

ORDINANCE NO. 633

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT from the *RESIDENTIAL AGRICULTURAL - HOLDING (RA-H) ZONE* to the *PLANNED DEVELOPMENT RESIDENTIAL - 4 (PDR-4) ZONE* on approximately 1.8 acres comprising Tax Lots 400, 500, 501 and 4th Street easement area of Section 23AC, T3S, R1W, Clackamas County, Oregon. Mr. Ben Altman of Urban Solutions, acting as agent for the applicants Carol Dickey and Jeff Cameron.

WHEREAS, Carol Dickey and Jeff Cameron have requested a Zone Map Amendment of certain property described in Attachment 1 of this ordinance; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared an amended staff report, with conditions, to the Development Review Board dated May 14, 2007, wherein it reported that the request is consistent with and meets requirements for approval of a Zone Map Amendment; and

WHEREAS, the Development Review Board Panel 'A' held public hearing on this request on May 14, 2007 after taking testimony, gave full consideration to the matter and recommended approval of the request; and

WHEREAS, the Wilsonville Planning Staff prepared a supplemental staff report to City Council dated June 18, 2007 (Exhibit A2); and

WHEREAS, on June 18, 2007, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and staff reports, took testimony, and, upon deliberation, has concluded that the staff recommended Zone Map Amendment, of Tax Lots 400, 500, 501 and including the 4th Street easement comprising approximately 1.8 acres meets the applicable approval criteria under the City's land development code,


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

Section 1. Findings. The City Council adopts as findings and conclusions the forgoing recitals and the staff report in this matter labeled as Exhibit A2, which Exhibit is attached hereto and incorporated herein as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order: DB06-0051, attached hereto, from *Residential Agricultural - Holding (RA-H)* zone to *Planned Development Residential - 4 (PDR-4)* zone on Tax Lot 400, 500, 501 and the 4th

Street easement area of Section 23AC, T3S, R1W, Clackamas County, Oregon, depicted on the attached map (Attachment 2), and in the attached Legal Description (Attachment 1), Clackamas County, Wilsonville, Oregon.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 18th day of June, 2007, and scheduled for second reading at a regular meeting thereof on the 2nd day of July, 2007, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.


Sandra C. King, MC, City Recorder

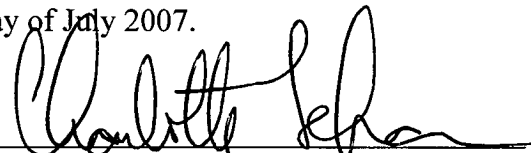
ENACTED by the City Council on the 2nd day of July, 2007, by the following votes:

Yes: -4-

No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 6th day of July 2007.


CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Knapp	Yes
Councilor Ripple	Excused
Councilor Kirk	Yes
Councilor Núñez	Yes

Attachments:

Zoning Order DB06-0051

Exhibit A2: Planning Division Staff Report to City Council, June 18, 2007

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
FIR STREET DEVELOPMENT**

In the Matter of the Application of)
Mr. Ben Altman of Urban Solutions, acting)
as agent for the applicants, Carol Dickey)
and Jeff Cameron, for a Rezoning of Land)
and Amendment of the City of Wilsonville)
Zoning Map incorporated in Section 4.102)
of the Wilsonville Code.)

ZONING ORDER DB06-0051

The above-entitled matter is before the Council to consider the application of Mr. Ben Altman, acting as agent for the applicants, Carol Dickey and Jeff Cameron, for a Zone Map Amendment for Phase 1 (Case File 06DB-0051) and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

It appears to the Council that the property, which is the subject of this application, is described as follows: Tax Lots 400, 500, 501 and including the 4th Street easement in Section 23AC, T3S R1W, Clackamas County, Wilsonville, Oregon, and such property has heretofore appeared on the Wilsonville Zoning Map as *Residential Agricultural – Holding (RA-H)*.

The Council having heard and considered all matters relevant to the application, including the Development Review Board record and recommendation, finds that the application should be approved, and it is therefore,

ORDERED that Tax Lots 400, 500, 501 and including the 4th Street easement in Section 23AC, T3S R1W, Wilsonville, Clackamas County, Oregon, more particularly described in Attachment 2 to this order, is hereby rezoned to *Planned Development Residential - 4 (PDR-4)*, and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 6th day of July, 2007.


CHARLOTTE LEHAN, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

Attachment 1: Legal Description
Attachment 2: Map depicting zone change

APN: 00819555

Statutory Warranty Deed
- continued

File No.: 7073-636449 (mah)
Date: 07/27/2005

~~EXHIBIT~~

LEGAL DESCRIPTION:

PARCEL I

Part of the Thomas Bailey D.L.C. No. 45, in Section 23, Township 3 South, Range 1 West, of the Willamette Meridian:

Beginning at an iron rod at the intersection of the centerline of Fir Avenue and the South side of Fourth Street in the platted TOWN OF WILSONVILLE; thence South 7°42' West along the extension of said center line Fir Avenue a distance of 40 feet; thence South 32°18' East a distance of 256 feet to a point in the Westerly line of that certain tract conveyed by deed to Orville L. Dunigan and Kathryn M. Dunigan, husband and wife, recorded January 10, 1968, Fee No. 68 560; thence North 7°42' East a distance of 25 feet to a point in the Southerly line of that certain tract conveyed by deed to Arthur L. Pack and Frances M. Pack, husband and wife, recorded June 12, 1968, Fee no. 68 10073; thence North 82°18' West along the Southerly line of said Pack tract a distance of 65 feet to the Southwesterly corner thereof; thence North 7°42' East along the Westerly line of said Pack tract to the Northwesterly corner thereof; thence South 82°18' East along the Northerly line of said Pack tract a distance of 132.66 feet to an iron rod; thence North 0°45' West a distance of 150.82 feet, more or less, to an iron post; thence North 82°18' West a distance of 301.4 feet, more or less, to the center line of Fir Avenue, a one-fourth inch iron pipe being 30.82 feet back on the approximate street line; thence South 7°42' West a distance of 234.6 feet to the point of beginning.

EXCEPTING rights of the public in the enclosed portion of Fir Avenue and an in access along a strip described as follows:

Beginning at the intersection of the center line of Fir Avenue and the South side of Fourth Street; thence South 7°42' West, a distance of 40 feet; thence South 82°18' East a distance of 256 feet; thence North 7°42' East a distance of 25 feet; thence North 82°18' West a distance of 226 feet; thence North 7°42' East, a distance of 15 feet; thence North 82°18' West a distance of 30 feet to the point of beginning.

PARCEL II

Part of the Thomas Bailey D.L.C. No. 45, in Section 23, Township 3 South, Range 1 West, of the Willamette Meridian:

Beginning at a point which is 15 feet South 7°42' West and 241 feet South 82°18' East of the intersection of the centerline of Fir Avenue and the South side of 4th Street of the platted TOWN OF WILSONVILLE, thence 101.4 feet North 0°45' West to an iron rod; thence 82.66 feet North 82°18' West; thence 100 feet South 7°42' West and the point of beginning.

