a reasonable time after expiration or termination, to restore the leased lands to substantially their original condition.

XV
HOLDOVER

If the LESSEE does not vacate the lease premises at the time required, the STATE shall have the option to treat the LESSEE as a lessee from month to month, subject to all the provisions of this lease except the provision for TERM. In the event of a holdover and the STATE exercises its option to treat the holdover as a month to month tenancy, the monthly rental fee shall be 1/12 of the yearly rental fee.

IN WITNESS WHEREOF, the said parties have on this 27th day of MAR^{ch}, 1977, in pursuance of due authority given, caused this instrument to be executed in duplicate.

STATE (lessor):

STATE OF OREGON
Division of State Lands

By 

Director

LESSEE: WILLAMETTE FACTORS, INC.



President



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

NOTICE OF AUTHORIZATION

8 July 1976

A PERMIT TO construct a moorage facility, the work is to consist of 2 dolphins, 9 single piles, floats and finger piers for moorage of 37 boats and an access ramp.


AT Wilsonville, OR

HAS BEEN ISSUED TO Willamette Factors, Inc.

ON 8 July 19 76

ADDRESS OF PERMITTEE Charbonneau Village Center
Wilsonville, OR 97070

PERMIT NUMBER -001400
(Willamette R-Moorage)


A. J. HEINEMAN
for the District Engineer

ENG Form 4336
Jul 70

THIS NOTICE MUST BE CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK.

* GPO: 1971 O-415-598

cc-Winnie
Ed
original to Ken

ASSIGNMENT OF LEASE

For good and valuable consideration received, I hereby assign to CHARBONNEAU COUNTRY CLUB all my right, title, and interest in the attached Lease No. ML-0509-S dated MARCH 17, 1977, by and between the State of Oregon acting by the Division of State Lands (Lessor) and WILLAMETTE FACTORS, INC. (Lessee), covering the use of the real property and improvements described therein situated in CLACKAMAS County, Oregon. This assignment is not valid until the Division of State Lands issues its written consent.

Dated this 18 day of SEPTEMBER, 19 79.

WILLAMETTE FACTORS, INC.
Patrick Jordan, President
Assignor

I, CHARBONNEAU COUNTRY CLUB, hereby acknowledge the within assignment and agree to be bound by all the terms, conditions, obligations, and liabilities therein mentioned and in any way connected with the said lease and to faithfully perform all provisions therein contained.

Dated this 18 day of SEPTEMBER, 19 79.

SHUTE 1800, 15W COLUMBIA
(Address)

Portland OREGON 97258
(City) (State) (Zip)

Patrick Jordan, President
Assignee

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH

Submitted and sworn to before me this 18th day of September, 19 79, by the above-named PATRICK C. JORDAN (Assignor) who acknowledged to me that he executed the foregoing assignment of his free will and choice.

Marilyn Sheets
Notary Public, in and for the said
County and State
My Commission expires: 4-30-82

(Seal)

The State of Oregon, acting by the Division of State Lands in the above-mentioned lease, hereby acknowledges and consents to this assignment.

Dated at Salem, Oregon, this 18 day of October, 19 79.

DIVISION OF STATE LANDS
William S. Cox
Director

Agreement for Charbonneau Country Club to Install New Access Ramp to Charbonneau Dock

Between: Charbonneau Country Club (hereinafter referred to as CCC)

And: FAOF ILLAHEE, LLC (hereinafter referred to as Haven at Charbonneau)

Dated: December 29, 2014

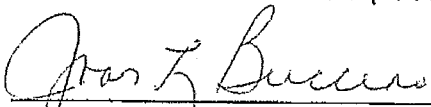
Recital:

CCC is the owner of a boat dock moored on the Willamette River adjacent to the Haven Apartment complex in Charbonneau, which is owned by Haven at Charbonneau. CCC has an easement through the apartment complex for access to the boat dock. In 2010, heavy rains and high water on the river caused erosion to the existing footpath that connected to CCC's boat dock. The dock has not been accessible by land since the erosion slide occurred.

CCC desires to create a new access to the boat dock approximately 75 feet south of the current "washed-out" pathway. The new access to the dock will consist of a free-standing ramp, which will not be hindered by future high water conditions from the river. The boat dock is one of many CCC amenities offered to the community, including residents of Haven Apartments.

Therefore, it is mutually agreed between both parties in this Agreement that:

1. CCC shall pay for all costs incurred for the installation of a new ramp to the boat dock, including but not limited to, manufacturing of the ramp, surveying and engineering services, municipal and state permits, and installation. No costs shall be incurred by Haven at Charbonneau.
2. CCC agrees to indemnify and hold harmless Haven at Charbonneau, its employees, agents and residents, for any liability in conjunction with the project to install the ramp and provide a Certificate of Insurance, naming Haven at Charbonneau as Additional Insured.
3. CCC shall strive to keep disruption to Haven at Charbonneau tenants and employees to a minimum. The ramp will be built off-site. Installation of the ramp is expected to take one to three days. Use of a crane will be required.
4. Haven at Charbonneau agrees to this project to re-establish access to CCC's boat dock, by providing written approval on all permits and documents required by the City of Wilsonville, Clackamas County, and State of Oregon agencies with regard to the installation of a new ramp on the Willamette River.



Joan Buccino, President
Charbonneau Country Club

Date: 1/21/15



~~David Seiler~~
Executive Vice President

Date: 1-20-15

20-
25

EASEMENT AGREEMENT

DATE: November 28, 1990
BETWEEN: COLUMBIA-WILLAMETTE DEVELOPMENT CORPORATION ("CWDC")
AND: CHARBONNEAU COUNTY CLUB ("Grantee")

FIDELITY NATIONAL TITLE 504731-1

Recitals:

- A. CWDC is the owner of the real property in Clackamas County, Oregon more particularly described in the attached Exhibit A (the "Illahee Property").
- B. Grantee is the lessee of the real property in Clackamas County, Oregon more particularly described in the attached Exhibit B, which real property is located adjacent to the Illahee Property and is leased from the State of Oregon, Division of State Lands, for use as a marina (the "Marina Property").
- C. CWDC desires to grant to Grantee a non-exclusive easement over the Illahee Property for the purposes and subject to the conditions set forth in this Easement Agreement (the "Agreement").

Agreements:

In consideration of the foregoing and the payment by Grantee to CWDC of the amount of \$1.00, receipt of which is hereby acknowledged by CWDC, the parties agree as follows:

- 1. Grant of Easement. CWDC hereby grants and conveys to Grantee a non-exclusive easement over the Illahee Property, for the purposes and subject to the terms and conditions set forth in this Agreement.
- 2. Purpose(s). The easement granted pursuant to Section 1 is for the sole purposes of (i) construction, installation, maintenance, repair, and replacement of a concrete ramp and wooden walkway for pedestrians substantially as shown on the attached Exhibit C, (ii) use of the concrete ramp and wooden walkway for access to and from the Marina Property by Grantee and Grantee's invitees, licensees, agents, and employees, (iii) use of the existing parking area in the northwest corner of the Illahee Property (as shown on the attached Exhibit D) for parking by Grantee and Grantee's invitees, licensees, agents, and employees; and (iv) use of the existing roads and streets on the Illahee Property for ingress and egress to the existing parking

area and Marina Property by Grantee and Grantee's invitees, licensees, agents, and employees.

3. Minimum Interference. In exercising its rights under this Agreement, Grantee shall take all reasonable steps to minimize any interference with the use of the Property by the owners, occupants, or other persons entitled to such use.

4. Indemnity. Grantee shall indemnify and hold harmless CWDC from and against any and all claims, losses, liabilities, and expenses (including without limitation attorneys' fees) arising out of or in any way related to use of the Easement Area by and/or all persons or Grantee's exercise of its rights under this Agreement.

5. CWDC Rights. Except to the extent expressly granted herein to Grantee, CWDC shall have the full use and control of the Property. Without limiting the generality of the foregoing, CWDC shall have the right to use the Easement Area for any purpose which does not interfere unreasonably with the use thereof by Grantee as provided in this Agreement. CWDC shall also have the right to relocate within the Property all or any part of the Easement Area, so long as CWDC reimburses Grantee for any costs and expenses incurred by Grantee as a result of such relocation. In addition, and also without limiting the generality of the foregoing, CWDC shall have the right to grant to other third parties non-exclusive easement rights with respect to the Easement Area, so long as such rights do not interfere with the rights of Grantee under this Agreement.

6. Binding Effect. This Agreement shall be binding upon and insure to the benefit of the parties and their respective successors and permitted assigns.

7. Assignment. This Agreement may be assigned or otherwise transferred by Grantee only with the written consent of Grantor, which consent shall not unreasonably be withheld.

8. Term. This Agreement shall continue so long as Grantee's lease from the State of Oregon, Division of State Lands for the Marina Property, or any extension thereof, is in full force and effect. Upon termination of said lease, or any extension thereof, this Agreement shall also terminate. Grantee agrees to execute, acknowledge, and deliver to Grantor such instrument(s) as Grantor may reasonably request to evidence such termination.

9. Attorneys' Fees. In the event a suit, action, or other proceeding is instituted to interpret or enforce this Agreement, the prevailing party shall be entitled to recover such amount as the court may adjudge reasonable as attorneys' fees at trial or on any appeal, or review, in addition to all other amounts provided by law.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first shown above.

CWDC: COLUMBIA-WILLAMETTE DEVELOPMENT COMPANY, an Oregon corporation

By: Douglas S. Nichols
Douglas S. NICHOLS,
Vice President

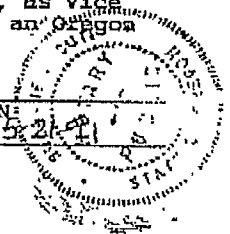
Grantee: CHARBONNEAU COUNTRY CLUB,
an Oregon non-profit corporation

By: Walter E. Arziogse
title: President

STATE OF OREGON)
County of Multnomah) ss.

The foregoing instrument was acknowledged before me this 28th day of November, 1990, by Douglas S. Nichols, as Vice President of Columbia-Willamette Development Company, an Oregon corporation, on behalf of the corporation.

Jacqueline C. Cati
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5-21-91



STATE OF OREGON)
County of CLATSOP) ss.

The foregoing instrument was acknowledged before me this 20 day of November, 1990, by WALTER E. ARZIOGSE, as PRESIDENT of Charbonneau Country Club, an Oregon non-profit corporation, on behalf of the corporation.

DUBBIE E. ALEXANDER
NOTARY PUBLIC OREGON
My Commission Expires: 4-15-94

Walter E. Arziogse
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4-15-94

3
3

Illahce (Parcel II)

PROPERTY DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE GEORGE L. CURRY DONATION LAND CLAIM NO. 43 SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, AND THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FRENCH PRAIRIE ROAD, SAID POINT ALSO BEING THE INITIAL POINT OF EDGEWATER AT CHARBONNEAU, A SUBDIVISION RECORDED IN BOOK 86, PAGE 3, PLAT RECORDS, SAID CLACKAMAS COUNTY, SAID POINT BEING NORTH A DISTANCE OF 2,518.46 FEET AND WEST A DISTANCE OF 4,482.43 FEET FROM THE SOUTHEAST CORNER OF THE GEORGE L. CURRY DONATION LAND CLAIM; THENCE, RUNNING ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES: SOUTH 79°53'06" WEST, A DISTANCE OF 505.68 FEET TO THE BEGINNING OF A TANGENT 456.00 FOOT RADIUS CURVE RIGHT; THENCE, ON SAID CURVE THROUGH A CENTRAL ANGLE OF 18°56'45" (THE LONG CHORD OF WHICH BEARS SOUTH 89°21'28" WEST, A DISTANCE OF 150.10 FEET) AN ARC DISTANCE OF 150.78 FEET TO THE END THEREOF; THENCE, NORTH 81°10'09" WEST, A DISTANCE OF 133.96 FEET, TO THE BEGINNING OF A TANGENT 244.00 FOOT RADIUS CURVE LEFT; THENCE, ON SAID CURVE THROUGH A CENTRAL ANGLE OF 56°27'43" (THE LONG CHORD OF WHICH BEARS SOUTH 70°36'00" WEST, A DISTANCE OF 230.84 FEET) AN ARC DISTANCE OF 240.45 FEET TO THE END THEREOF; THENCE, SOUTH 42°22'08" WEST, A DISTANCE OF 176.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE, LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING NORTH 47°37'52" WEST, A DISTANCE OF 129.62 FEET; THENCE, SOUTH 42°22'08" WEST, 53.65 FEET; THENCE, NORTH 47°37'52" WEST, 70.86 FEET; THENCE, NORTH 42°22'08" EAST, 33.65 FEET; THENCE, NORTH 47°37'52" WEST, 116.52 FEET; THENCE, NORTH 12°37'34" WEST, A DISTANCE OF 111.86 FEET; THENCE, NORTH 42°22'08" EAST, A DISTANCE OF 222.36 FEET; THENCE, NORTH 12°01'00" EAST, A DISTANCE OF 140.02 FEET TO A POINT ON THE ORDINARY LOW WATERLINE OF THE WILLAMETTE RIVER; THENCE, SOUTHWESTERLY ALONG THE MEANDERS OF THE SAID LOW WATERLINE, TO A POINT WHERE IT INTERSECTS THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 5; THENCE, ALONG THE SAID EAST RIGHT-OF-WAY LINE, SOUTH 0°12'32" EAST, 201.60 FEET TO AN IRON ROD AT THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED BY DEED TO THE CITY OF WILSONVILLE RECORDED JUNE 26, 1978, FEE NO. 78-27304, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE NORTH LINE OF SAID WILSONVILLE TRACT, NORTH 89°47'28" EAST, 58.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE, ALONG THE EAST LINE OF SAID WILSONVILLE TRACT SOUTH 0°12'32"

4

Exhibit A.

