



Exhibit A1
Staff Report
Wilsonville Planning Division
Charbonneau Tennis Court Building

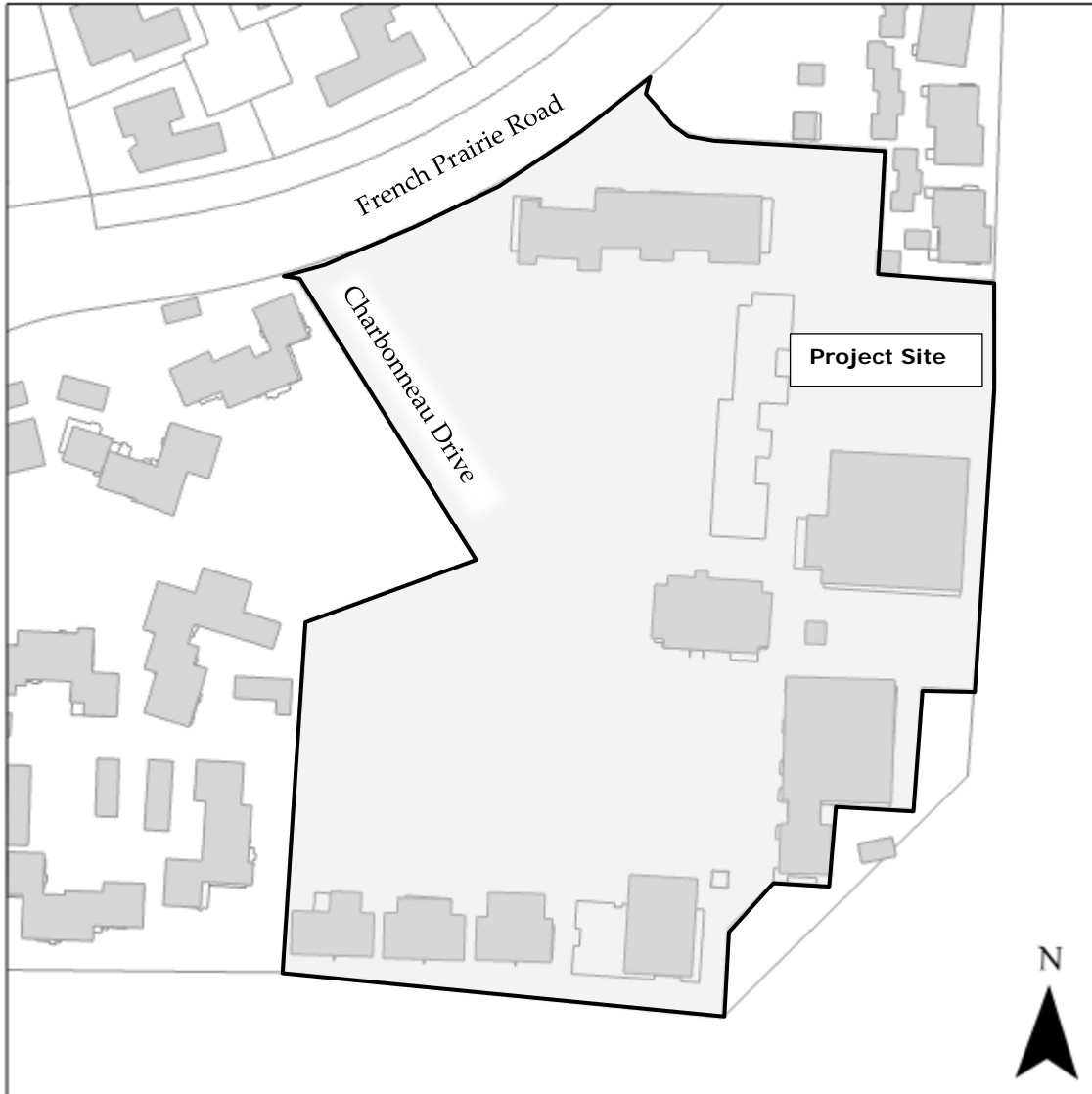
Development Review Board Panel 'B'
Quasi-Judicial Public Hearing
Adopted September 25, 2023