PARCEL III

Part of the Thomas Bailey D.L.C. No. 45, in Section 23, Township 3 South, Range 1 West, of the Willamette Meridian:

FROM :

FAX NO. :5036445191

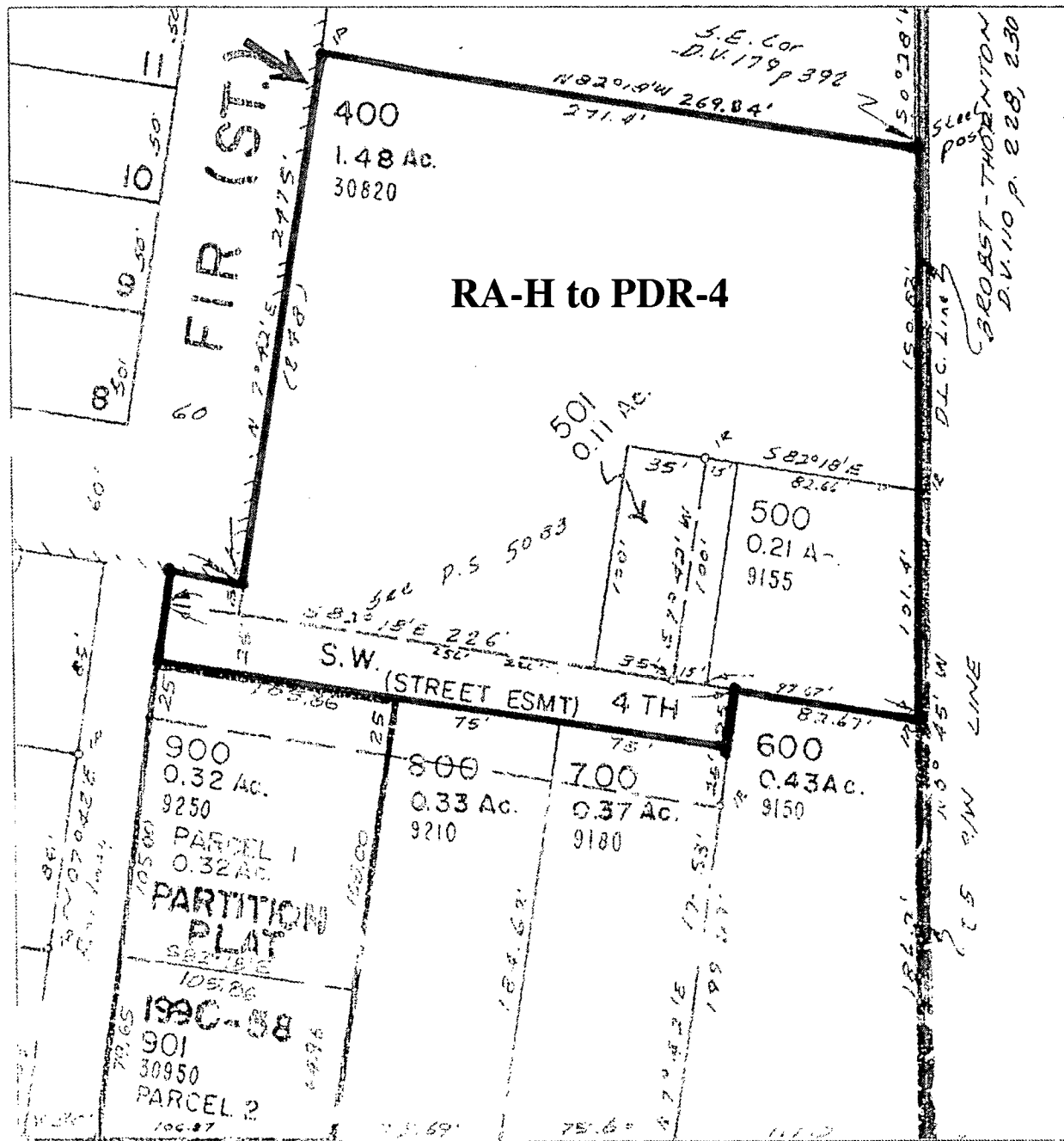
1. 12 2007 11:47PM P2

APN: 00819555

Statutory Warranty Deed
- continued

File No.: 7073-636449 (mah)
Date: 07/27/2005

Beginning at a point which bears South 7°42' West, 15 feet and South 82°18' East, 191n feet from the intersection of the center line of Fir Avenue with the South line of 4th Street in the plat of the TOWN OF WILSONVILLE; thence South 82°18' East 50 feet; thence North 7°42' East, 100 feet; thence North 82°18' West, 50 feet; thence South 7°42' West, 100 feet to the point of beginning.



ATTACHMENT 2

**FIR STREET DEVELOPMENT
(FORMERLY WILSONVILLAGE)**

**ZONE MAP AMENDMENT
Zoning Order DB06-0051**

INDEX

1. Ordinance No. adopting Zoning Order DB06-0051
2. Zoning Order DB06-0051
 - a. Legal Description
 - b. Map depicting zone change
3. Cover memorandum dated June 18,2007 to Honorable Mayor and City Council from Blaise Edmonds, Manager of Current Planning
4. Planning Division Staff Report to City Council dated June 8, 2007
5. Draft Minutes from May 14, 2007 Development Review Board, Panel A meeting
6. Development Review Board Decision, Resolution No. 93 and Staff Report adopted May 14, 2007

**PLANNING DIVISION
MEMORANDUM**

DATE: June 18, 2007

TO: Honorable Mayor and City Councilors

FROM: Blaise Edmonds, Manager of Current Planning

SUBJECT: Fir Street Development (Formally Wilsonvillage). Zone Map Amendment – Case File #DB06-0051.

DESCRIPTION OF ACTION:

The City Council is being asked to consider the Development Review Board recommendation to approve a Zone Map Amendment. The applicants, Carol Dickey and Jeff Cameron are proposing to amend the Wilsonville Zoning Map from RA-H to PDR-4 that will carry the Comprehensive Plan Map designation of 'Residential 6-7 du/ac'. The development site area is comprised of three tax lots, the area of which is approximately 1.8 acres.

SUMMARY:

In Resolution No. 93 the Development Review Board approved the Zone Map Amendment. The DRB action to approve the Zone Map Amendment is a recommendation to City Council. In turn the Zone Map Amendment will confirm the DRB approvals of the Stage 1 Preliminary Plan, Tentative Partition Plat, Stage II Final Plan for Phase 1, Site Design Plan Plans for Phase 1, Type 'C' Tree Preservation and Removal Plan for Phase 1 and a density waiver of the proposed project.

BACKGROUND:

On October 23, 2006 the applicants Carol Dickey and Jeff Cameron appealed the DRB decision of the previous proposal showing single-family and attached housing. The appeal was made to secure the master plan and the Phase 1 approval, as originally recommended by staff. On November 20, 2006 the City Council scheduled to hear the appeal on the record of the waiver items involving lot size and street frontage together with the issues of clarification involving proposed head-in parking and rear yard set-back waivers. The appeal was to be heard by the City Council together with the proposed Zone Map Amendment. On November 20, 2006, Council accepted the applicants request to remand the mater to the DRB.

The revised project approved by the DRB comprises inclusively a single-family subdivision project. Phase 1 development comprises two single-family houses, located in

the northwest corner of the property, plus the existing house that will be an interim rental unit. The DRB approved two single family houses in Phase 1 with accessory dwelling units (ADU) so the total unit-count for Phase 1 is 5 units. These units will have direct driveway access at Fir Street. The existing house may be demolished in order to comply with yard setbacks from new property lines in Phase 1. Because of traffic impact limitations (de minimus to LOS "D") there is a requirement for this project to be phased.

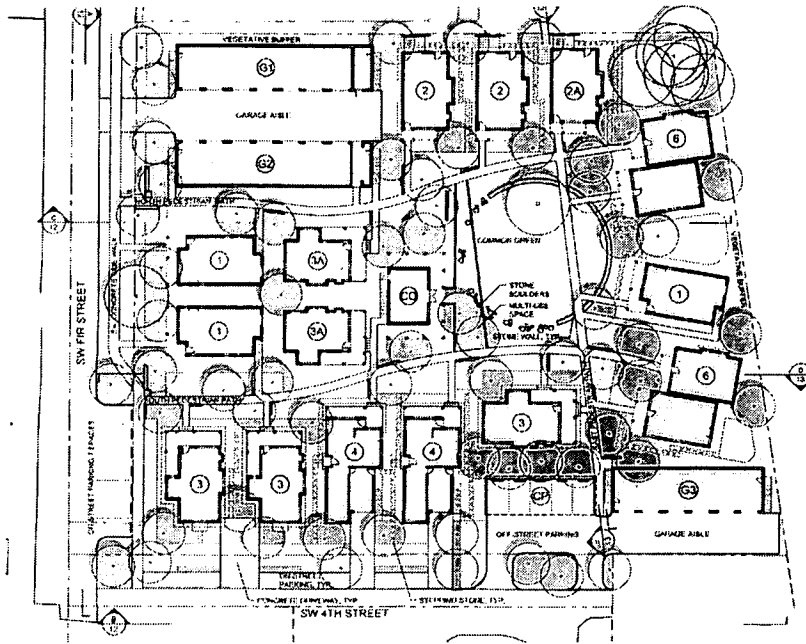
Waivers

The previous design concept included a request for several waivers:

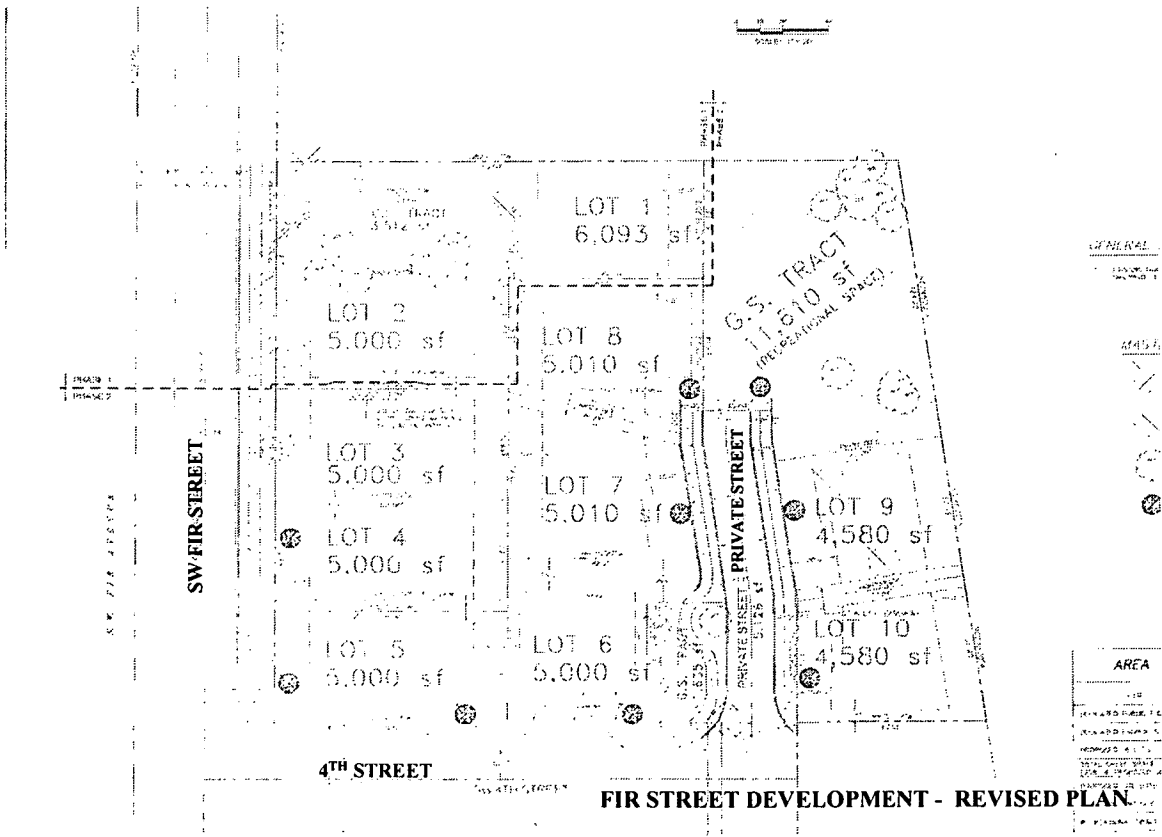
1. Minimum lot size, less than 4,000 Square feet - Proposed minimum 2,520 sq. ft.
2. Minimum rear yard, less than 15 feet
3. Streets with sidewalk, but no curbing.
5. Minimum street frontage - 11 interior lots- were proposed with no street frontage.
6. Standard parallel on-street parking - Proposed is head-in parking on Fir Street.

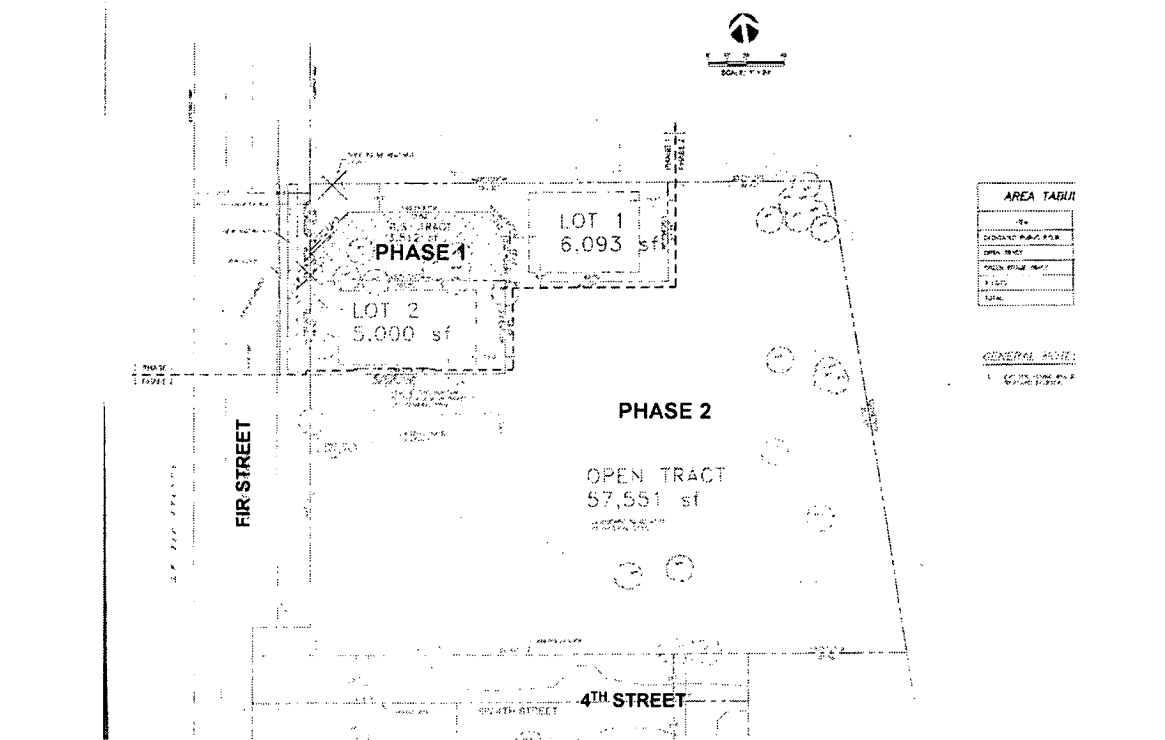
In Resolution 93 the DRB has approved one waiver associated with the revised project: Approved is a density waiver which is necessary to create larger lots to better match the 5,000 sq. ft. lot sizes in the immediate neighborhood and still create 25% open space. The DRB found in order to satisfy Section 4.118.05 the density waiver is necessary and unavoidable for single-family residential development on sites below 3 acres. At 1/6,000, the net lot area calculates to 11 units, the approved revised project has only 10 units.

ORIGINAL PROPOSAL	DRB APPROVED REVISED PLAN
13 Single-family houses	10 SFR
2 – Duplexes	0
10 Accessory Dwelling Units	10 ADU's
Total: 27 Dwelling Units	Total: 20 Dwelling Units
Density:	
Common meeting building.	The common meeting building has been deleted.
Trees removal: 18 of 27 @ 67%	6 of 27 @ 22%



ORIGINAL PROPOSAL - WILSONVILLE





DRB APPROVED PHASE 1 PLAN – FIR STREET DEVELOPMENT

The companion applications that were approved by the Development Review Board are the following:

DB07-0021 Stage I Preliminary Plan.

DB06-0052 Tentative Partition Plat (three parcels including the parent parcel).

DB06-0053 Stage II Final Plan (Phase 1)

DB06-0054 Site Design Review (Phase 1). The Old-Town Overlay District design criteria for single-family houses are met by the proposed project.

DB06-0055 Type 'C' Tree Plan (Phase 1) There are 27 existing trees over 6" caliper. The majority of these trees are Douglas Fir, with a few Western Red Cedar, Hawthorn and Cherry. Most of these trees are healthy, but 6 are recommended for removal because of their poor condition. The Arborist has recommended that 6 of these trees be removed because of their condition. For the most part, the rest of the trees are in good condition.