Illabee (Parcel 11)

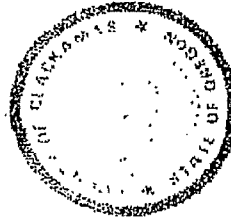
Page 2

EAST, 222.00 FEET; THENCE, NORTH 89°47'28" EAST, 7.00 FEET; THENCE, SOUTH 0°12'32" EAST, 110.28 FEET TO AN ANGLE POINT; THENCE, SOUTH 42°59'44" EAST, 80.97 FEET TO AN ANGLE POINT; THENCE, SOUTH 0°12'32" EAST, 110.30 FEET TO AN IRON PIPE AT THE SOUTHEAST CORNER OF SAID WILSONVILLE TRACT; THENCE, SOUTH 0°12'32" EAST, 53.40 FEET; THENCE, SOUTH 53°12'14" EAST, 124.07 FEET; THENCE, NORTH 89°47'32" EAST, 165.00 FEET; THENCE, NORTH 61°29'44" EAST, 333.16 FEET, TO THE WEST RIGHT-OF-WAY LINE OF FRENCH PRAIRIE ROAD AS DEDICATED BY CHARBONNEAU VII, THE VILLAGE AT WILSONVILLE, A SUBDIVISION RECORDED IN BOOK 75, PAGE 8, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE, ALONG A 583.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 3°56'59" (CHORD BEARS NORTH 40°23'38" EAST, 40.19 FEET) AN ARC DISTANCE OF 40.19 FEET; THENCE, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FRENCH PRAIRIE ROAD, NORTH 42°22'08" EAST, 134.13 FEET TO THE TRUE POINT OF BEGINNING.

STATE OF OREGON
County of Clackamas

I, John F. Kaufman, County Clerk for the County of Clackamas, do hereby certify that the instrument of which this is a copy was duly recorded in the records of said county at

90 DEC 21 PM 12:51



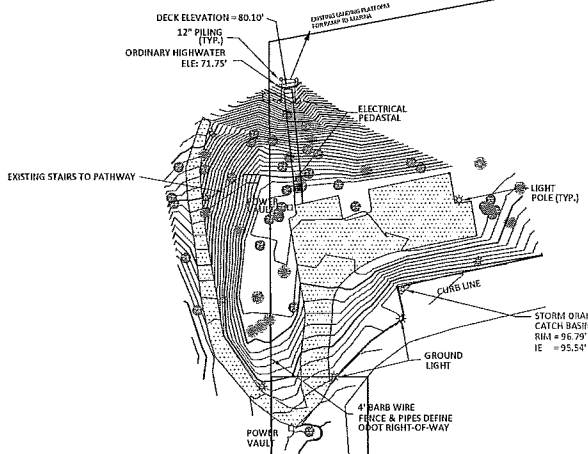
Witness my hand and seal of said County of Clackamas
John F. Kaufman
County Clerk

90-62762

5

Preliminary Plans

WILLAMETTE RIVER



ILLAHEE APPARTMENTS
ILLAHEE FEE OWNERS, LLC.

TAX LOT 318

ODOT RIGHT-OF-WAY I5

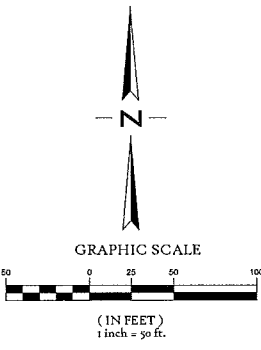
CITY OF WILSONVILLE
TAX LOT 308

ACCESS EASEMENT
CENTERLINE
AS TRAVELED

SW ILLAHEE COURT

SW CURRY DRIVE

TAX MAP
T35 R1W 25



P206
 PIONEER DESIGN GROUP, INC.
 8020 SW WASHINGTON SQUARE RD.
 SUITE 110
 PORTLAND, OREGON 97239
 P 503.281.8248
 F 503.281.8248
 www.pdg-app.com

OWNERSHIP AFFECTED BY DOCK
ACCESS- EXISTING & PROPOSED

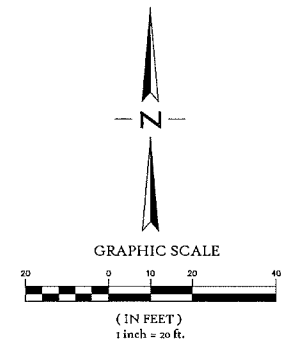
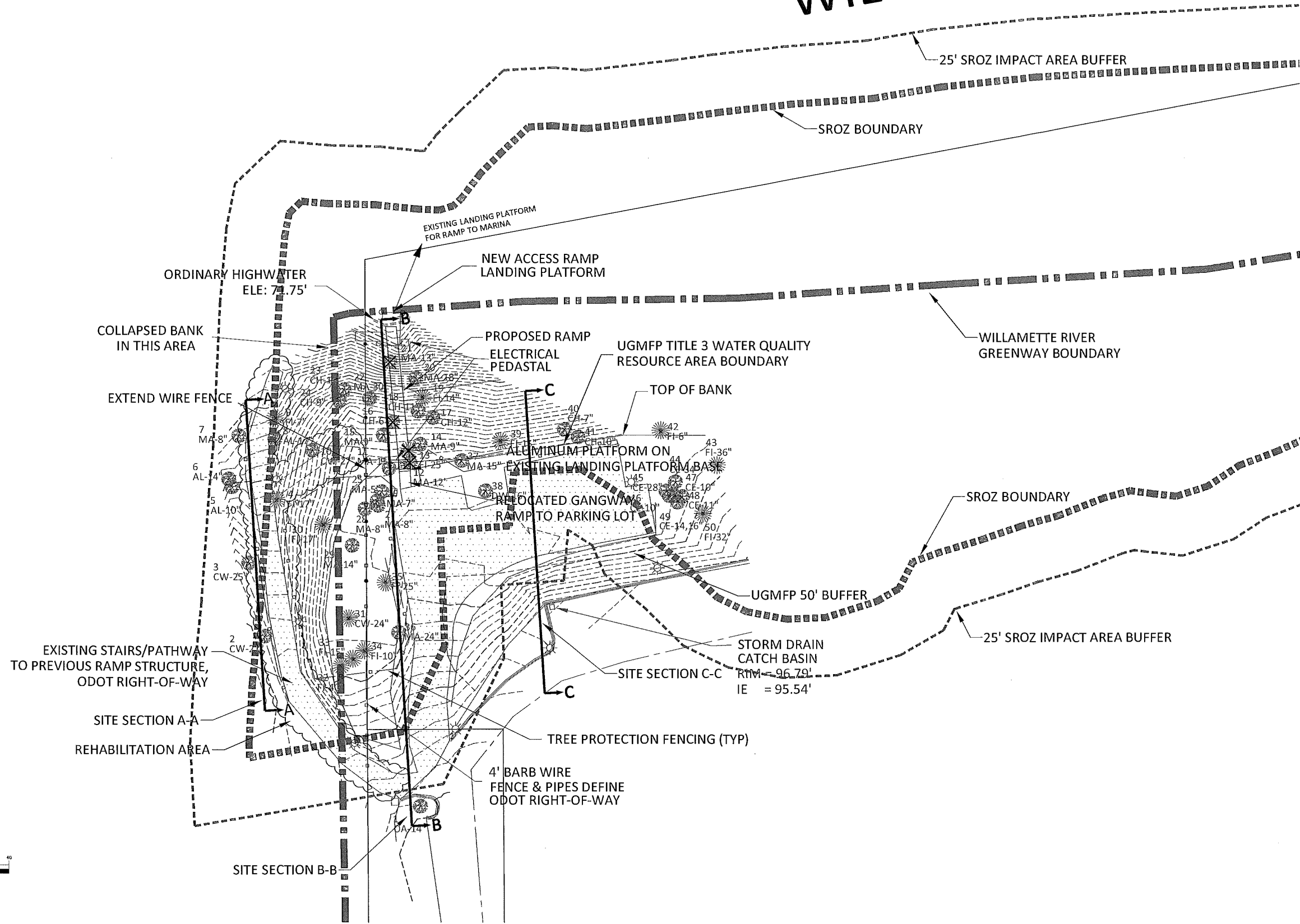
CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	06/2015
Drawn by	TCC	Date	06/2015
Reviewed by	BA	Date	06/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5(10)0.dwg		

By	
Revision	
Date	
No.	

Project	CHARBONNEAU DOCK
No.	999-146.5
Type	PLANNING
Sheet	1 of 7

WILLAMETTE RIVER



8020 SW WASHINGTON SQUARE RD.
SUITE 170
PORTLAND, OREGON 97239
PHONE: 503.443.8290
F: 503.718.6793
www.pdg-arc.com

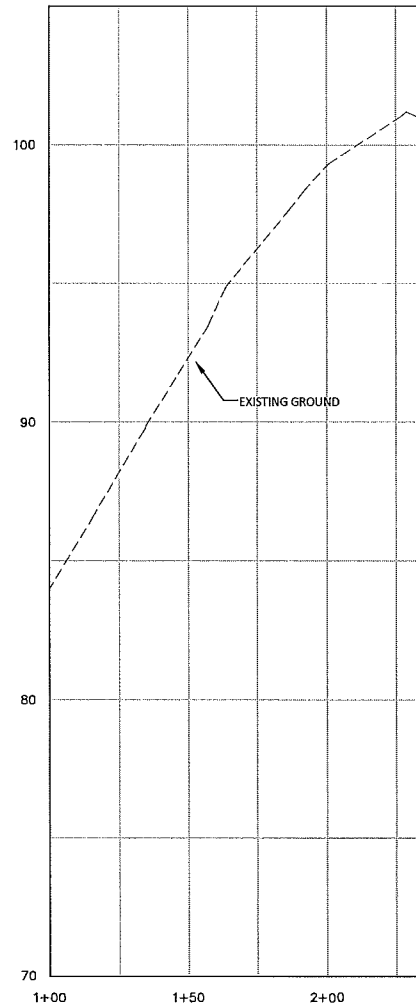
PDG
PIONEER DESIGN GROUP, INC.

SROZ/GREENWAY ZONING

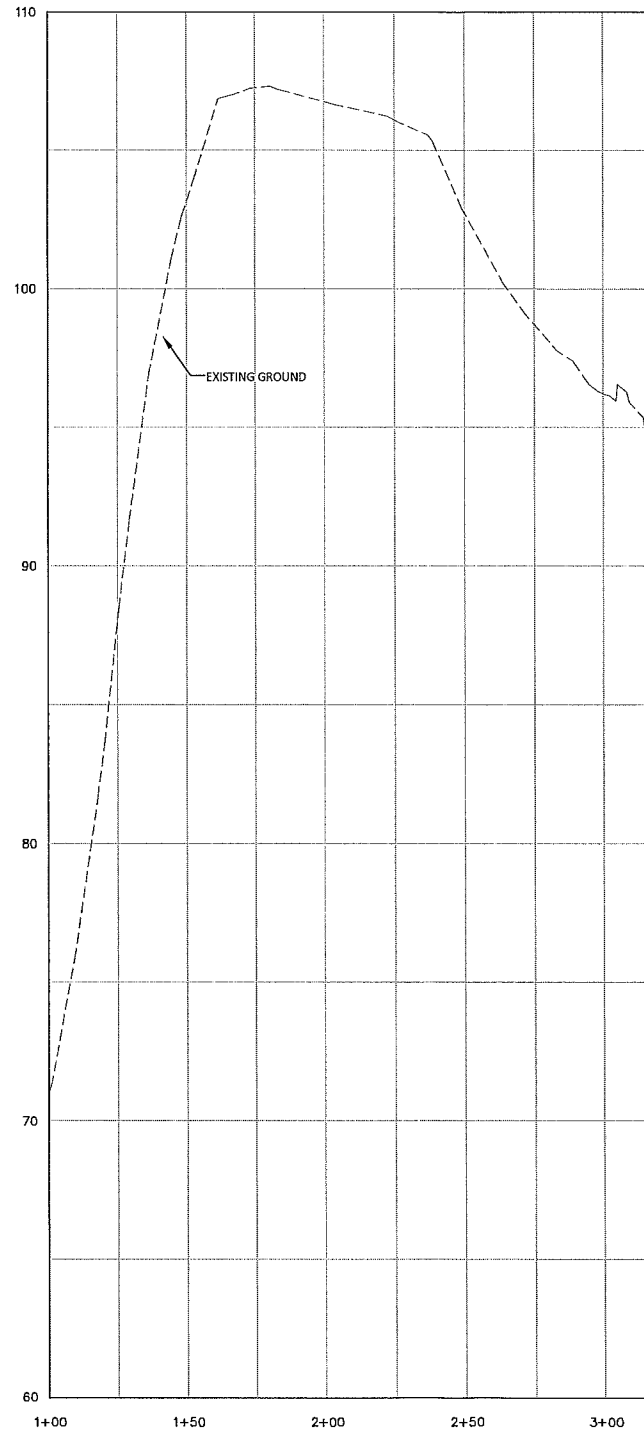
CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	06/2015
Drawn by	TCC	Date	06/2015
Reviewed by	BA	Date	06/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5 TO POA		