Hearing Date:	September 25, 2023
Date of Report:	September 18, 2023
Application Nos.:	DB23-0005 Charbonneau Tennis Court Building - Stage 2 Final Plan Modification (STG223-0004) - Site Design Review (SDR23-0004)
Request/Summary:	The requests before the Development Review Board include a Stage 2 Final Plan Modification and Site Design Review for the addition of a 14,440-square-foot steel frame building over the existing outdoor tennis courts at 32000 SW Charbonneau Dr.
Location:	32000 SW Charbonneau Dr. The property is specifically known as Tax Lot 80000, Section 24DC, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owner/Applicant:	Charbonneau Country Club (Contact: Jim Meierotto and Gary Newbore)
Comprehensive Plan Designation:	Commercial
Zone Map Classification:	Planned Development Commercial (PDC)
Staff Reviewers:	Sarah Pearlman, Assistant Planner Amy Pepper, Development Engineering Manager
Staff Recommendation:	Approve with conditions the requested State 2 Final Plan Modification and Site Design Review request.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.001	Definitions
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.116	Standards Applying to Commercial Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.140	Planned Development Regulations
Section 4.131	PDC--Planned Development Commercial Zone
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.156.01 through 4.156.11	Signs
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
<u>Other Planning Documents:</u>	
Wilsonville Comprehensive Plan	
Previous Land Use Approvals	

Vicinity Map



Background:

The Charbonneau District was the first major Planned Development in Wilsonville with initial development beginning in the early 1970s. The Village Center was rezoned Planned Commercial and Industrial (PC&I) in 1972. This was changed in 1990 by City legislative action to the current Planned Development Commercial (PDC) zoning. There is an existing, valid Stage I Master Plan for the Charbonneau Village Center that provides for a variety of uses including the tennis courts and tennis buildings.

Two of the existing four tennis courts were covered in 1984 (Case File #84PC08). The proposed improvement include the addition of a 14,440-square-foot building to cover the other two tennis courts.

Summary:

Stage 2 Final Plan Revision (STG223-0004)

The Stage 2 Final Plan Revision reviews the function and design of proposed tennis court building, including assuring the proposal meets commercial development standards.

Site Design Review (SDR23-0004)

The applicant used appropriate professional services to design the proposed building on the site using quality materials and design. No trees will be removed with the proposal. No changes to landscaping are proposed. The proposed building complements the existing tennis building with its design.

Public Comments and Responses:

One public comment was received during the public comment period expressing concern that the building would look like a big box store based on the drawing and that it would not fit with the character of the Village Center. Staff shared additional information clarifying that the new building is designed to look like the existing tennis building along with photos of the existing building for reference.

Conclusion and Conditions of Approval:

Staff has reviewed the Applicant's analysis of compliance with the applicable criteria. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed application (DB23-0005) with the following conditions:

Planning Division Conditions:

Request A: Stage 2 Final Plan (STG223-0004)

<p>PDA 1. The approved final plan shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Planning Director through the Administrative Review Process outlined in Section 4.030 of Wilsonville Code. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding A13.</p>

Request B: Site Design Review (SDR23-0004)

PDB 1.	Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding B3.
PDB 2.	Lighting shall be reduced one hour after close, but in no case later than 10 p.m., to 50% of the requirements set forth in the Oregon Energy Efficiency Specialty Code. See Finding B18.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division Conditions:

PF 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
PF 2.	<u>Prior to the Issuance of the any permits:</u> Applicant shall apply for City of Wilsonville Erosion Control. The erosion control permit shall be issued and erosion control measures shall be installed, inspected and approved prior to any onsite work occurring.
PF 3.	It appears that more than 5,000 square feet of impervious area will be redeveloped. <u>Prior to the Issuance of Public Works Permit:</u> A stormwater report shall be submitted for review and approval if more than 5,000 square feet of impervious area will be redeveloped. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. A site plan showing how stormwater will be managed shall be submitted with the Public Works Permit application. <u>Prior to Final Approval of the Public Works Permit:</u> Storm facilities shall be constructed, inspected and approved by the City. The applicant shall record a Stormwater Access Easement for the storm facility, if a facility is needed.