DB06-0056 Density Waiver

RECOMMENDATION:

Staff recommends that the City Council approve the Zone Map Amendment.

**EXHIBIT A-2
STAFF REPORT
FIR STREET DEVELOPMENT
(FORMALLY WILSONVILLE)
CITY COUNCIL
QUASI JUDICIAL HEARING**

Public Hearing Date: June 18, 2007
Date of Report: June 8, 2007
Application Numbers: DB06-0051 Zone Map Amendment
Property Owners/Applicants: Carol Dickey and Jeff Cameron

The Development Review Board approved a revised development plan showing 10 single family houses including 10 accessory dwellings units (ADU's), in two (2) phases along with associated site improvements, for the property located at the northeast corner of SW Fir and 4th Avenue, Old Town neighborhood. The development site area is comprised of an assembly of three parcels which total approximately 1.8 acres. The DRB approved Phase 1 development (Parcels 1 and 2 includes two (2) single-family houses and two (2) ADU's), which the DRB conditioned Phase 1 to a "de minimus" impact of 3 trips, plus 2 grand-fathered trips.

The Development review Board approved the following revised applications:

- **DRB recommends approval of a Zone Map Amendment from Residential Agricultural - Holding Zone (RA-H) to Planned Development Residential (PDR-4) for the entire property.**
- Stage I Preliminary Plan
- Tentative Partition Plat (Phase 1 including 3-parcels).
- Stage II Final Plan (Phase 1 including 2 single-family and 2 ADU's on two parcels). Old Town Overlay – Architectural Review
- Type 'C' Tree Protection and Tree Removal Plan (Phase 1).
- Site Design Review Plan (Phase 1).
- Density waiver - At 1/6,000, the net lot area calculates to 11 units, the revised project has only 10 units.

Comprehensive Plan Designation: Residential 6-7 du/ac

Current Zone Map Designation: Residential Agricultural - Holding Zone (RA-H)

ACTION: Approve the Zone Map Amendment with no conditions of approval.

Project Location: 30820 SW Fir Street. The subject site abuts the east side of SW Fir Street, and the north side of a 4th Avenue Street Easement, in Old Town. The properties lie south of 5th Street and adjacent to St. Cyril Catholic Church, and west of the ODOT gravel yard, which is adjacent to the I-5 Freeway. The subject property is more particularly described as being Tax Lots 400, 500 and 501, in Section 23AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon.



SITE

The subject property comprises three tax lots and is part of the Old Town plat. There is one existing home on Lot 400. This house is actually a converted commercial structure, once a farm implements sales and repair company. The other two parcels are 'Lots of Record', one of which once had a residence on it, which grandfather's 1 PM traffic trip.

APPLICABLE REVIEW CRITERIA:

Zoning Review Criteria:	
Sections 4.008-4.035	Application Procedure
Section 4.100	Zoning Purpose
Subsection 4.118(.02)	Utilities
Section 4.120 (as applicable)	Residential Agricultural - Holding (RA-H) Zone
Section 4.124.4 (as applicable)	Planned Development Residential (PDR-4) Zone
Section 4.140.07	Preliminary Plan (Stage I)
Section 4.197	Zone Map Amendment
Subsection 4.140(.07)(A)(1)	Owner's Authorization of Affected Property for Development
Section 4.138	Old Town Overlay Zone
Other Planning Documents:	
Metro's Urban Growth Management Functional Plan	
Storm Water Master Plan	
Transportation Systems Plan	

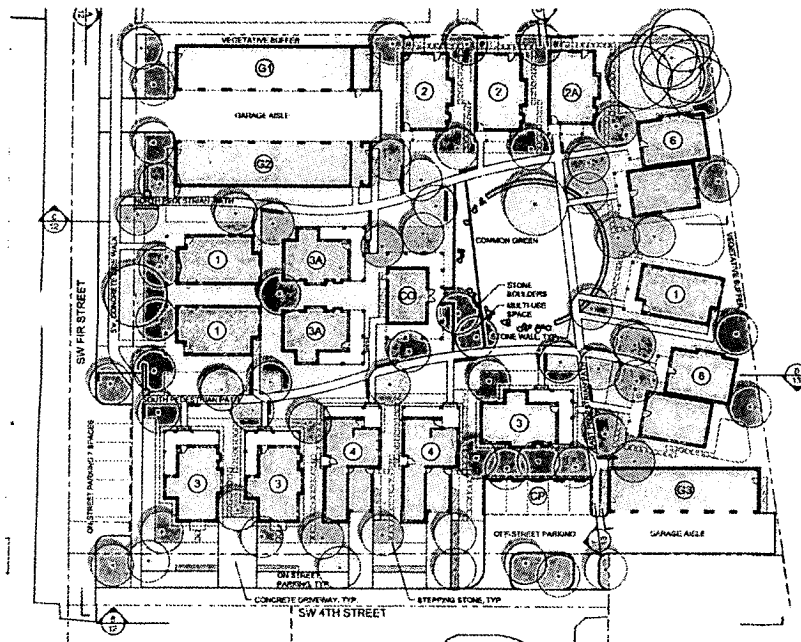
Staff Reviewers: Blaise Edmonds, Manager of Current Planning; Steve Adams, Deputy City Engineer; Don Walters, Plans Examiner and Kerry Rappold, Natural Resources Director.

SUMMARY:

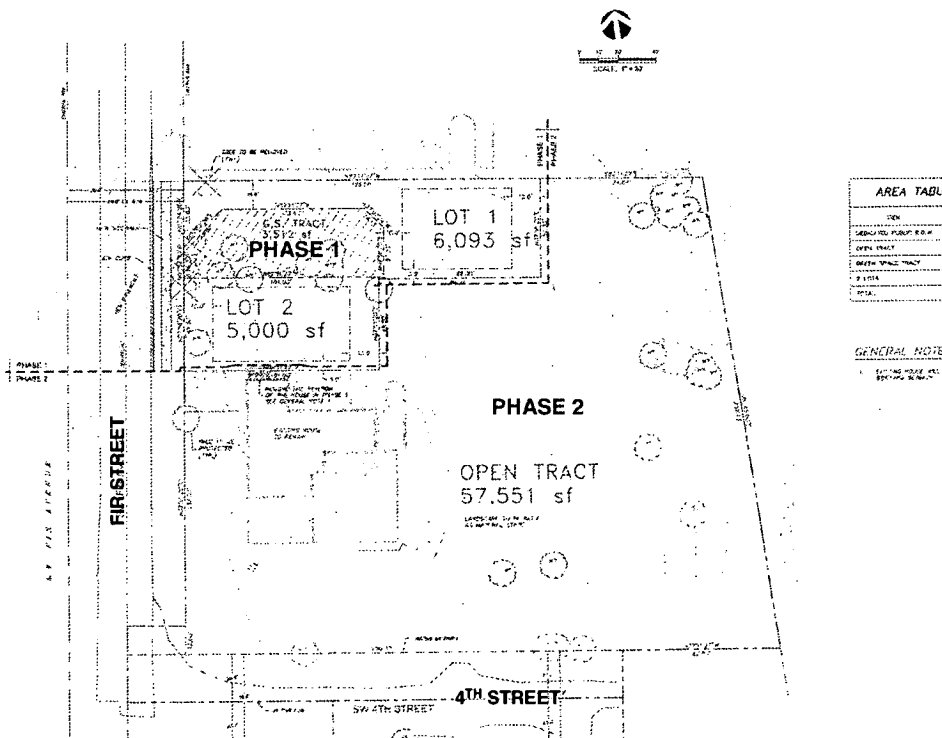
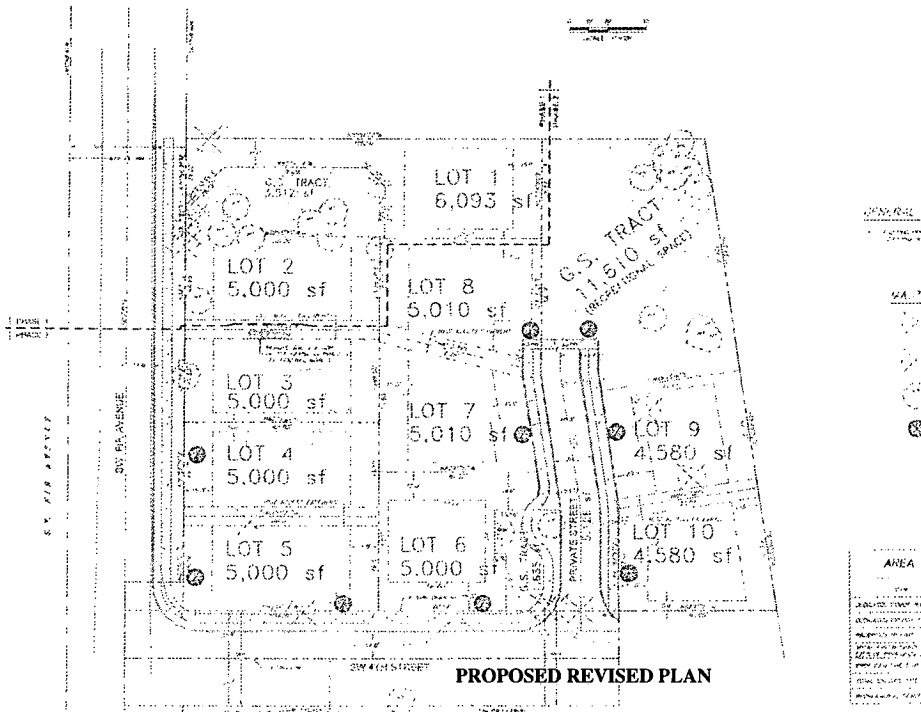
The proposed revised project has been laid out to accommodate inclusively a single-family subdivision plat. The development is anticipated in two phases, with the existing house to remain in Phase 2. Phase 1 development comprises two single-family houses, located in the northwest corner of the site, plus the existing house will be retained as an interim rental unit. The two single family houses in Phase 1 are proposed with ADU's, so the total unit-count for Phase 1 is 4 units. These units will front Fir Street. A portion of the existing house may need be demolished in order to comply with yard setbacks from new property lines in Phase 1 or replaced with the remaining 7 single-family houses proposed in Phase 2. Again, because of traffic impact limitations (de minimus to LOS "D") there is a requirement for this project to be phased.