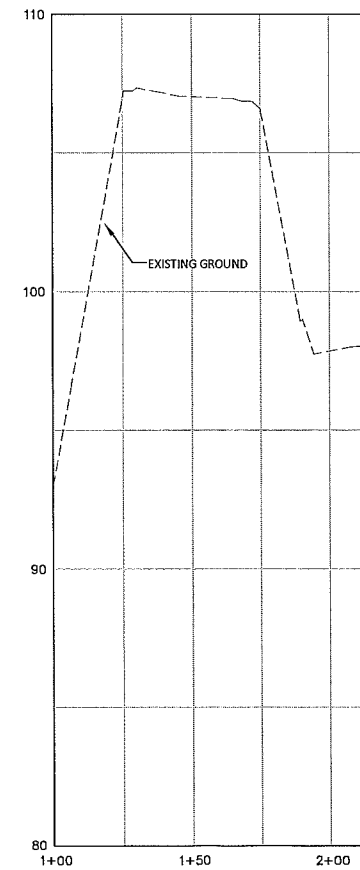
Revision		Date	
No.			
Project	CHARBONNEAU DOCK		
No.	999-146.5		
Type	PLANNING		
Sheet	3 of 7		



SITE SECTION A-A
 HORZ: 1"=30'
 VERT: 1"=3'



SITE SECTION B-B
 HORZ: 1"=30'
 VERT: 1"=3'



SITE SECTION C-C
 HORZ: 1"=30'
 VERT: 1"=3'

9000 SW WASHINGTON SQUARE RD.
 SUITE 100
 PORTLAND, OREGON 97223
 P 503.643.0288
 F 503.643.0288
 WWW.PDGP.COM



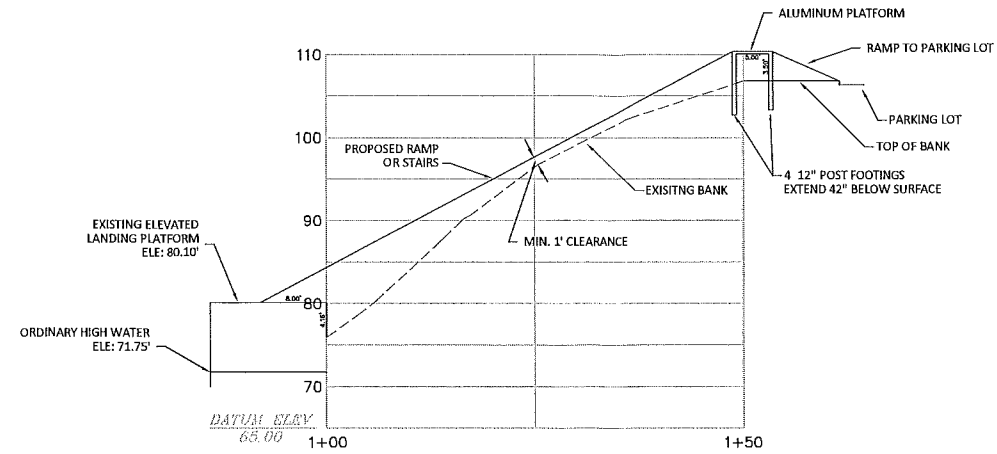
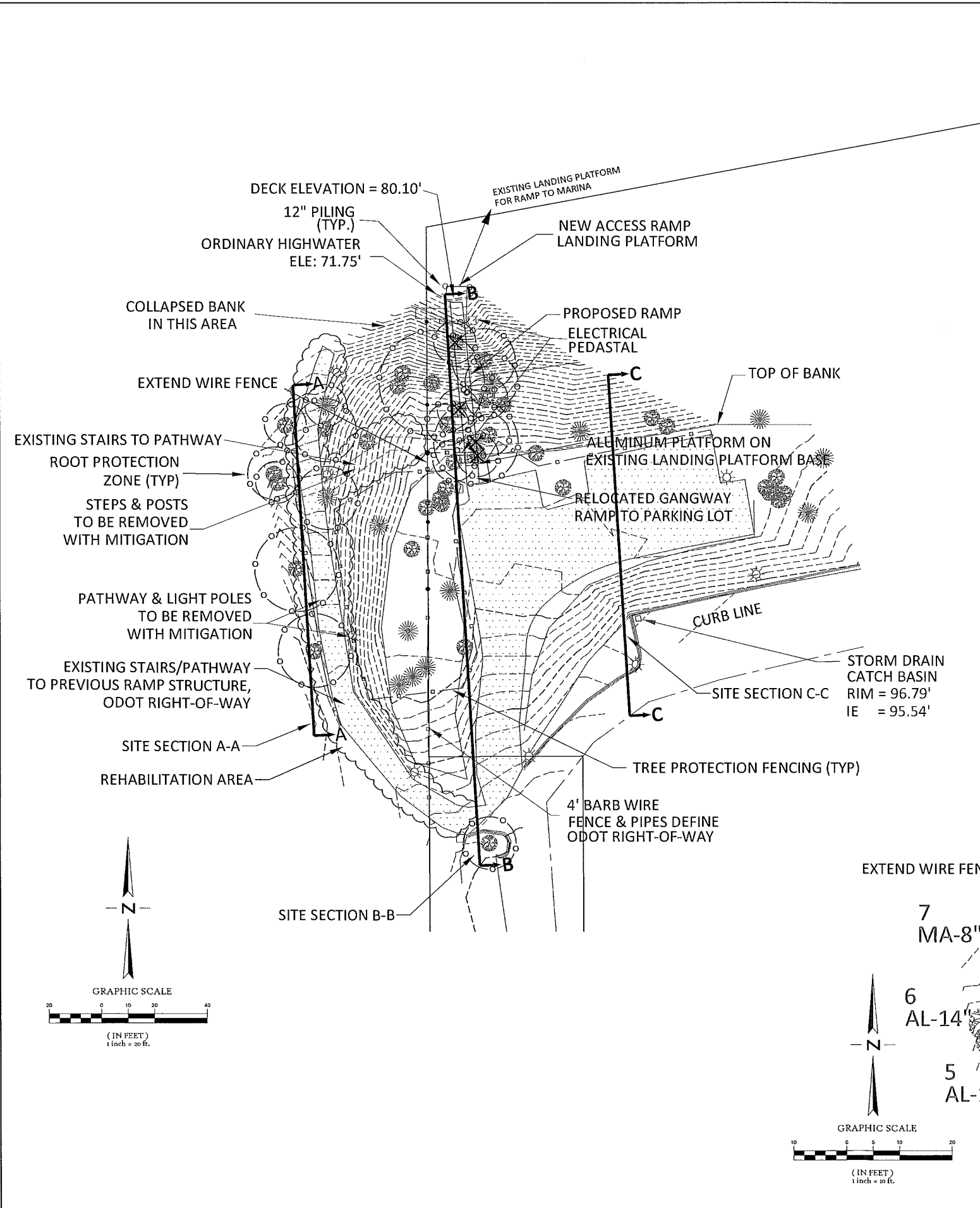
SITE SECTIONS

CHARBONNEAU DOCK
 CITY OF WILSONVILLE, OREGON

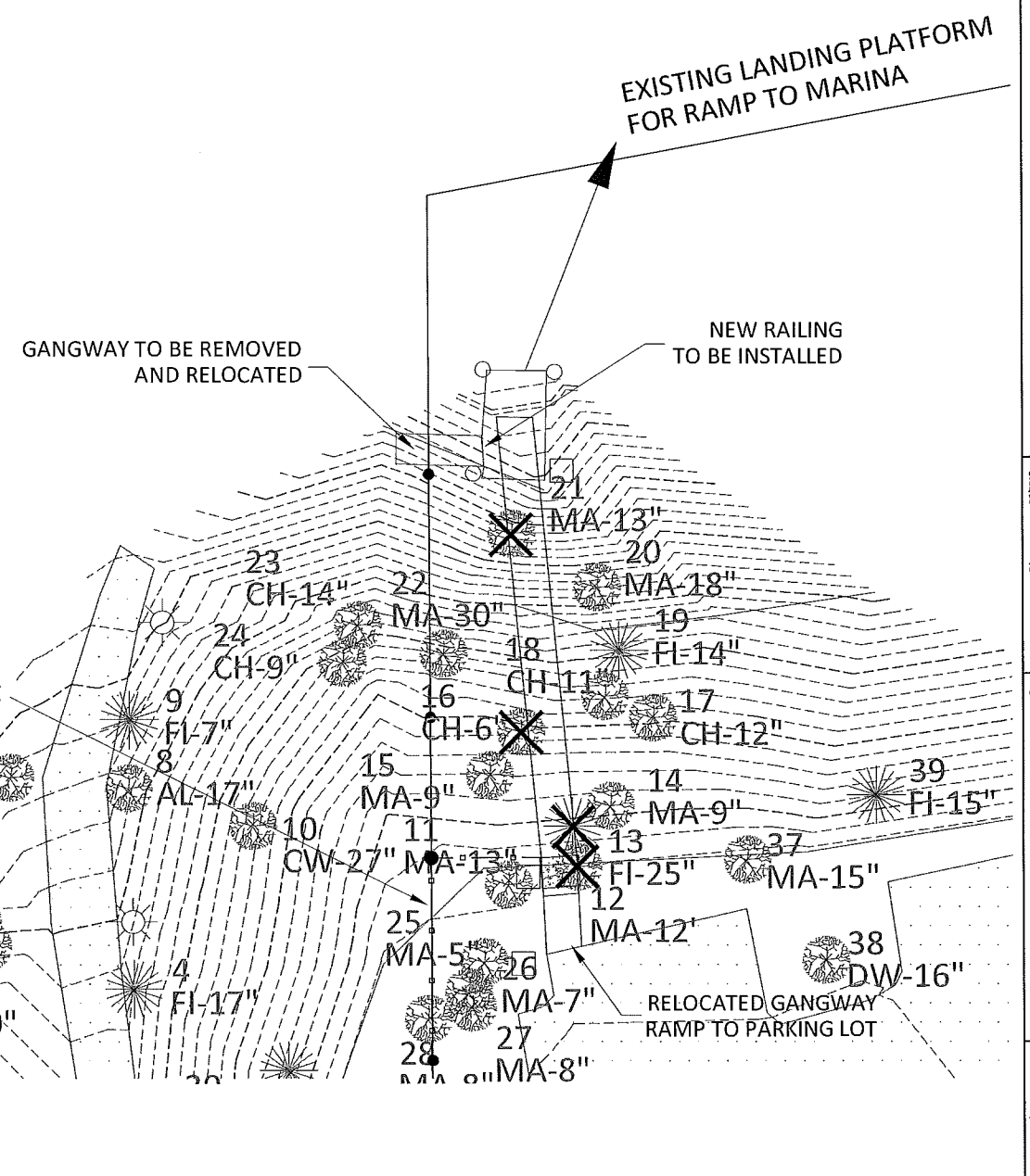
Designed by	BA	Date	07/2015
Drawn by	TCC	Date	07/2015
Reviewed by	BA	Date	07/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5/100.0		

Revision	By	Date

Project
 CHARBONNEAU DOCK
 No.
 999-146.5
 Type
 PLANNING
 Sheet
4 of **7**



RAMP PROFILE
SCALE: 1"=10'



850 SW WASHINGTON SQUARE RD.
PORTLAND, OREGON 97233
P 503.643.0286
F 503.643.0283
www.pdg.com

PDG
PIONEER DESIGN GROUP, INC.

PROPOSED SITE PLAN

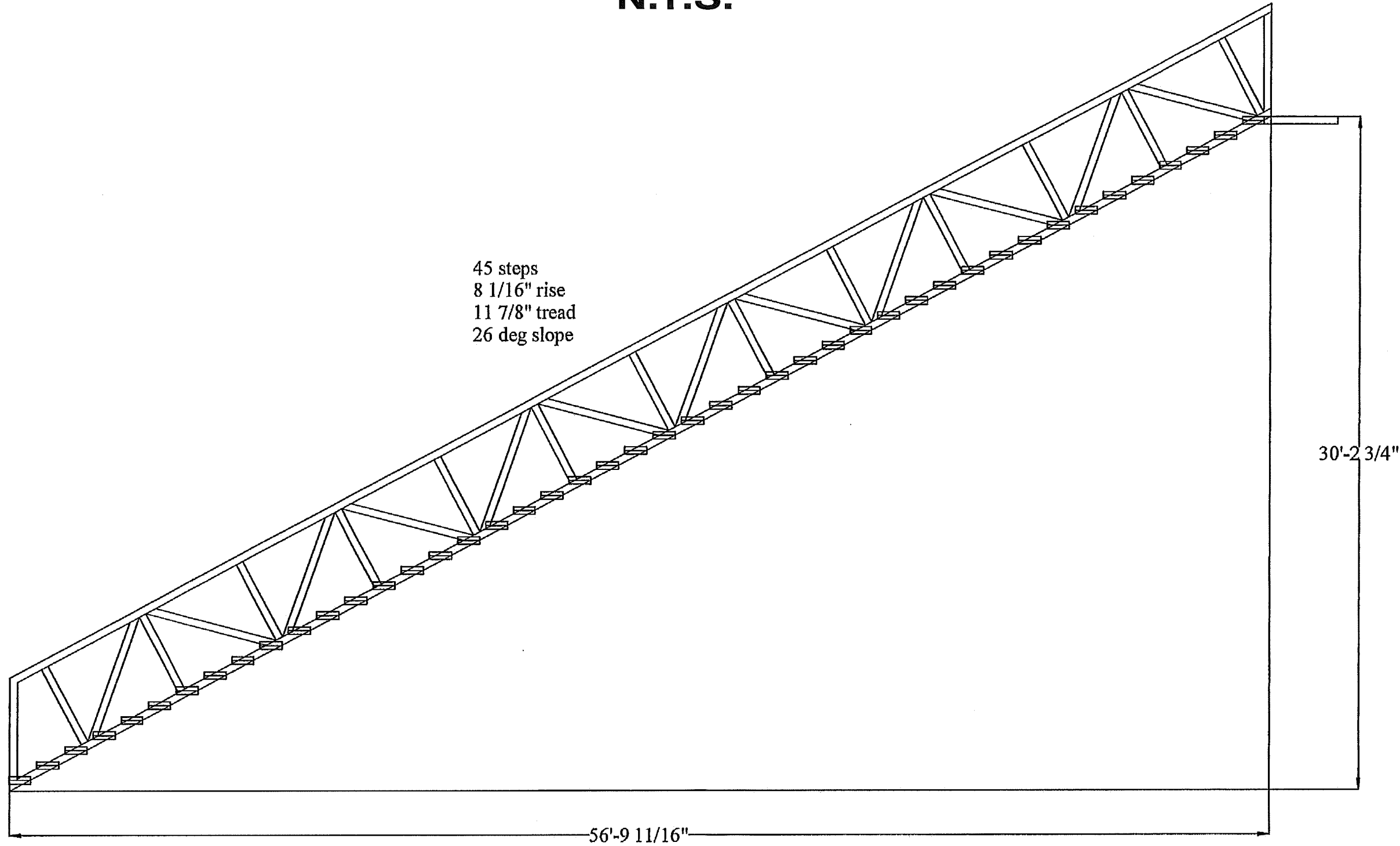
CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed By	BA	Date	06/20/15
Drawn By	TCC	Date	06/20/15
Reviewed By	BA	Date	06/20/15
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5/DPO.dwg		

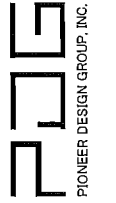
Revision 1 03/11/15

Project
CHARBONNEAU DOCK
No.
999-146.5
Type
PLANNING
Sheet
5 of 7

RAMP DETAIL N.T.S.