PF 4. **Prior to the Issuance of the Public Works Permit:** A site plan shall be submitted showing the proposed connection to the public water main for the new fire service connection.

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB23-0005. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant

- B1. Signed Application From
- B2. Applicant's Narrative and Submitted Materials
 - Narrative
 - Exhibit A Topographic Survey
 - Exhibit B 1985 Charbonneau Site Plan
 - Exhibit C Lighting Photometric Report
 - Exhibit D Stormwater Report
- B3. Drawings and Plans
 - Architectural Plans
 - Exhibit A Existing Conditions
 - Exhibit B Site Plan
 - Exhibit C Elevations and Color Board
 - Exhibit D Foundation Plan
 - Exhibit E Building Plans
 - Exhibit F Exterior Lighting Photometric Plan
 - Civil Plans
 - Sheet C1.0 Existing Conditions, Demolition, Erosion Control Plan
 - Sheet C1.1 Post-Development Erosion Control Plan
 - Sheet C1.2 Erosion Control Details and Notes
 - Sheet C2.0 Fire Service Plan
 - Sheet C3.0 Rain Drain Plan

Development Review Team Correspondence

- C1. Engineering Conditions and Requirements

Public Comments

D1. M. Ohlson 09.07.2023

Other Correspondence

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on May 8, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application incomplete on June 6, 2023. The applicant submitted additional materials on June 20, 2023. Staff conducted a second completeness review within the statutorily allowed 30-day review period and found the application to be complete on July 12, 2023. The City must render a final decision for the request, including any appeals, by November 9, 2023.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDC	Fairway Village Condominiums
East:	PDC	Charbonneau Golf Putting Green
South:	PDC	Charbonneau Clubhouse
West:	PDC	Village Center Parking Lot

3. Previous Planning Approvals:
 - 72PC10, 72RZ01 – Village Center Rezone
 - 77DR15 – Village Center Site Plan Modification
 - 84DR11 – Country Club Expansion and Indoor Tennis Courts
 - 84PC08 – Tennis Court Building Addition
4. The applicant has complied with Sections 4.008 through 4.011, 4.013-4.031, 4.034 and 4.035 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.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General

Section 4.008

The processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application

Section 4.009

The application has the signature of Gary Newbore, an authorized signer for the property owner Charbonneau Country Club.

Pre-Application Conference

Subsection 4.010 (.02)

A pre-application conference was held on December 8, 2022 (PRE22-00027) in accordance with this subsection.

Lien Payment before Approval

Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements

Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements.

Zoning-Generally

Section 4.110

This proposed development is in conformity with the applicable zoning district and City review uses the general development regulations listed in Sections 4.150 through 4.199.

Request A: Stage 2 Final Plan Modification (STG223-0004)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Planned Development Regulations-Generally

Planned Development Purpose & Lot Qualifications
Subsection 4.140 (.01) and (.02)

- A1. The proposal is to modify a development previously approved as a planned development meeting the planned development purpose and lot qualifications.

Ownership Requirements
Subsection 4.140 (.03)

- A2. The subject parcel is under the ownership of Charbonneau Country Club, for whom an authorized signer, Gary Newbore, signed the application.

Professional Design Team
Subsection 4.140 (.04)

- A3. The design was led by credentialed professionals. Ben Altman, Pioneer Design Group, is the planner for the project.

Stage 2 Final Plan Submission Requirements and Process

Stage 2 Submission Within 2 Years of Stage 1
Subsection 4.140 (.09) A.

- A4. The Stage 2 Final Plan was approved in the appropriate manner and timeline. The proposed project is a modification to the approved Stage 2 Final Plan.

Development Review Board Role
Subsection 4.140 (.09) B.

- A5. The Development Review Board review considers all applicable permit criteria set forth in the Planning and Land Development Code and staff recommends the Development Review Board approve the application with conditions of approval.

Stage 1 Conformance, Submission Requirements
Subsection 4.140 (.09) C.