ORIGINAL PROPOSAL	PROPOSED REVISED
13 Single-family houses	10 SFR
2 – Duplexes	0
10 Accessory Dwelling Units	10 ADU's
Total: 27 Dwelling Units	Total: 20 Dwelling Units
Density:	
Common meeting building.	The common meeting building has been deleted.

Staff is recommending approval of the Zone Map Amendment for the entire site.



Original Proposal



APPROVED STAGE II FINAL PLAN - PHASE 1

Traffic: There is no traffic capacity (in excess of LOS D) at the SW Boones Ferry/Wilsonville Road/Wilsonville Road Intersection. Subsection 4.140.09(J)(b)(i) allows "A *planned development or expansion thereof which generates three (3) new p.m. peak hour trips or less*". The DRB approved Phase 1 development plus the existing house, which 3 de minimus trips in addition to the 2 grandfathered trips are available. Thus, the DRB recommends limiting pm peak hour trips to a "de minimus" impact of 3 trips, plus 2 grand-fathered trips.

The approved revised application includes one waiver:

- At 1/6,000, the net lot area calculates to 11 units, the revised project has only 10 units.

The minimum density standard for the PDR-4 Zone is 1 unit per 6,000 square feet, which calculates to a minimum of 11 units, based on net site area. With 10 base lots the minimum density requirement is not satisfied.

Because of the required 25% open space, it is not possible to create the 11 minimum lots necessary to meet the minimum density standard for the PDR-4 zone, while simultaneously meeting the lot size requirements, and expectations of the neighborhood for 5,000 square foot lots. Consequently, 2 lots are below the 5,000 square foot target, but within the allowed minimum 4,000 square feet. Lots 9 ~ 10 are 4,580 square feet, and lot 1 is 6,093 square feet, which results in an overall lot average of 5,527 square feet. So the lay pattern meets the minimum and average lot size standard of the PDR-4, and meets the 25% open space standard, but not the minimum density of 11 units.

Outdoor Recreation and Open Space: Residential development standards require that 25% of the site be set aside for outdoor recreation and open space. This requirement is met with the proposed revised project at 25%. Proposed Phase 2 will remain undeveloped until further Stage II plans are submitted and approved. Overall, the entire project contains over 16,757 square feet in open space and the majority of the Douglas Firs.

"...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, walking 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..."

Subsection 4.113.02(A) that ¼ acre of recreation area be provided. The code also allows a mix of outdoor and common indoor recreational facilities to be included in the calculation. The original indoor recreational facility has been deleted from the proposed revised project plans. At ¼ acre or 10,890 SF is required for outdoor recreation. This recreation area can be included in the 25% parks and open space requirement and again 16,757 SF (10,890 SF is needed) is proposed meeting the minimum code requirement.

Landscaping requirements will be exceeded with yard landscaping around each unit, in addition to the common area tracts and street trees, totaling more than 25% of the site.

SUMMARY FINDINGS FOR APPROVAL:

Request A – Zone Map Amendment

The proposed Zone Map Amendment meets all applicable zoning and Comprehensive Plan requirements.

CONDITIONS OF APPROVAL:

Request A: DB06-0051 Zone Map Amendment

Planning Division Conditions:

On the basis of conclusionary findings A1 through A30, staff recommends that the City Council **approve** the **Zone Map Amendment**. No conditions of approval are proposed.

EXHIBITS LIST:

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

A2. Staff Report dated June 8, 2007.

Applicant’s Written and Graphic Material.

A. DRB Amended and adopted staff report.

B4. **Revised Land Use Application**, date received March 29, 2007 including project narrative, response findings, reduced plan sheets, house elevations and title information. On file with the Planning Division.

B5. Reduced size revised drawings/plan sheets.

FINDINGS OF FACT

1. Existing Site Conditions:

The subject 1.8 acre site comprises three properties, which are part of the Old Town plat. The applicants have provided a revised site description in the project narrative (Exhibit B4). The subject property is currently zoned Residential Agricultural - Holding Zone (RA-H).

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Saint Cyril Church
East	Interstate -5 and ODOT gravel storage yard.
South	Residential/Old Town
West	Residential/Old Town

Natural Characteristics:

The subject site contains nearly level terrain. Douglas firs are scattered throughout the site. The existing house at 30820 Fir Street (Tax Lot 400) would remain in the initial phasing of development. This house is actually a converted commercial structure, once a farm implements sales and repair company. The other two parcels are Lots of Record, one of which once had a residence on it.

Streets:

The site fronts on the west by SW Fir Street and 4th Street abutting the southerly side of the project site.

2. Previous Planning Applications Relevant to the subject property: None
3. The applicants have 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 were received and are incorporated into this staff report.

**CONCLUSIONARY FINDINGS
DB06-051 ZONE MAP AMENDMENT**

The subject property is currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the Code. The proposed Zone Map Amendment from RA-H to PDR-4 is intended to serve as a procedure to evaluate the conversion of urbanizable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion ‘A’

“That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140.”

- A1. The applicants have provided findings in Exhibit B1 and B4 addressing the Zone Map Amendment criteria. Approval of the proposed Zone Map Amendment is contingent upon approval by the City Council.

Criterion ‘B’

“That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text.”

Comprehensive Plan Designation: Residential 6-7 dwelling units per acre.

- A2. Based on the gross/net acres, the designated density for the site is calculated based on the standards of the implementing zones. The 6-7 density is intended to be implemented by the PDR-3 and PDR-4 zones. The gross site area is 79,101 sq. ft. or 1.81 acres. The net site area, less right-of-way is 1.53 acres or 67,030 sq. ft.

Applicant: *The allowable density ranges from 8 to 17 units. The proposed Master Plan provides 10 base single family lots. The 10 base units are consistent with the designated density range, being above the minimum of 8 and below the maximum density of 17 units. However, under the PDR-4 zoning and the net lot area, the minimum density calculates to 11 units, as addressed below in this report. Therefore a waiver for density is required. The waiver request is discussed below as part of the Phase I Master Plan.*

In addition to the 10 base units, the applicants are proposing that each base unit will include an Accessory Dwelling Unit (ADU). The ADU's are not counted towards the allowed density, as they are an outright use, associated with any detached single family unit.