8020 SW WASHINGTON SQUARE RD.
SUITE 1700
PORTLAND, OREGON 97223
P 503.843.8288
F 503.715.4793
WWW.PDG.COM



PIONEER DESIGN GROUP, INC.

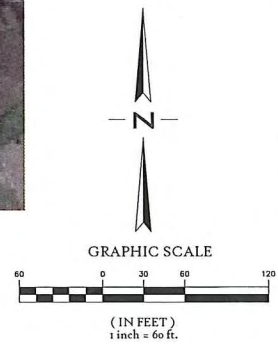
RAMP DETAIL

CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	07/2015
Drawn by	TCC	Date	07/2015
Reviewed by	BA	Date	07/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146-5.DWG		

Revision	
Date	
No.	

Project
CHARBONNEAU DOCK
No.
999-146.5
Type
PLANNING
Sheet
6 of 7



AERIAL PLAN

CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	08/2015
Drawn by	TCC	Date	08/2015
Reviewed by	BA	Date	08/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5/DPO.dwg		

By	
Revision	
Date	
No.	

Project
No. CHARBONNEAU DOCK
999-146.5
Type
PLANNING
Sheet
7 of **7**

P.D.G.
PIONEER DESIGN GROUP, INC.
9020 SW WASHINGTON SQUARE RD.
SUITE 170 PORTLAND, OREGON 97223
503.643.8888
F 503.643.8888
www.pdg-pp.com

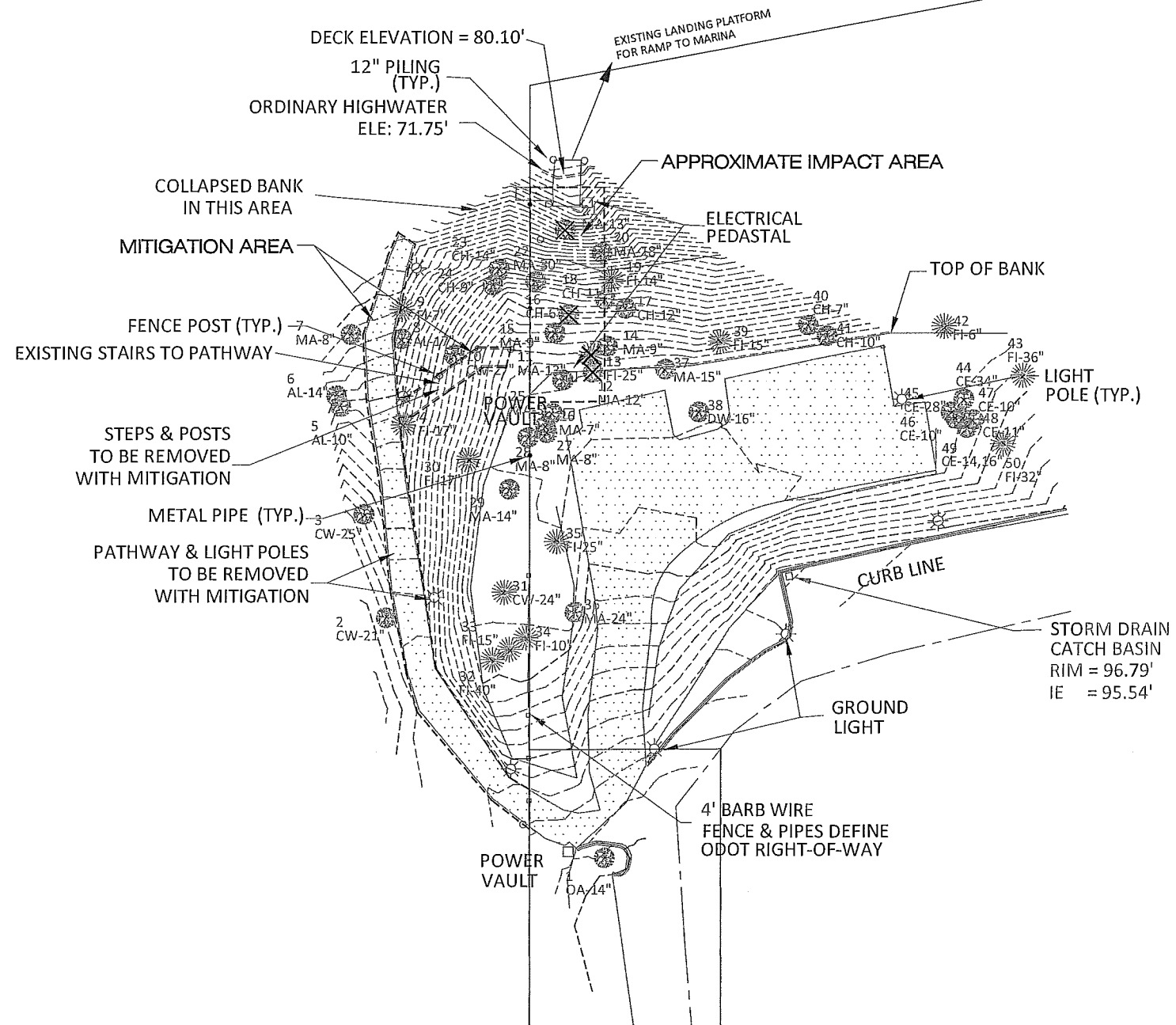


FIGURE NO.3

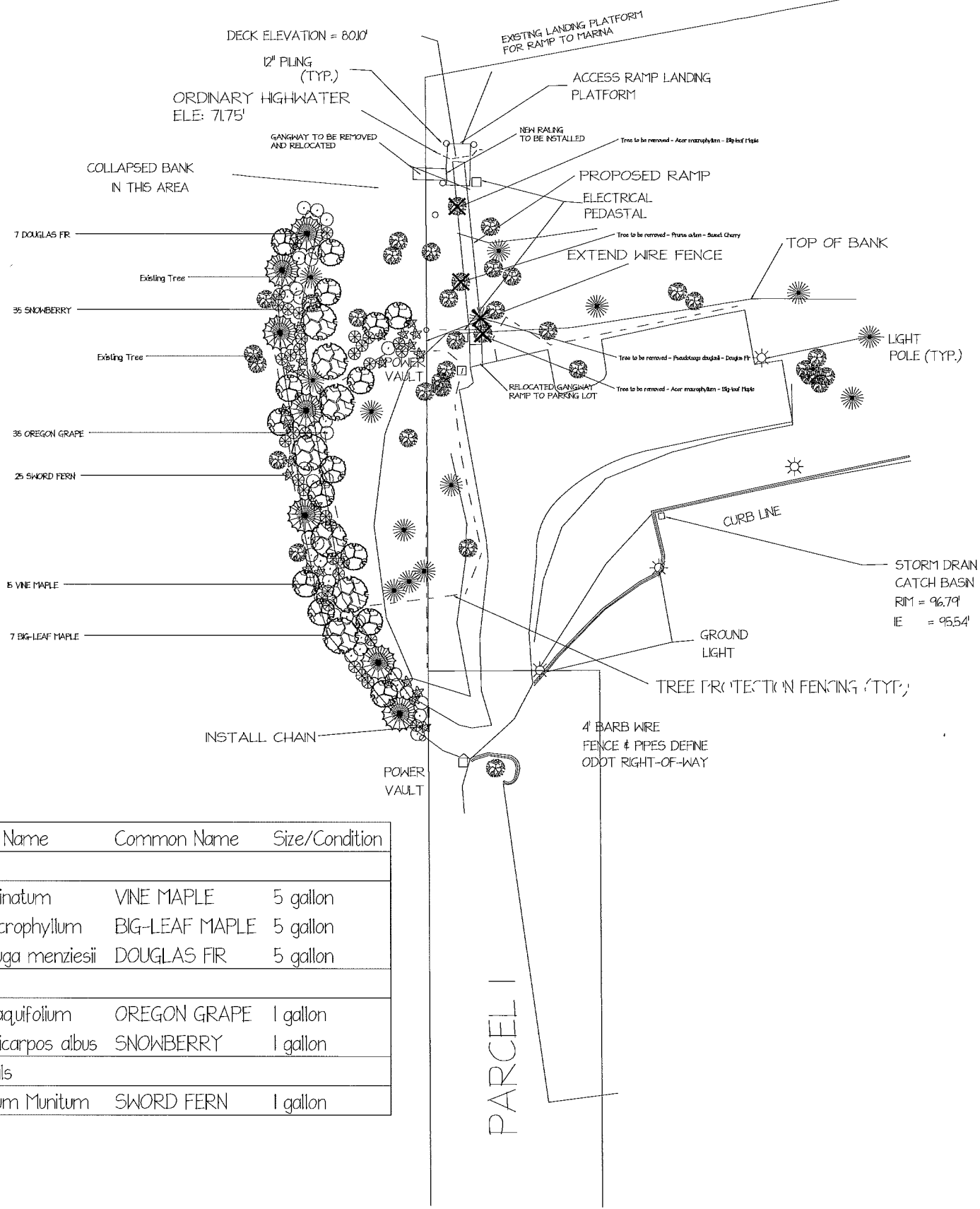
SRIR IMPACT & MITIGATION AREAS

CHARBONNEAU DOCK
 CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	06/2015
Drawn by	TCC	Date	06/2015
Reviewed by	BA	Date	06/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5/PP/01.dwg		

By	
Revision	
Date	
No.	

WILLAMETTE RIVER



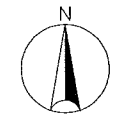
Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
Ac	15	Acer circinatum	VINE MAPLE	5 gallon
Am	7	Acer macrophyllum	BIG-LEAF MAPLE	5 gallon
Pm	7	Pseudotsuga menziesii	DOUGLAS FIR	5 gallon
Shrubs				
Ma	35	Mahonia aquifolium	OREGON GRAPE	1 gallon
Sa	35	Symphoricarpos albus	SNOWBERRY	1 gallon
Perennials and Annuals				
PM	25	Polystichum Munitum	SWORD FERN	1 gallon