- A6. The Stage 2 plans substantially conforms to the Stage 1 Master plan. The applicant has submitted drawings and other documents show all the additional information required by this subsection.

Stage 2 Final Plan Detail
Subsection 4.140 (.09) D.

- A7. The applicant's submitted materials provide sufficiently detailed information to indicate fully the ultimate operation and appearance of the development, including a detailed site plan, landscape plans, and elevation drawings.

Submission of Legal Documents
Subsection 4.140 (.09) E.

A8. The Development Review Board does not require any additional legal documentation for dedication or reservation of public facilities or for the creation of a homeowner's association.

Expiration of Approval

Subsection 4.140 (.09) I. and Section 4.023

A9. The Stage 2 Approval, along other associated applications, will expire two (2) years after approval, absent an extension in accordance with these subsections.

Consistency with Plans

Subsection 4.140 (.09) J. 1.

A10. The site's zoning, Planned Development Commercial, is consistent with the Commercial designation in the Comprehensive Plan. The proposed building serves to cover existing tennis courts that were previously approved.

Traffic Concurrency

Subsection 4.140 (.09) J. 2.

A11. Because the proposed addition is covering existing tennis courts, the proposal does not impact traffic generation. A traffic report was not required and there is not an expected increase or decrease in traffic related to this proposal.

Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

A12. No new service connections are proposed. The site is within a developed area of the City and adjacent to the existing Charbonneau Tennis Club Building which is connected to services. Facilities and services, including utilities, are available and sufficient to serve the proposed development.

Adherence to Approved Plans

Subsection 4.140 (.10) A.

A13. Condition of Approval PDA 1 ensures adherence to approved plans except for minor revisions by the Planning Director.

Standards Applying to Commercial Developments in any Zone

General Development Standards

Subsection 4.116 (.10)

A14. There are no setbacks required for the north, west, and south sides of the proposed building because they abut the commercial zone. The east side abuts the golf course which is zoned Planned Development Residential-3 (PDR-3). The east property line is not straight and the proposed building is setback from the property line at approximately 16 feet at the

narrowest point. This is more than the required one and one half times setback (15 feet). The proposed building is 24 feet in height with the highest point of the pitched roof at 32 feet, below the maximum of 35 feet allowed in this section.

Standards Applying in All Planned Development Zones

Underground Utilities

Subsection 4.118 (.02)

A15. No changes to utilities are proposed for this project

Waivers

Subsection 4.118 (.03)

A16. The applicant does not request any waivers.

Other Requirements or Restrictions

Subsection 4.118 (.03) E.

A17. Staff does not recommend any additional requirements or restrictions pursuant to this subsection.

Impact on Development Cost

Subsection 4.118 (.04)

A18. In staff's professional opinion, the determination of compliance or attached conditions of approval do not unnecessarily increase the cost of development and no evidence has been submitted to the contrary.

Requiring Tract Dedications or Easements for Recreation Facilities, Open Space, Public Utilities

Subsection 4.118 (.05)

A19. No dedications or easements are proposed or requested.

Habitat Friendly Development Practices

Subsection 4.118 (.09)

A20. The site was originally cleared and graded for construction of the tennis courts many years ago. No significant grading will be required to accommodate the proposed tennis building. No significant native vegetation or other features with significant habitat value exist on the site. No trees will be removed with the current application.

Planned Development Commercial (PDC) Zone

Typically Permitted Uses

Subsection 4.131 (.01)

A21. The existing uses are consistent with the permitted uses in the PDC zone, including service establishments and retail businesses.

Other Development Standards

On-site Pedestrian Access and Circulation Subsection 4.154

A22. With no change to the existing use besides providing weather protection, the existing on-site pedestrian access and circulation was not further evaluated as part of this application.

Parking, Loading, and Bicycle Parking Section 4.155

A23. With no change to the existing use, besides providing weather protection, the existing parking, loading, and bicycle parking was not further evaluated as part of this application..

Access, Ingress, and Egress Section 4.167

A24. No changes to access are proposed or required.

Natural Features and Other Resources Section 4.171

A25. The site is existing tennis courts. No significant native vegetation or other resources in need of protection exist on the site. No trees are proposed for removal with this application.