While the Comprehensive Plan specifies an urban density, the properties are currently zoned RA-H, Residential Agricultural - Holding Zone. The RA-H is an interim zoning, which is intended to be replaced overtime through rezoning in conjunction with proposed urban level development, such as the proposed application.

As is anticipated with the RA-H zoning, this application includes a zone change to PDR-4. As is discussed below, the PDR-4 zone implements the designated density, and provides for a range from 8 to 17 units based on the net site area.

TITLE 12: PROTECTION OF RESIDENTIAL NEIGHBORHOODS

3.07.1210 Purpose and Intent

Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.

(Ordinance No. 02-969B, Sec. 3.)

3.07.1220 Residential Density

Metro shall not require any city or county to authorize an increase in the residential density of a single-family neighborhood in an area mapped solely as an Inner or Outer Neighborhood pursuant to Metro Code Section 3.07.130 prior to May 22, 2002.

A3. The Old Town Overlay District encompasses a broad area that covers approximately between Wilsonville Road and the Willamette River, and between Interstate-5 and the Portland & Western Railroad. It also comprises a wide range of industrial, commercial and residential uses. Proposed Fred Myers store is in the Old Town Overlay District. Near the project vicinity to the south is an apartment complex that comprises 12 units and to the north is Boones Ferry Village apartments comprise 84 units. The immediate neighborhood surrounding the project site is 5,000 sq. ft. single-family houses and manufactured houses and older mobile homes at a lower density and Saint Cyril Catholic Church. If considered as a whole neighborhood, there is not a single development type and pattern in the Old Town Overlay District.

Section 4.001(80)WC defines Dwelling, Single Family: "A dwelling unit designed for occupancy by one family. A single-family dwelling may be detached or attached, provided that each such unit is located on its own tax lot. A single-family dwelling may also include an accessory dwelling unit, if approved for that use as specified by Code."

Section 4.001(27) defines Accessory Dwelling Unit (ADU): "A dwelling unit of not more than 600 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".

Furthermore, the first sentence in Subsection 4.113.11(A) states: **"Accessory Dwelling Units shall be permitted outright when developed in conjunction with detached single family dwellings that have approved by the City."**

- A4. An ADU can have access to the primary residence or separate access with or without relation to the single-family house. Again the code allows for detached ADU on the same lot as a single-family dwelling. The previous proposal showing two-duplexes are deleted in the proposed revised project.
- A5. For the purpose of calculating overall housing density, a single family dwelling unit can also include an accessory dwelling unit and still be counted as one dwelling unit. This is consistent with what previous panels of the Development Review Board approved for Canyon Creek Meadows subdivision (Resolution # 1211) comprising 117 single family lots and up to 12 accessory units, and also Wilsonville Meadows Phase 8 (Resolution 95PC06) comprising 9 single family lots and up to 9 accessory dwelling units). Again, proposed for Fir Street Development is 10 ADU's meeting code.
- A6. To remind the reader of this staff report, at this time, the applicants are only proposing a partition to create two parcels in Phase 1 and the parent parcel including 2 new single-family houses and 2 ADU's, and retain the existing single-family house on the parent parcel. The allowable density ranges from 9 to 18 units. The proposed revised Fir Street Development, Stage I Preliminary Plan provides 10 base single-family houses. The base units are consistent with the allowable density, being below the maximum density allowed.
- A7. While the Comprehensive Plan specifies an urban density, the properties are currently zoned RA-H, Residential Agricultural - Holding Zone. This is an interim zoning, which is intended to be replaced through rezoning in conjunction with proposed urban level development.
- A8. The proposed revised project is consistent with the designated density pattern in the surrounding neighborhood. The applicants are also proposing 10 Accessory Dwelling units, in an effort to provide more affordable housing for the low and moderate-income households working in Wilsonville.
- A9. The proposed revised project meets the Comprehensive Plan density range, while also meeting the desired level of development. The proposed revised project will maximize density to increase affordability of the housing units and to further reduce the overall unit cost. However, staff is recommending that the DRB approve Phase 1 of the Stage I Preliminary Plan at this time and not approve Phase 2.

**Comprehensive Plan – Residential
Variety/Diversity of Housing**

Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City's desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.

A10. The proposal would provide a net addition of 4 residential units in Phase 1. The applicants' response findings to 4.198.01(A) in Exhibits B1 and B4 speak to the providing for additional single-family houses in the City meeting these measures.

Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City's desire to approve new residential development concurrent with the availability of public facilities.

A11. Water and sanitary sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. However, a storm water system will need to be provided for Phase 2 development.

Implementation Measure 4.1.4.h: "Require new housing developments to pay an equitable share of the cost of required capital improvements for public services."

A12. The applicants/owners will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.

Significant Natural Resources

A13. Based on the material submitted, there is no SROZ located on the subject property.

Area of Special Concern

A14. The Comprehensive Plan identifies the subject property in Area of Special Concern F, which is the Old Town neighborhood. The applicants findings found in Exhibit B1 and B4 meet the design objectives in Area of Special Concern F.

Implementation Measure 4.1.4.b – Variety in Housing Type "Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment."

A15. The low vacancy rates of subdivisions in the City provide circumstantial evidence that there is demand for the single-family housing product proposed by the applicants meeting IM 4.1.4b. Adequate public services could be made available to the site.

Implementation Measure 4.1.4.d – Diversity of Housing Types “Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms.”

A16. Again, proposed are 10 single-family dwellings, an existing house and 10 accessory dwelling units meeting IM4.1.4.d.

Implementation Measure 4.1.4.e “Targets are to be set in order to meet the City’s Goals for housing and to assure compliance with State and regional standards.”

A17. The City has established a 50% multi-family, 40% single-family target for housing in the City. The May 2006 Development Summary estimate by the City indicates a current split of 53% multi-family to 42% single-family. The proposed project would have negligible impact on the split.

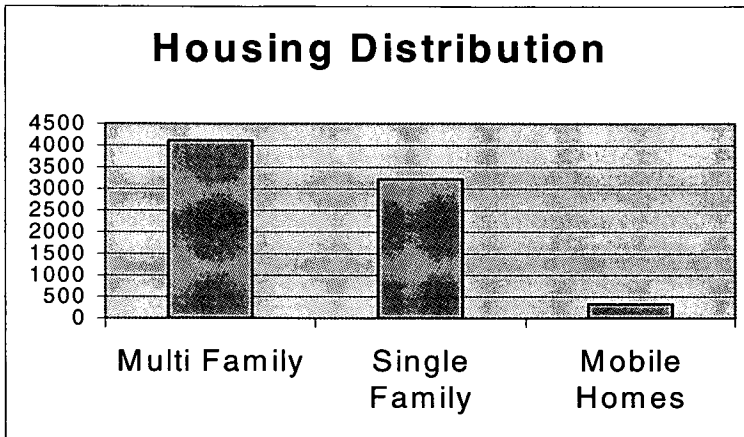
Development Summary For August 2006:

***Land Use**

Type	Total Acreage	Acres Vacant	% Vacant
PDC	247	43	17
PDC-TC	133	29	22
PDI	1092	149	14
PDR	1093	41	4
R	112	29	26
RA-H	545	297	54
PF	432		
PF-C	104		
V	111		
EFU (County)	95		
Other	738 (River, Roads, Freeway)		
Totals	4702		

Housing Units

Type	New	YTD	Total
Apartment	0	0	3869
Condominium	0	0	427
Duplex	0	0	68
Mobile Homes	0	0	22
Mobile Home/park	0	0	325
Single Family	8	137	3390
Totals	8	137	8101



August, in short.....