ILLAHEE
APPARTMENTS

Pacific Landscape Management
2825 NW Anderson Drive
Hillsboro, OR 97124

LCB#726

903-666-9000



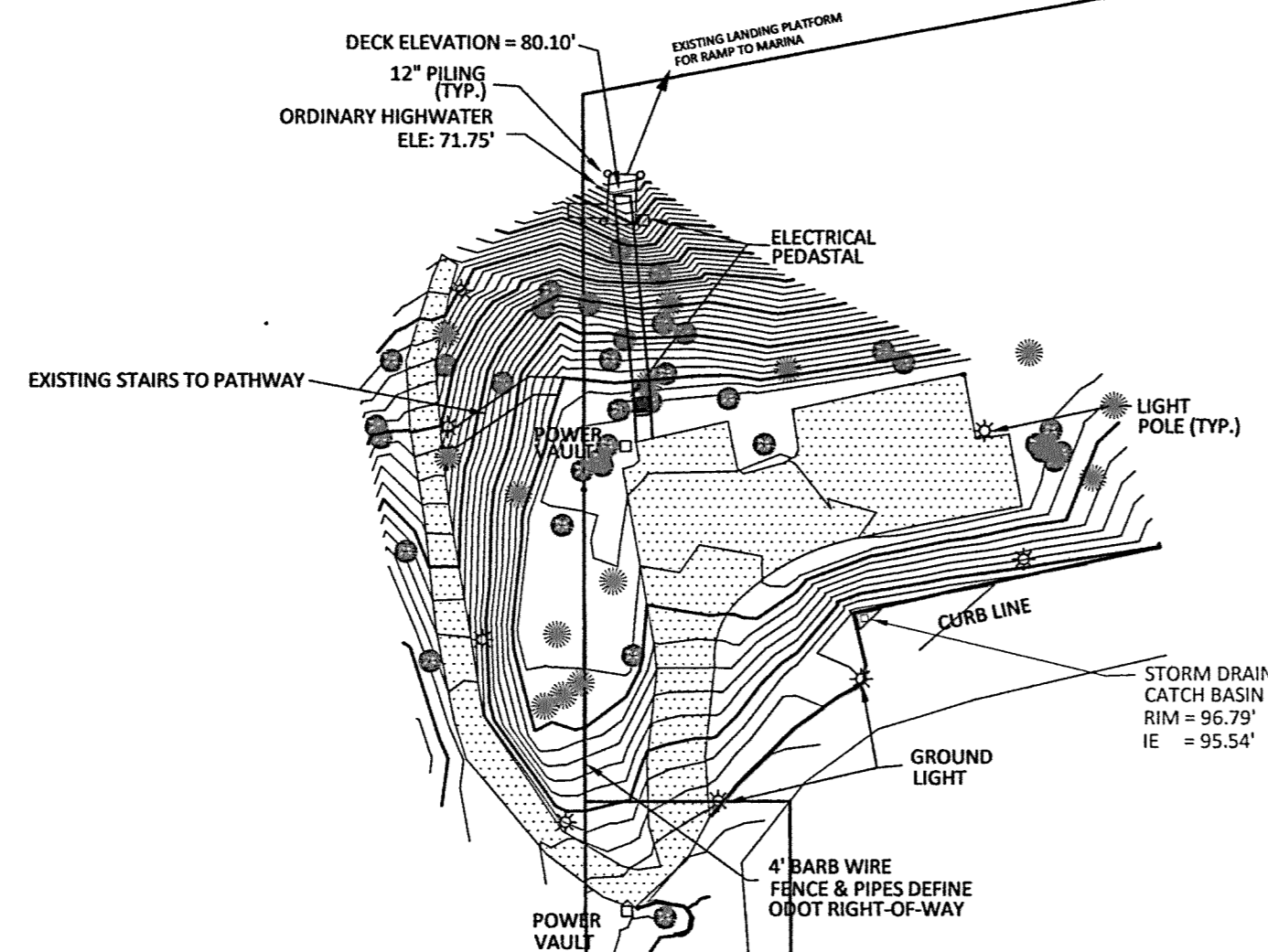
NORTH

Planting Conceptual Plan

Charbonneau Marina
32000 SW Charbonneau Drive, Wilsonville, OR 97107

SCALE: 1"=20'-0"
DATE: August 2015
DRAWING # 110

WILLAMETTE RIVER



ILLAHEE
APPARTMENTS
ILLAHEE FEE OWNERS, LLC.

TAX LOT 318

ODOT RIGHT-OF-WAY I5

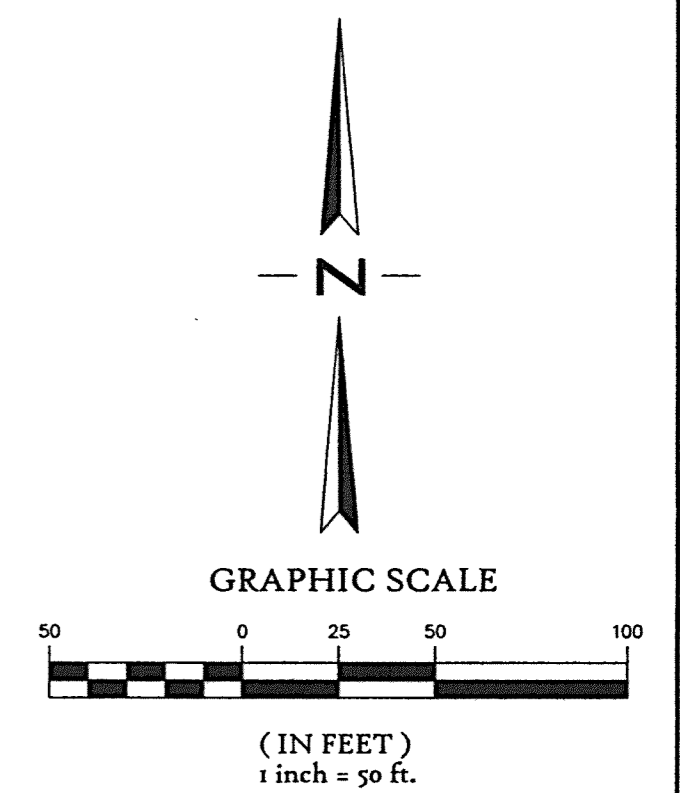
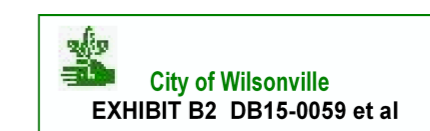
CITY OF WILSONVILLE
TAX LOT 308

ACCESS EASEMENT
CENTERLINE
AS TRAVELED

SW ILLAHEE COURT

SW CURRY DRIVE

TAX MAP
T35 R1W 25



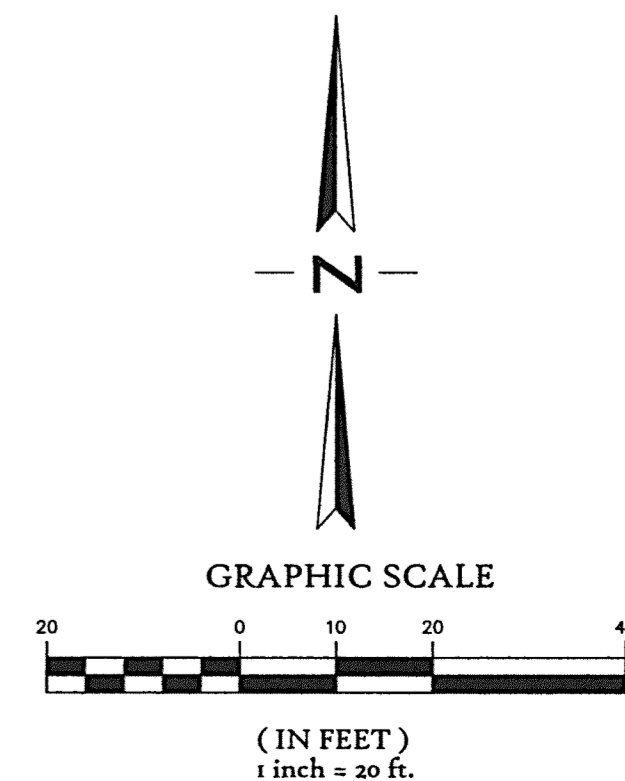
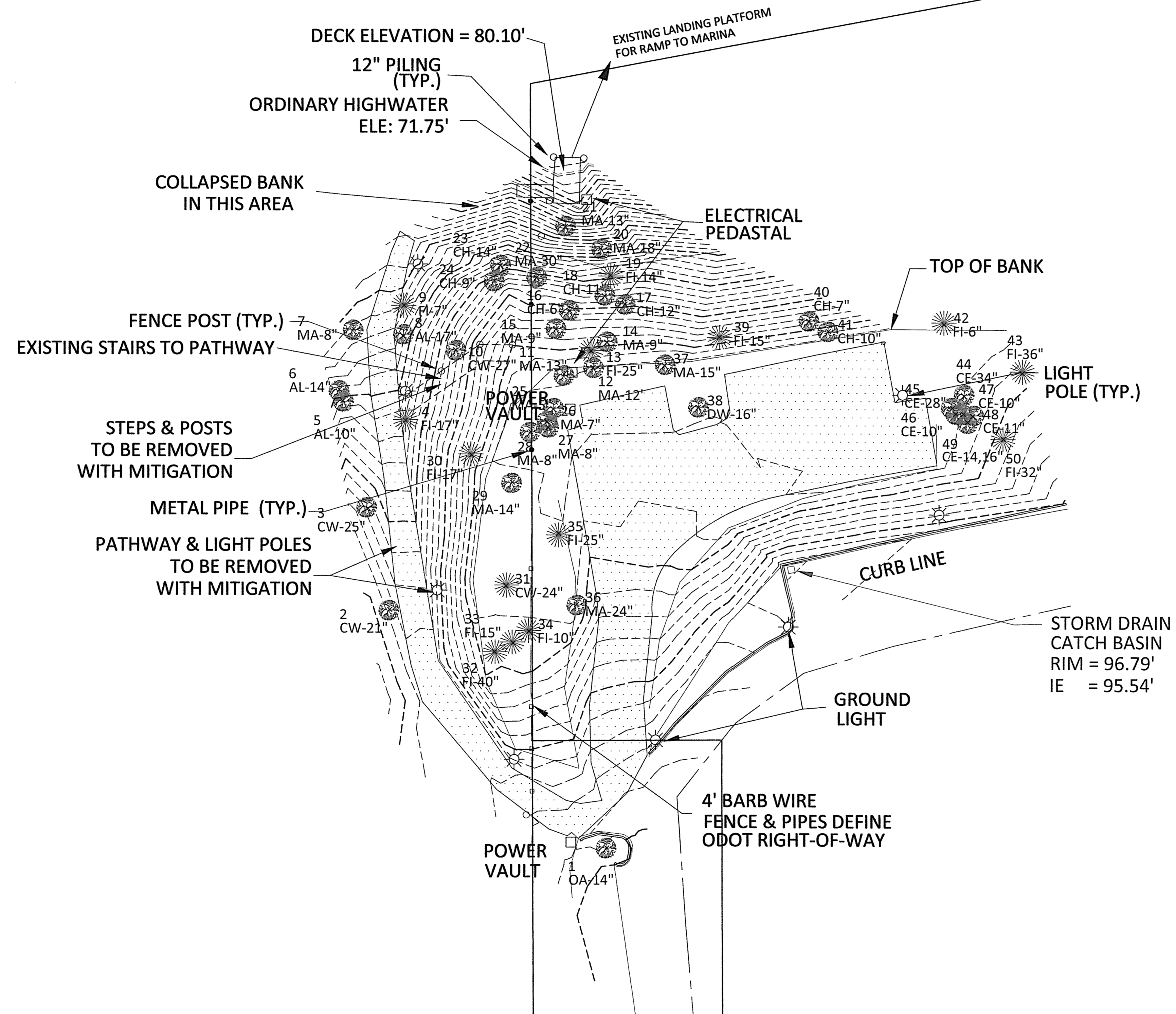
OWNERSHIP AFFECTED BY DOCK
ACCESS- EXISTING & PROPOSED

CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	06/2015
Drawn by	TCC	Date	06/2015
Reviewed by	BA	Date	06/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5TOPD.dwg		

By	
Revision	
Date	
No.	