Outdoor Lighting Sections 4.199.20 through 4.199.60

A26. The proposal is required to meet the Outdoor Lighting Standards. See Request B, Findings B11 through B18.

Underground Installation of Utilities Sections 4.300-4.320

A27. The applicant proposes no new utility connections; no existing overhead utilities exist requiring undergrounding.

Public Safety and Crime Prevention

Design for Public Safety, Surveillance and Access Subsections 4.175 (.01) and (.03)

A28. No changes are proposed that would negatively impact surveillance and access for public safety.

Addressing and Directional Signing Subsection 4.175 (.02)

A29. Addressing will meet public safety standards. The building permit process will ensure conformance.

Lighting to Discourage Crime

Subsection 4.175 (.04)

A30. Lighting design is in accordance with the City's outdoor lighting standards, which will provide sufficient lighting to discourage crime.

Landscaping Standards

Landscaping Standards

Subsection 4.176

A31. The applicant does not propose changes to the landscaping. The existing landscaping in the Village Center is 38% of the site, greater than the 15% minimum requirement in this section.

Request B: Site Design Review (SDR23-0004)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Site Design Review

Excessive Uniformity, Inappropriateness Design

Subsection 4.400 (.01) and Subsection 4.421 (.03)

B1. Staff summarizes the compliance with this subsection as follows:

Excessive Uniformity: The proposed development is unique to the particular development context and does not create excessive uniformity.

Inappropriate or Poor Design of the Exterior Appearance of Structures: The applicant used appropriate professional services to design structures on the site using quality materials and design. The design of the building complements and matches the existing tennis court building in architecture and color palette.

Inappropriate or Poor Design of Signs: This standard does not apply because no new signs are proposed on the site.

Lack of Proper Attention to Site Development: The applicant employed the skills of the appropriate professional services to design the site, demonstrating appropriate attention to site development.

Lack of Proper Attention to Landscaping: The applicant proposes no changes to existing landscaping. Proper attention to landscaping has been paid in locating the building. No trees or previously approved landscaping will be altered.

Purpose and Objectives

Subsection 4.400 (.02) and Subsection 4.421 (.03)

B2. The applicant has provided sufficient information demonstrating compliance with the objectives of this subsection as follows:

- **Pursuant to Objective A** (assure proper functioning of the site and high quality visual environment), the proposed building will provide weather protection of the courts to increase proper functioning of the site in all weather. The proposed site layout creates a visual environment that is compatible with other surrounding commercial uses.
- **Pursuant to Objective B** (encourage originality, flexibility, and innovation), the proposed building is placed appropriately on site, covering the existing tennis courts.
- **Pursuant to Objective C** (discourage inharmonious development), professional design of the proposed building supports a quality visual environment and thus prevents monotonous, drab, unsightly, and dreary development. The design of the building complements and matches the existing tennis court building in architecture and color palette.
- **Pursuant to Objective D** (conserve natural beauty and visual character), design of the proposed building matches and complements the existing tennis court building in color and architecture. The structure is similarly sized and existing landscaping will continue to provide aesthetic benefits.
- **Pursuant to Objective E** (protect and enhance City's appeal), the addition of the proposed building will allow for more full use of the existing courts in all weather. This amenity could increase the desirability of the surrounding commercial center.
- **Pursuant to Objective F** (stabilize property values/prevent blight), the proposed building will allow for more full use of the existing amenity which may improve property values.
- **Pursuant to Objective G** (insure adequate public facilities), the proposal does not impact the availability of orderly, efficient and economic provision of public services and facilities, which are available and adequate for the subject property.
- **Pursuant to Objective H** (achieve pleasing environments and behavior), covering the existing tennis courts will make the environment more pleasing in all weather conditions. Lighting is added to address concerns for crime.
- **Pursuant to Objective I** (foster civic pride and community spirit), the project will foster civic pride by improving the existing tennis courts and allow for more use of the existing amenity.
- **Pursuant to Objective J** (sustain favorable environment for residents), the project has been designed to protect the peace, health and welfare of the City.