8 new single family

*Reflect 2006 Zone Chgs

Population Estimates

Estimated Population at 2.15 per household.....17,417

Coffee Creek Correctional Facility Population.....1,290

PSU Certified Population as of 7/1/06.....16,885

A18. The August 2006 Development Summary further indicates that approximately 23% of 4,702 acres of land within the City is zoned Planned Development Residential (PDR). Of the land currently zoned PDR, only four (4) percent is vacant. While single family development currently makes up over 42% of the housing units in the City, the 2000 Census figures for Wilsonville shows a vacancy rate of 2.6% for owner-occupied housing units in the City. By comparison, multi-family housing makes up over 53% of the housing stock in the City and was at a 9.5% vacancy rate in 2000. Of the 5,937 'occupied housing units' in the City in the year 2000, 3,199 (54%) were owner occupied, and 2,738 (46%) were renter-occupied. (The Census figures do not make a distinction between single-family detached housing and attached housing [condos, etc.]). While the Census figures show a greater percentage of the city's housing stock being owner occupied, the vacancy rate would suggest a higher demand for this type of housing. The proposed zone map amendment meets a public need that has been identified for affordable housing. The proposed project would increase the percentage of land in PDR zoning and single-family houses by a negligible amount.

Implementation Measure 4.1.4.q "The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments."

A19. The applicants are not proposing to site mobile homes in this application.

Implementation Measure 4.1.4.x "Apartments and mobile homes are to be located to produce an optimum living environment for the occupants and surrounding residential areas. Development criteria includes:

1. Buffering by means of landscaping, fencing, and distance from conflicting uses.
2. Compatibility of design, recognizing the architectural differences between apartment buildings and houses.
3. On-site recreation space as well as pedestrian and bicycle access to parks, schools, mass transit stops and convenience shopping.
4. The siting of buildings to minimize the visual effects of parking areas and to increase the availability of privacy and natural surveillance for security.”

A20. The applicants are proposing 10 accessory dwelling units meeting IM 4.1.4.x.

Criterion ‘D’ – Public Facilities “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

A21. The City Engineer’s Public Facilities (PF) conditions imposed upon the applications, which will require the applicants to provide adequate road improvement to Fir Street and 4th Street, provide water, stormwater and sewer infrastructure to serve the proposed project.

Criterion ‘E’ – Significant Resource Overlay Zone “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone.”

A22. There is no SROZ located on the subject premise.

Criterion ‘F’ “That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

A23. The applicants’ submittal document indicates intent to develop Phase 1 comprising 2 single-family houses/lots including 2 accessory dwellings shown on the tentative plat (Exhibit B1), after final approvals are obtained from the City. The applicants indicate that construction is planned within 2 years.

Criterion ‘G’ “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.”

A24. Staff is recommending conditions of approval for the proposed project that will bring it into compliance with all applicable development standards. These conditions are found in the reports regarding the applications.

Subsection 4.197(.03) provides that “If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.”

A25. The applicants have made affirmative findings for Subsection 4.197.02(A)-(G), above. Staff is also recommending conditions of approval for the project to ensure compliance with the subject Code criteria.

Subsection 4.197(.04) stipulates that the “City Council action approving a change in zoning shall be in the form of a Zoning Order.”

A26. Staff is recommending approval of the Zone Map Amendment for the entire site with relevant conditions of approval.

Subsection 4.197(.05) provides “In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.”

A27. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to modify the Zone Map designation will be forwarded as a recommendation to the City Council.

Traffic:

A28. The traffic study completed for this project (Exhibit B1) indicates Fir Street will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

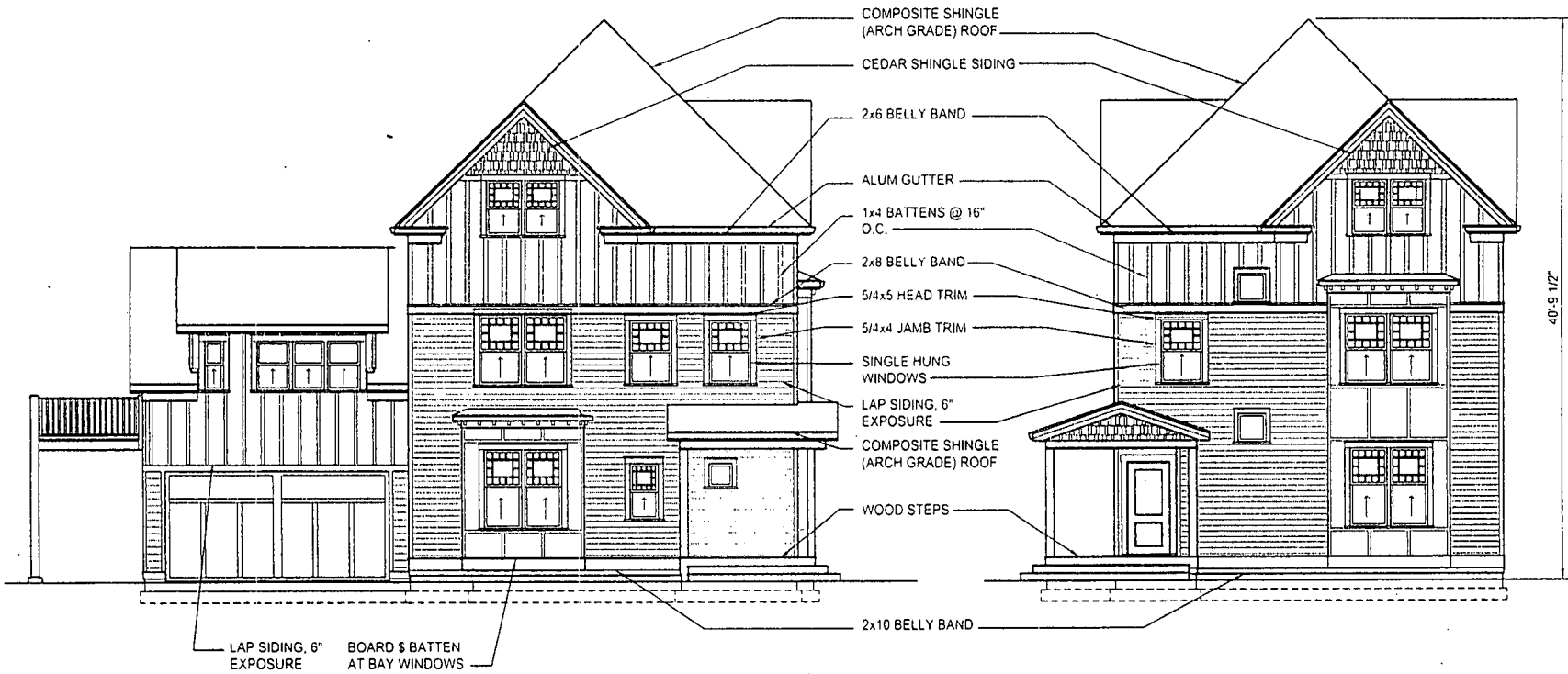
A29. The proposed revised project will be adjacent to single-family homes on the west side, south side of St. Cyril church and ODOT gravel yard on the east side. Implementation Measures 4.1.4.b, d, and o speak to the City’s desire to see a diversity of housing types and affordability. The applicants’ revised proposal would create housing diversity of single family housing and accessory dwelling choices in the City. Through the PF conditions of approval proposed by staff, the project could be adequately served with urban services designed to minimize off-site impacts for Phase 1 at this time.

Metro’s Urban Growth Management Functional Plan

A30. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the revision of the City’s

Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The applicants are requesting a zone change to Planned Development Residential (PDR-4) which corresponds to a Comprehensive Plan Map density of 6-7 dwelling units per acre.