Project
CHARBONNEAU DOCK
No.
999-146.5
Type
PLANNING
Sheet

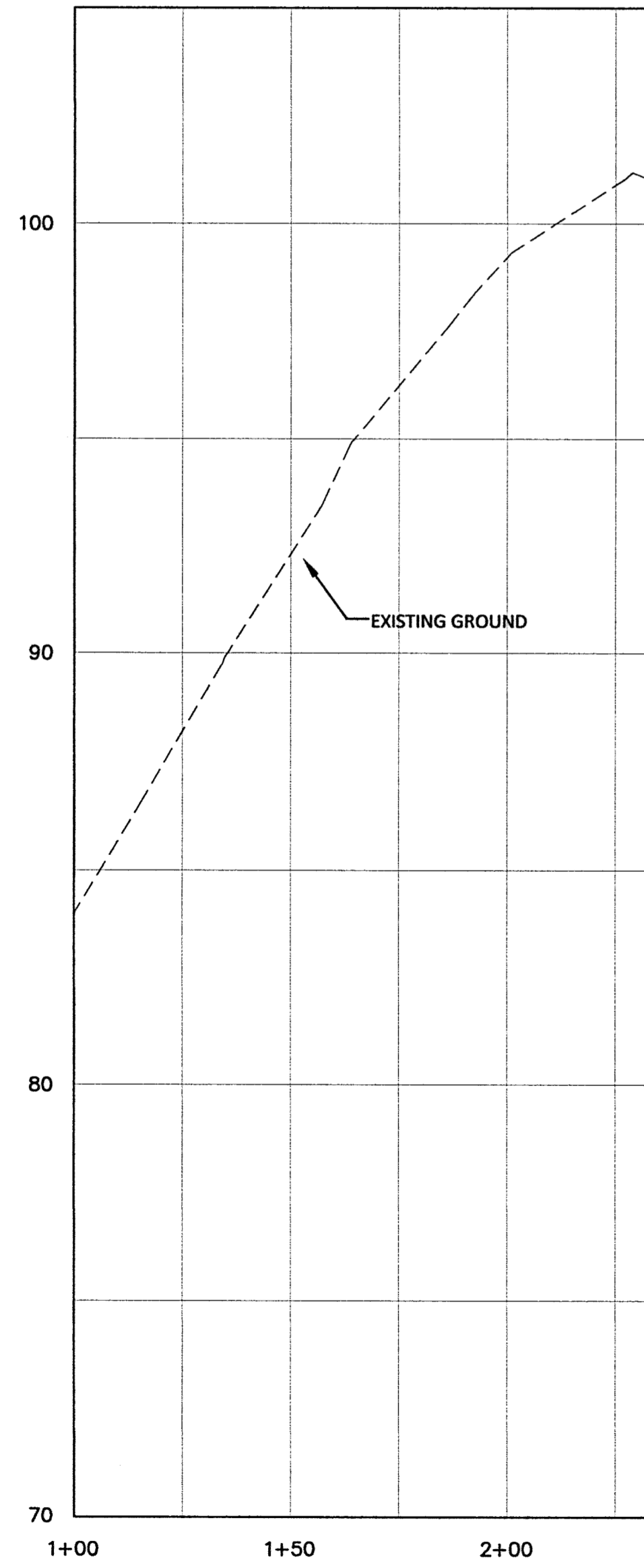


EXISTING CONDITIONS

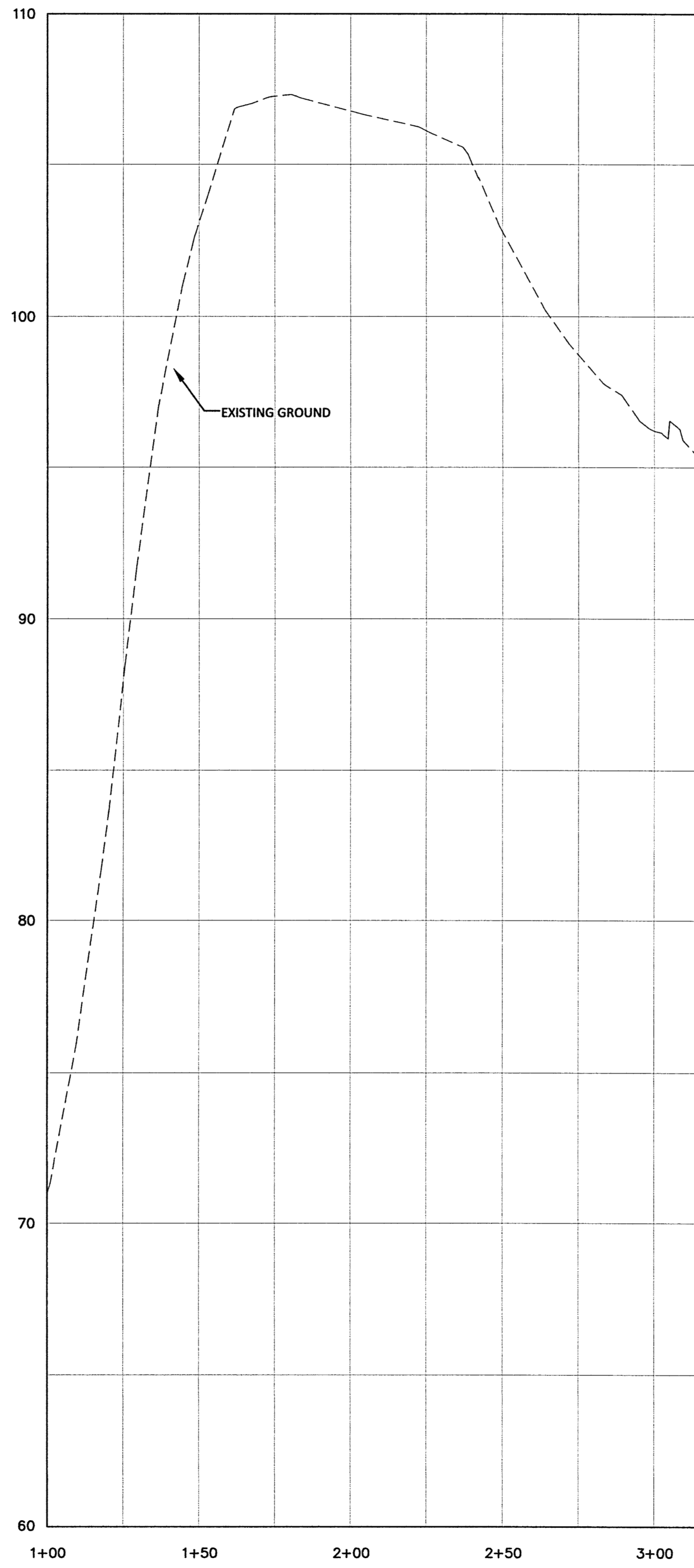
CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	06/2015
Drawn by	TCC	Date	06/2015
Reviewed by	BA	Date	06/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5(C)PO.dwg		

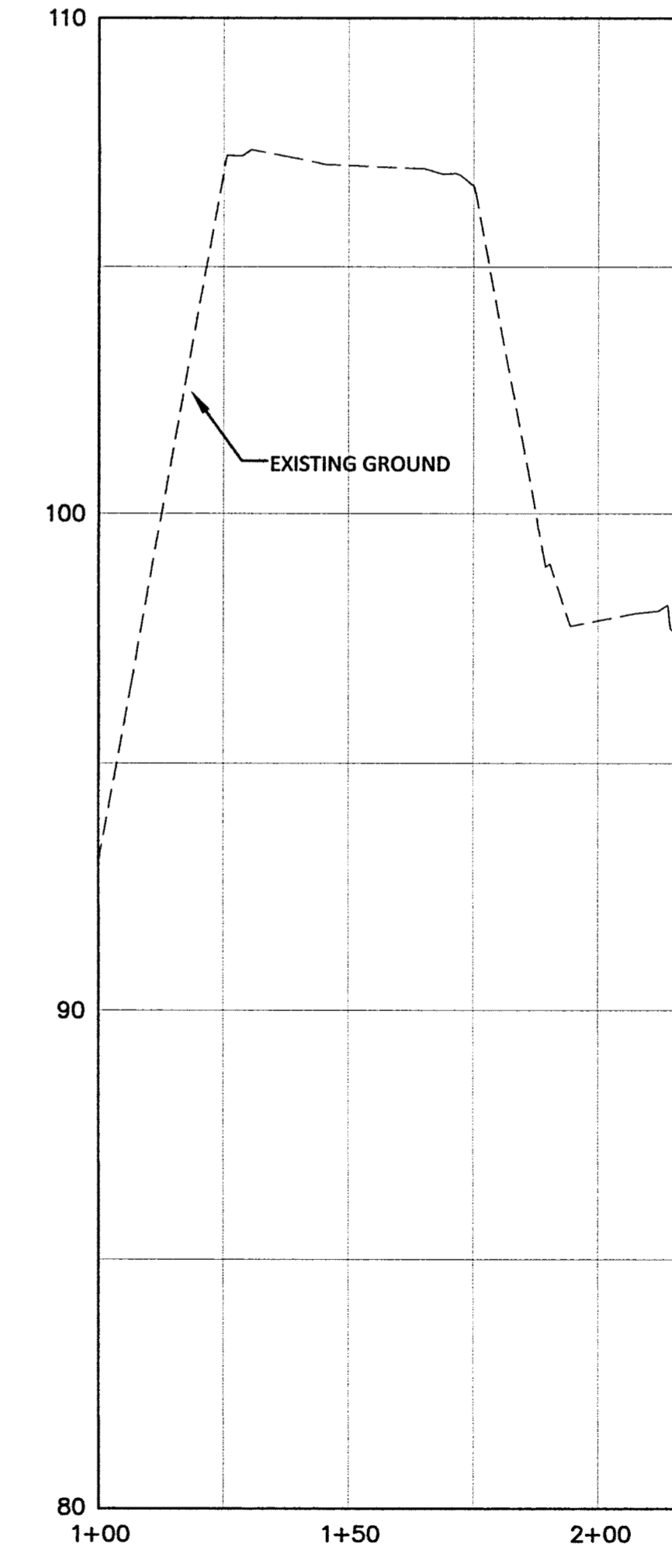
By	
Revision	
Date	
No.	



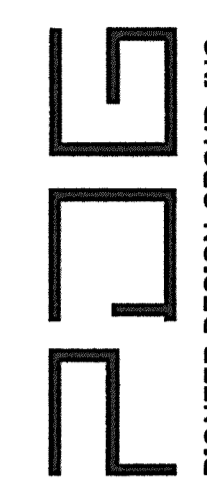
SITE SECTION A-A
 HORZ: 1"=30'
 VERT: 1"=3'