Development Review Board Jurisdiction
Section 4.420

B3. Condition of Approval PDB 1 ensures construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans,

drawings, sketches, and other documents. The City will not issue any building permits prior to DRB approval.

Design Standards Subsection 4.421 (.01)

- B4.** The applicant has provided sufficient information demonstrating compliance with the standards of this subsection as follows:
- **Pursuant to Standard A** (Preservation of Landscape), the proposal will not affect significant existing landscaping, including trees or mature groundcover. The area is currently tennis courts.
 - **Pursuant to Standard B** (Relation of Proposed Buildings to Environment), the applicant used appropriate professional services to design the exterior of the building to ensure harmony with the environment. The proposed building encloses the existing tennis courts in conjunction with the existing tennis building. The design of the building complements the existing building.
 - **Pursuant to Standard C** (Drives, Parking, and Circulation), the applicant does not propose changes to vehicular and pedestrian circulation. Existing drives and parking will continue to serve the proposed tennis building.
 - **Pursuant to Standard D** (Surface Water Drainage), the applicant proposes a professionally design stormwater system that connects to an existing private line.
 - **Pursuant to Standard E** (Utility Service), no above ground utility installations or new sanitary sewer connections are proposed.
 - **Pursuant to Standard F** (Advertising Features), no signs are proposed as part of the current application; therefore, this standard does not apply.
 - **Pursuant to Standard G** (Special Features), no special features are proposed for this project.

Design Standards Apply to All Buildings, Structures, Signs, and Features Subsection 4.421 (.02)

- B5.** Design standards have been applied to all buildings, structures, and other site features.

Conditions of Approval to Ensure Proper and Efficient Function Subsection 4.421 (.05)

- B6.** Staff does not recommend any additional conditions of approval to ensure the proper and efficient functioning of the development.

Color or Materials Requirements Subsection 4.421 (.06)

- B7.** The colors and materials proposed by the applicant are appropriate. Staff does not recommend any additional requirements or conditions related to colors and materials.

Site Design Review Submission Requirements

Submission Requirements
Section 4.440

- B8.** The applicant has submitted materials in addition to requirements of Section 4.035, as applicable.

Time Limit on Site Design Review Approvals

Void after 2 Years
Section 4.442

- B9.** The Applicant plans to develop the proposed project within two years and understands that the approval will expire after two years unless the City grants an extension.

Installation of Landscaping

Landscape Installation
Subsection 4.450

- B10.** The applicant does not propose new landscaping so this section does not apply.

Outdoor Lighting

Applicability of Outdoor Lighting Standards
Sections 4.199.20 and 4.199.60

- B11.** The applicant proposes to replace less than 50% of the existing outdoor lighting luminaries around the tennis courts with the current application.

Outdoor Lighting Zones
Section 4.199.30

- B12.** The subject property is within Lighting Zone 2.

Optional Lighting Compliance Methods
Subsection 4.199.40 (.01) A.

- B13.** The applicant has the option of the performance or prescriptive method. The applicant has selected to comply with the prescriptive method.

Maximum Lamp Wattage and Shielding
Subsection 4.199.40 (.01) B. 1. and Table 7

B14. The applicant proposes 53.7 watt fully shielded fixtures, less than the maximum 100 watts for shielded fixtures in the Lighting Zone 2.

Oregon Energy Efficiency Code Compliance
Subsection 4.199.40 (.01) B. 2.

B15. The applicant will demonstrate compliance with the Oregon Energy Efficiency Code, Exterior Lighting prior to construction.

Maximum Mounting Height
Subsection 4.199.40 (.01) B. 3.

B16. The applicant proposes a mounting height of 22 feet, less than the maximum 40 feet.

Setback from Property Line
Subsection 4.199.40 (.01) B. 4.

B17. The subject site and all surrounding properties are the same Lighting Zone 2 not requiring any setback.

Lighting Curfew
Subsection 4.199.40 (.01) D.

B18. The applicant proposes auto-dimming and lighting controls consistent with curfew provisions of 10:00 pm in LZ 2. A condition of approval ensures compliance with this section.