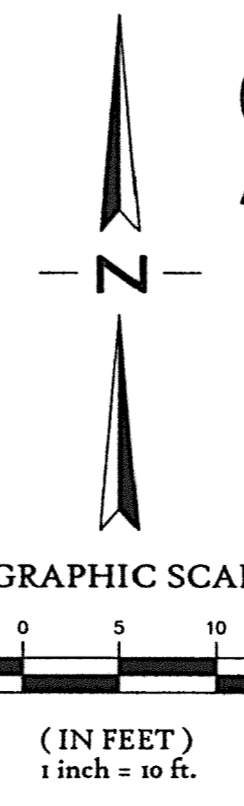
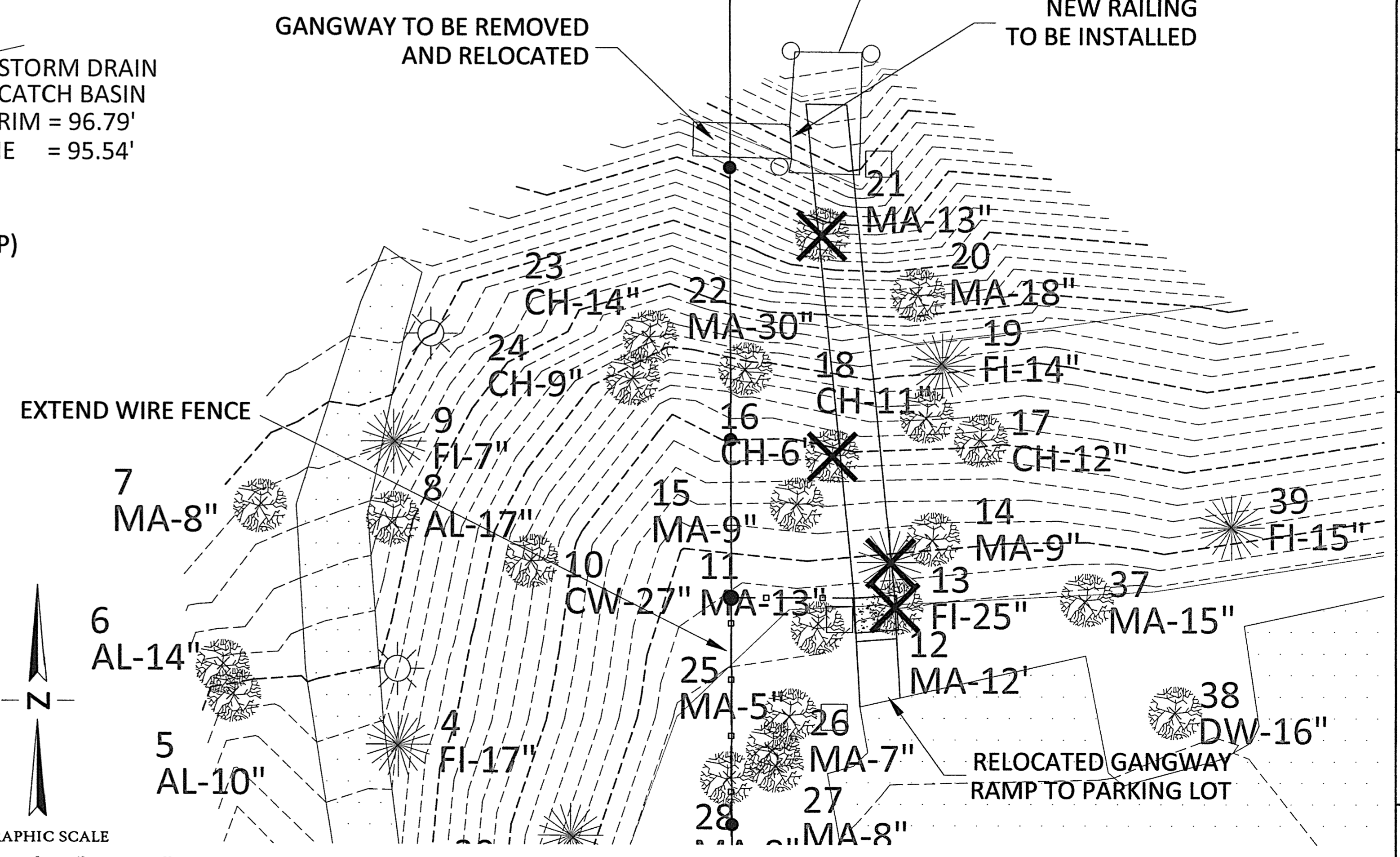
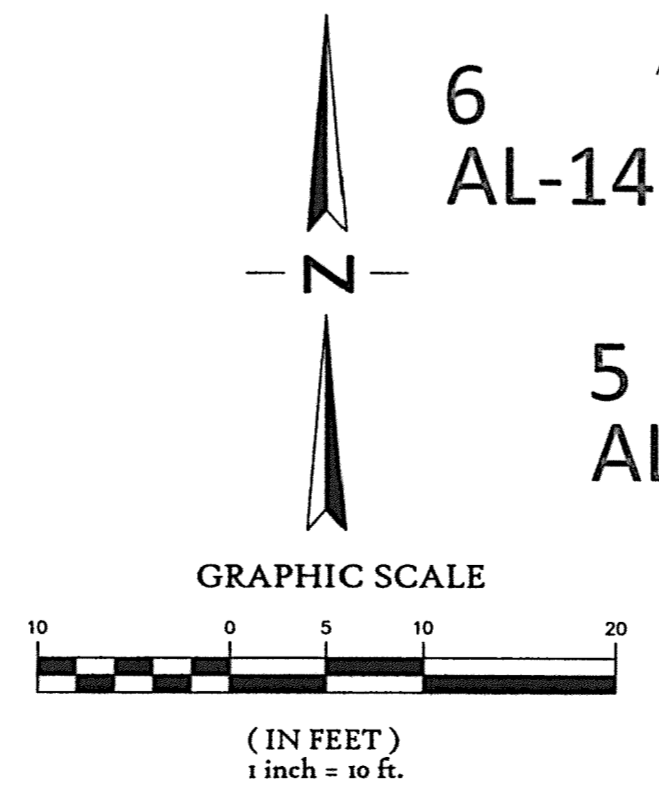
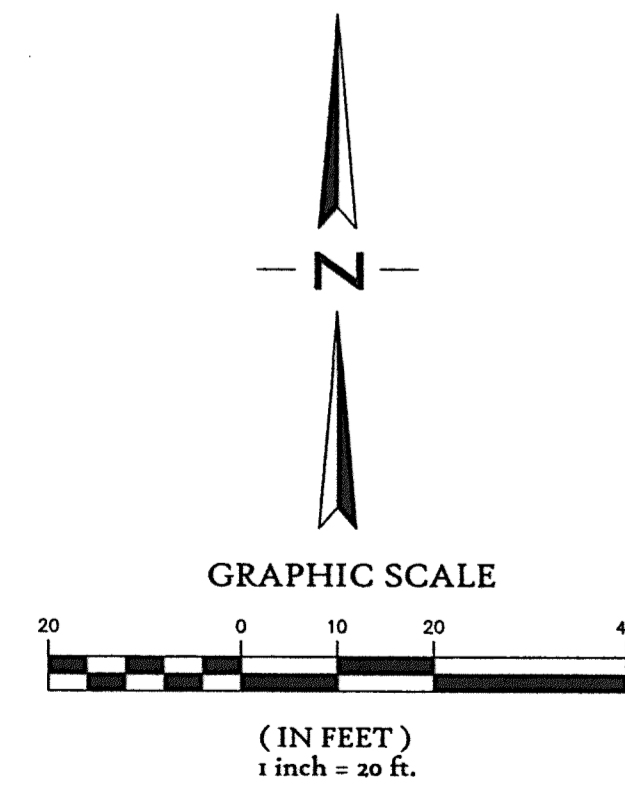
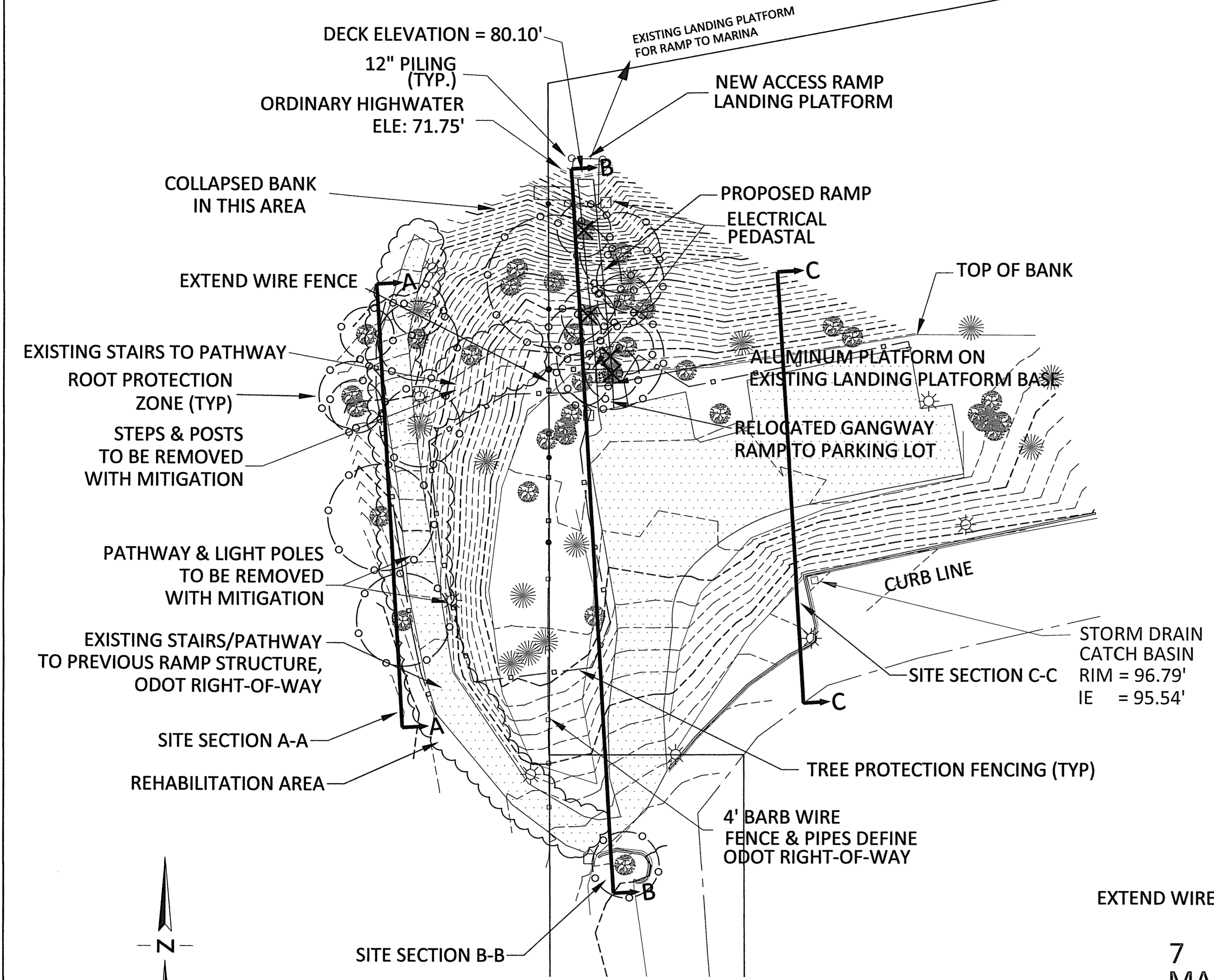
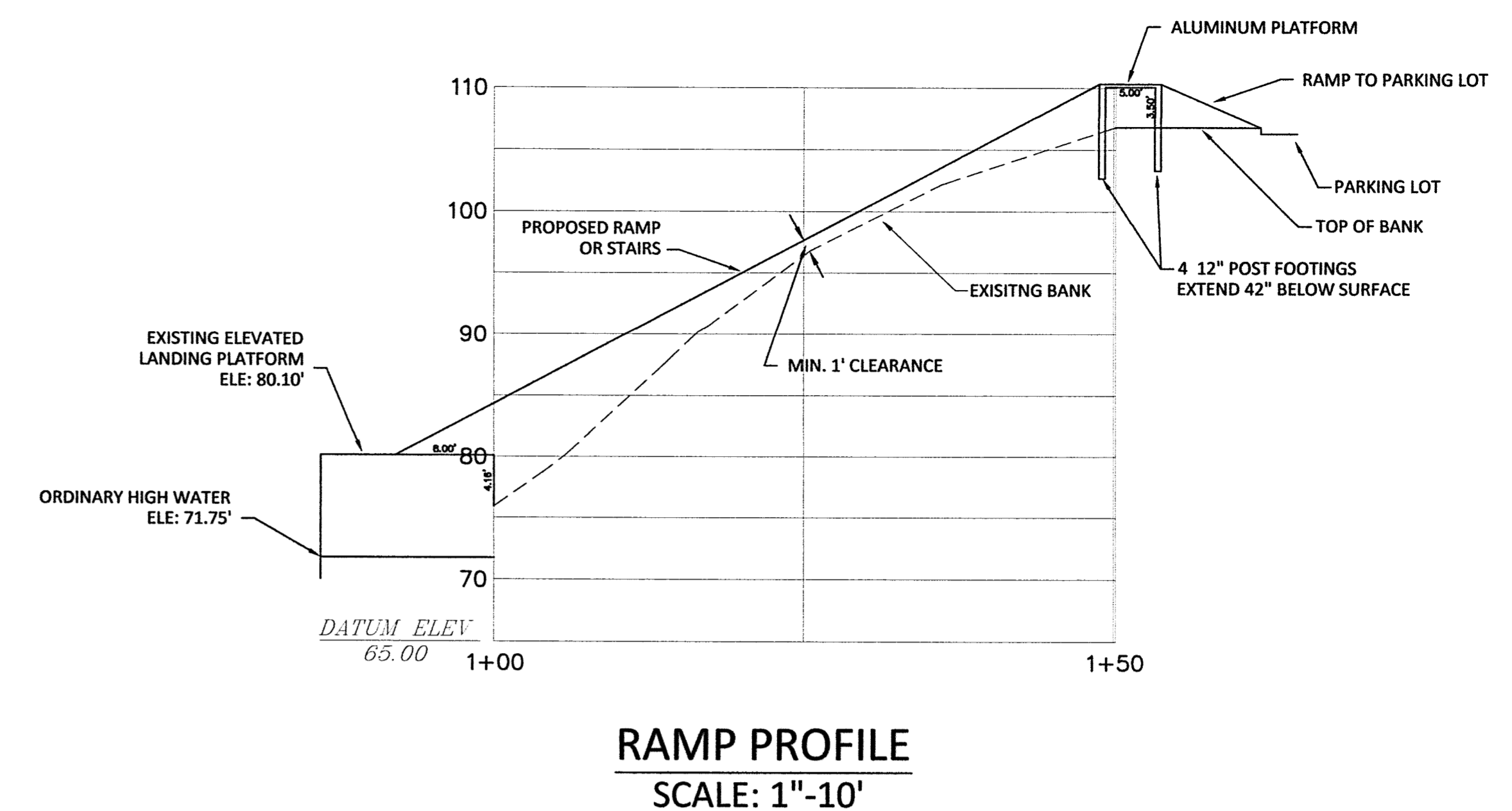
SITE SECTION B-B
 HORZ: 1"=30'
 VERT: 1"=3'



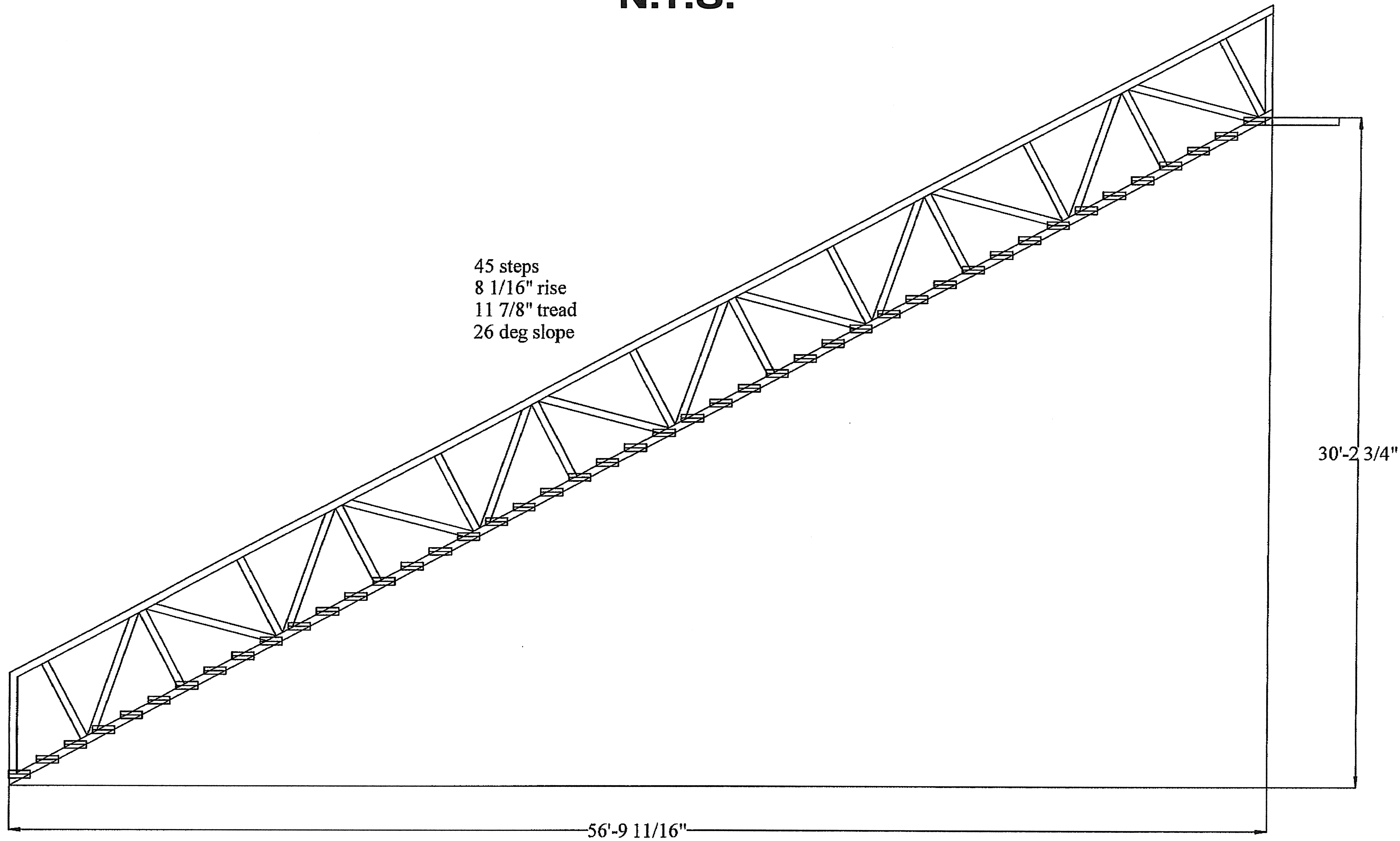
SITE SECTION C-C
 HORZ: 1"=30'
 VERT: 1"=3'

 PIONEER DESIGN GROUP, INC.		8020 SW WASHINGTON SQUARE RD. SUITE 100 PORTLAND, OREGON 97223 P 503.643.8286 F 503.643.8286 WWW.PD-GRP.COM	
SITE SECTIONS		CHARBONNEAU DOCK CITY OF WILSONVILLE, OREGON	
Designed by	BA	Date	07/2015
Drawn by	TCC	Date	07/2015
Reviewed by	BA	Date	07/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146-5(DP)0.dwg		
By		Date	
Revision		No.	
Project		CHARBONNEAU DOCK	
No.		999-146.5	
Type		PLANNING	
Sheet		4 of 7	

Designed by	BA	Date	06/2015
Drawn by	TCC	Date	06/2015
Reviewed by	BA	Date	06/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5.TDPO.dwg		
By	1 03/11/15		
Revision	1		
Date			
No.			
Project	CHARBONNEAU DOCK		
No.	999-146.5		
Type	PLANNING		
Sheet	5 of 7		



RAMP DETAIL N.T.S.

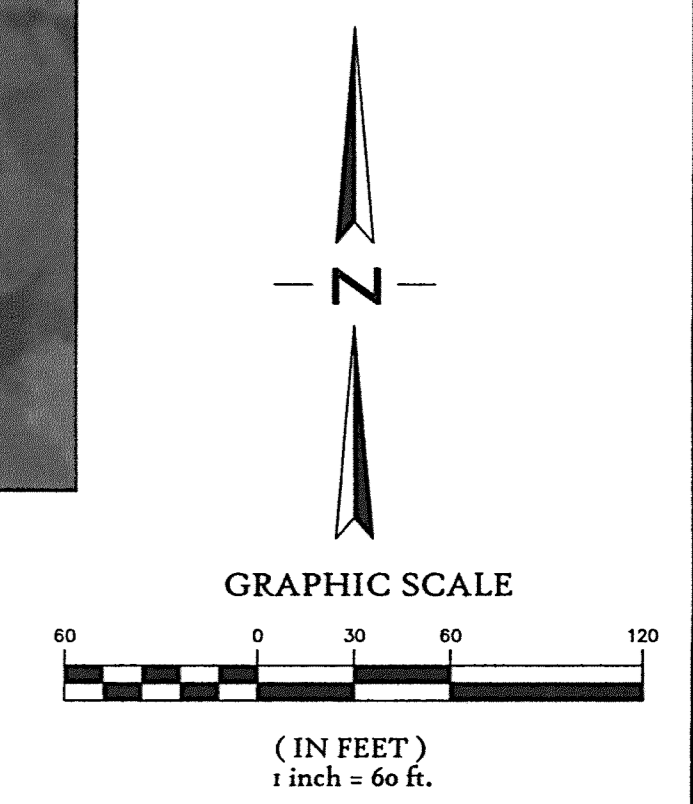


RAMP DETAIL

CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	07/2015
Drawn by	TCC	Date	07/2015
Reviewed by	BA	Date	07/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146-5(DPO).DWG		

By	Revision	Date	No.



Designed by	BA	Date	06/2015
Drawn by <td>TCC <td>Date <td>06/2015</td> </td></td>	TCC <td>Date <td>06/2015</td> </td>	Date <td>06/2015</td>	06/2015
Reviewed by <td>BA <td>Date <td>06/2015</td> </td></td>	BA <td>Date <td>06/2015</td> </td>	Date <td>06/2015</td>	06/2015
Project No.	999-146.5	REF.	
Horiz. Scale:	AS NOTED		
Vert. Scale:	999-146.5(TOP).dwg		

No.	Date	Revision

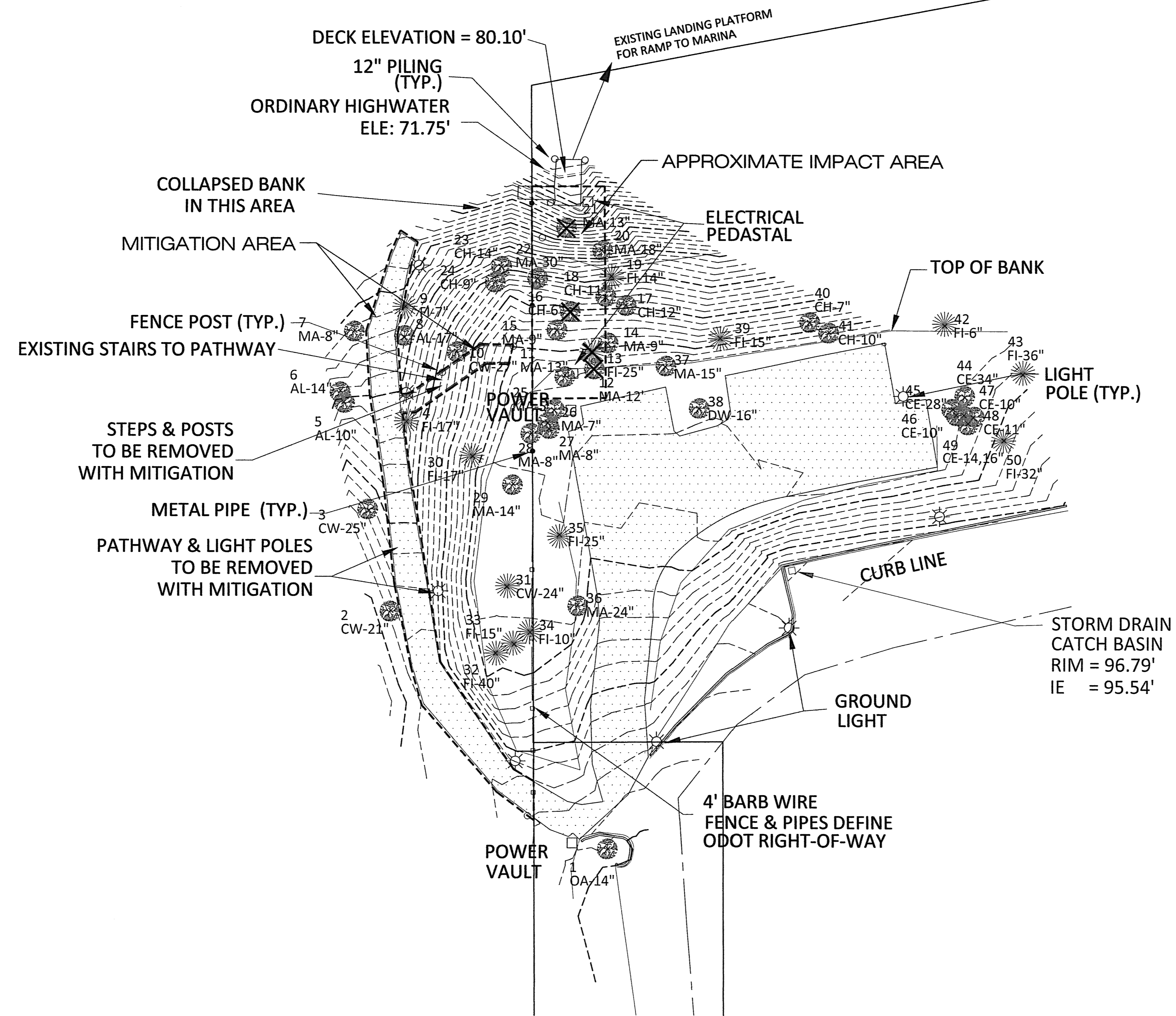


FIGURE NO.3

SRIR IMPACT & MITIGATION AREAS

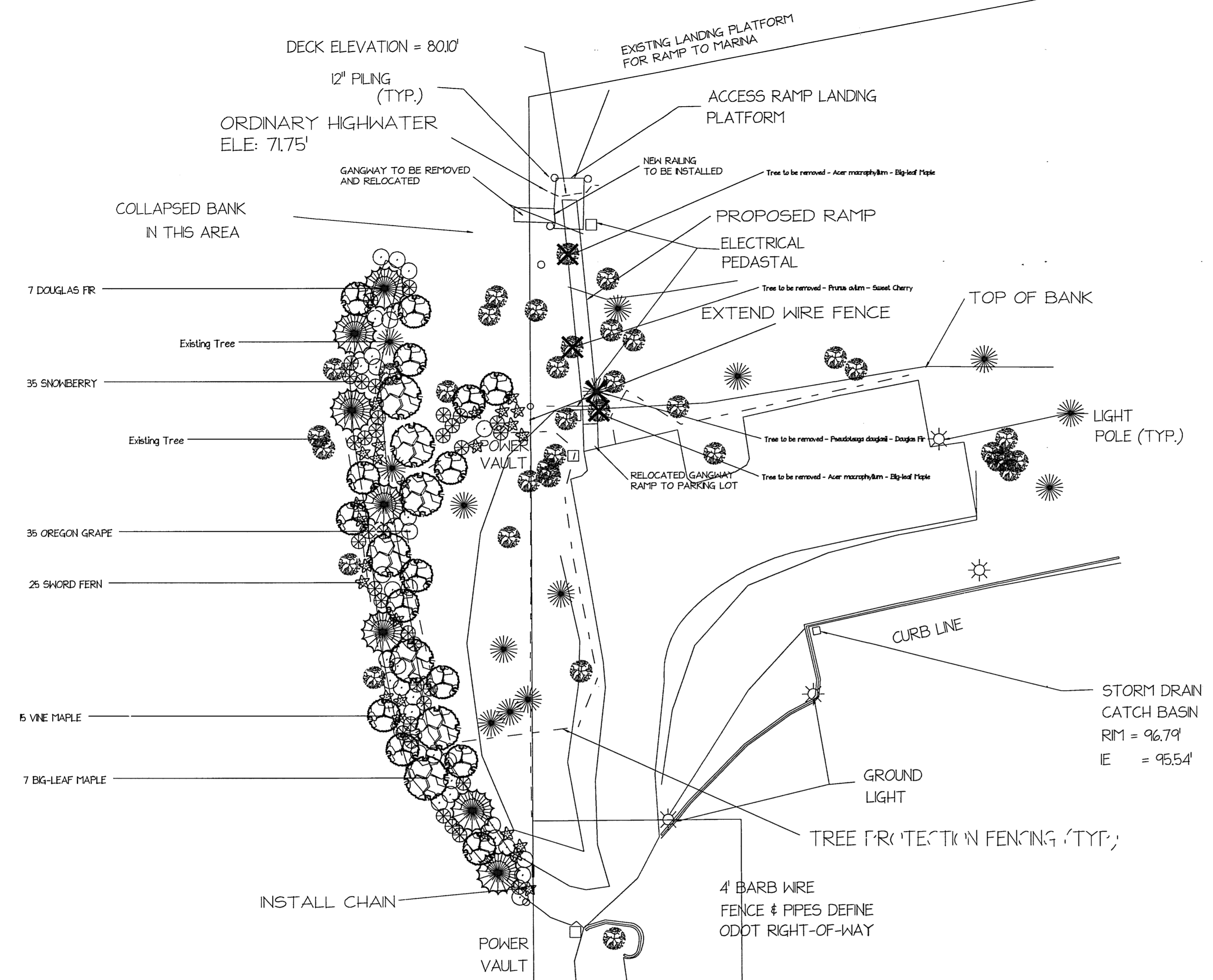
CHARBONNEAU DOCK
CITY OF WILSONVILLE, OREGON

Designed by	BA	Date	TCC	Date	Reviewed by	BA	Date	REF.
		06/2015		06/2015			06/2015	

Project No. 999-146.5
Horiz. Scale: AS NOTED
Vert. Scale: 999-146.5TOPOL.dwg

No.	Date	Revision	By

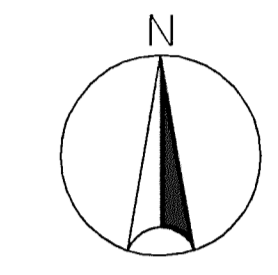
WILLAMETTE RIVER



Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
Ac	15	Acer circinatum	VINE MAPLE	5 gallon
Am	7	Acer macrophyllum	BIG-LEAF MAPLE	5 gallon
Pm	7	Pseudotsuga menziesii	DOUGLAS FIR	5 gallon
Shrubs				
Ma	35	Mahonia aquifolium	OREGON GRAPE	1 gallon
Sa	35	Symphoricarpos albus	SNOWBERRY	1 gallon
Perennials and Annuals				
PM	25	Polystichum Munitum	SWORD FERN	1 gallon

ILLAHEE
 APPARTMENTS

Pacific Landscape Management
 2055 NW Anderson Pkwy
 Hillsboro, OR 97124
 503-648-9900



NORTH

Planting Conceptual Plan

Charbonneau Marina
 32000 SW Charbonneau Drive, Wilsonville, OR 97070
 SCALE: 1"=20'-0"
 DATE: August 2015
 DRAWING # LLO

LCP#726

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, NOVEMBER 23, 2015

6:30 PM

VIII. Board Member Communications:

**A. Agenda Results of the October 12, 2015 DRB
Panel A meeting**

City of Wilsonville

Development Review Board Panel A Meeting Meeting Results

DATE:	OCTOBER 12, 2015	
LOCATION:	29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR	
TIME START:	6:30 P.M.	TIME END: 6:58 P.M.

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Kristin Akervall	Blaise Edmonds
Lenka Keith	Daniel Pauly
Ronald Heberlein	
James Frinell	
City Council Liaison: Julie Fitzgerald	

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	None.
CONSENT AGENDA	
A. Approval of minutes of September 14, 2015 DRB Panel A meeting	A. Approved as presented with Lenka Keith abstaining.
PUBLIC HEARING	
A. Resolution No. 315. Grande Pointe at Villebois Temporary Use Permit: Pacific Community Design – Representative for Grande Pointe at Villebois LLC and Grande Pointe Homeowners Association – Owners. The applicant is requesting approval of a Five (5) Year Temporary Use Permit for a modular sales office, temporary parking and five (5) model homes in the Grande Pointe at Villebois Subdivision in Villebois. The subject site is located on Tax Lots 3500, 3600, 3700, 3800, 4400, 4500 and 4600 of Section 15CC, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly Case Files: DB15-0061Five (5) Year Temporary Use Permit	A. Unanimously approved Resolution No. 315
BOARD MEMBER COMMUNICATIONS	None.
A. Results of the September 28, 2015 DRB Panel B meeting	
STAFF COMMUNICATIONS	None.