DO NOT REPRODUCE WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT



Left Side Elevation

SCALE: 1/8"=1'-0"

2

Front Elevation

SCALE: 1/8"=1'-0"

1

Ph & fasmile: 503.281.9484

3805 N Michigan Ave. PORTLAND, OR 97227

Eric Hess, O H Architecture, PC

DATE 20 Mar, 2007

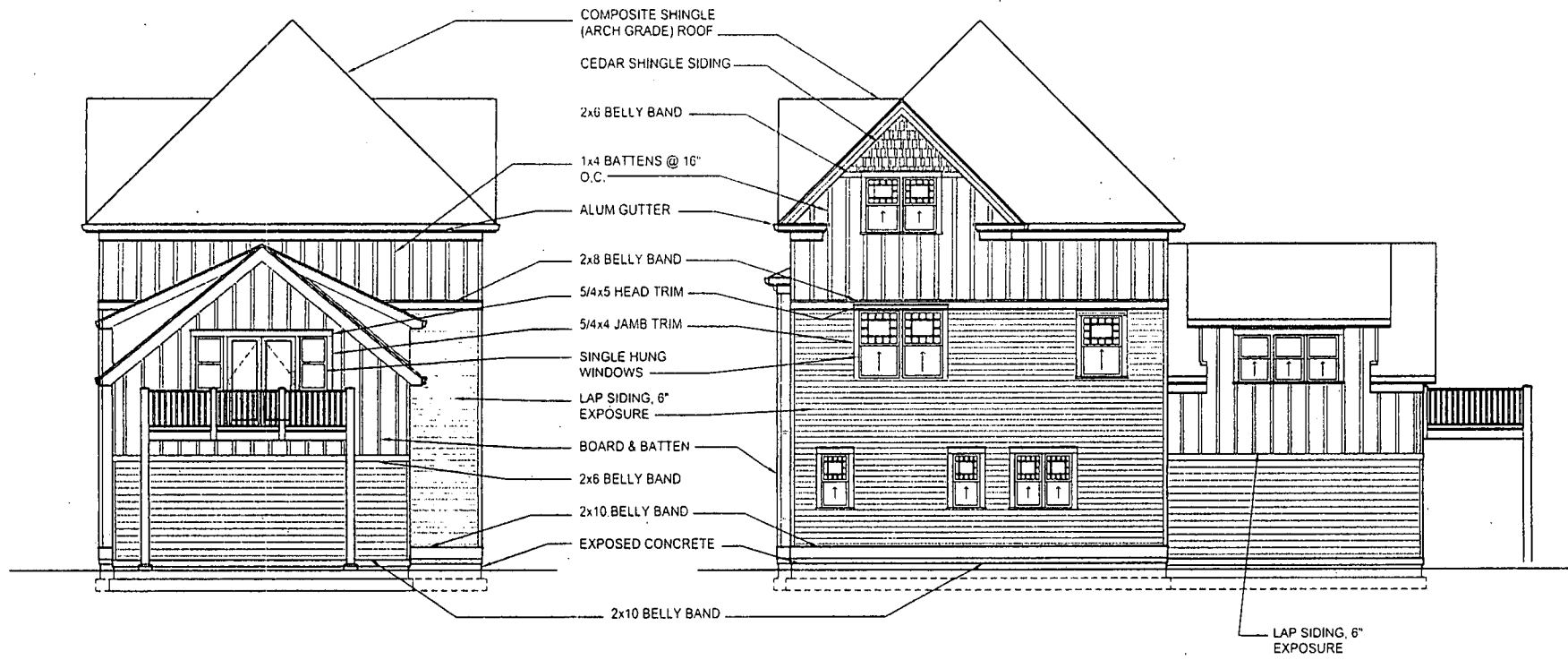
FILE Wsn1-P1

J.S. Cameron
Exterior Elevations

Wilsonville, LOT #1

P1

DO NOT EXCEEDANCE WITHOUT WRITING PERMISSION FROM THE ARCHITECT



Rear Elevation
SCALE: 1/8"=1'-0"

4

Left Side Elevation
SCALE: 1/8"=1'-0"

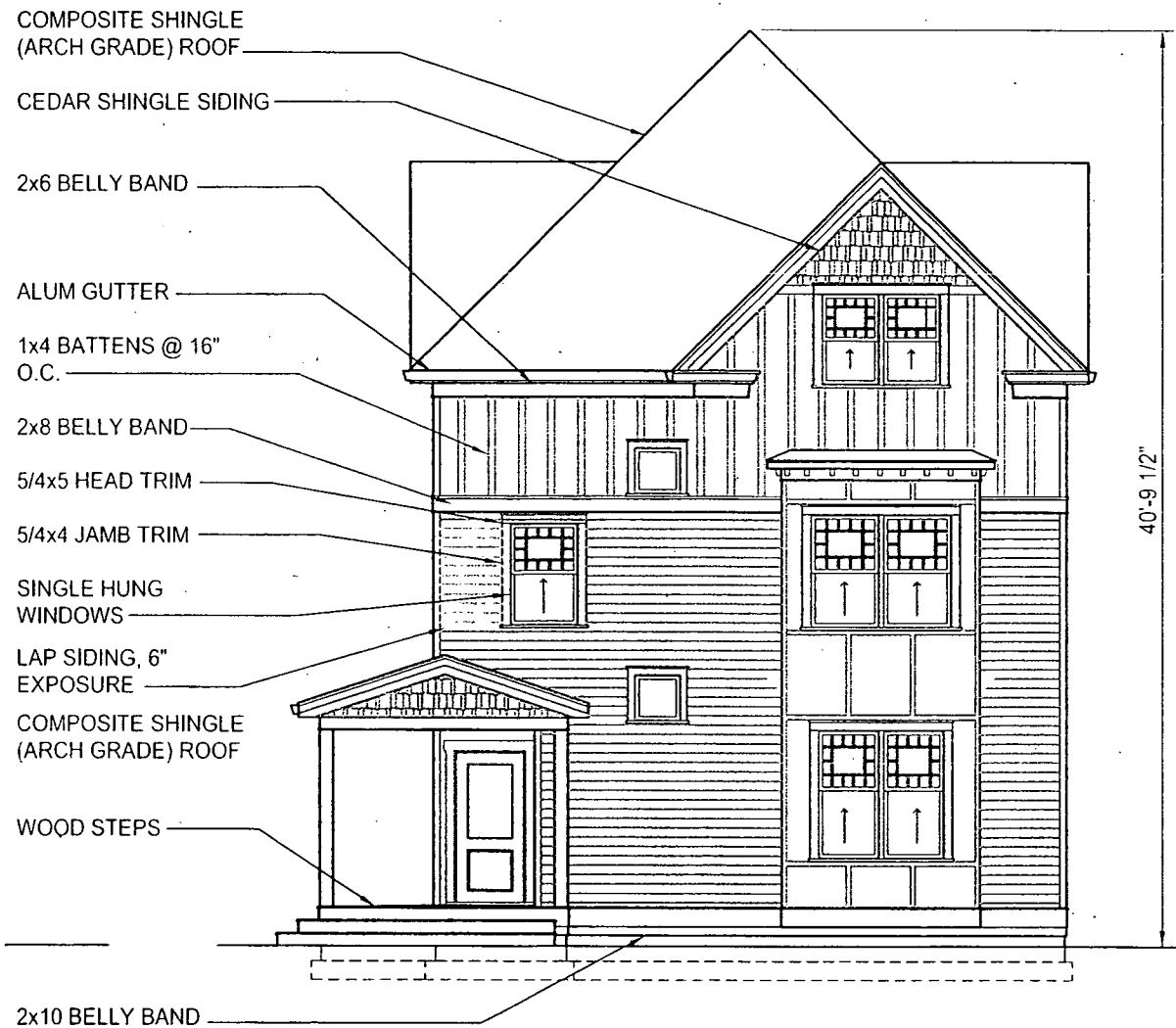
3

Eric Hess, O H Architecture, PC 3805 N Michigan Ave. PORTLAND, OR 97227 Ph & fasmille: 503.281.9484

DATE 20 Mar, 2007
FILE Wsn1-P2

J. S. Cameron
Exterior Elevations
Wilsonville, LOT #1

P2



Front Elevation

SCALE: 1/8"=1'-0"



Left Side Elevation

SCALE: 1/8"=1'-0"

COMPOSITE SHINGLE
(ARCH GRADE) ROOF

CEDAR SHINGLE SIDING

2x6 BELLY BAND

1x4 BATTENS @ 16"
O.C.

ALUM GUTTER

2x8 BELLY BAND

5/4x5 HEAD TRIM

5/4x4 JAMB TRIM

SINGLE HUNG
WINDOWS

LAP SIDING, 6"
EXPOSURE

BOARD & BATTEN

2x6 BELLY BAND

2x10 BELLY BAND

EXPOSED CONCRETE

2x10 BELLY BAND

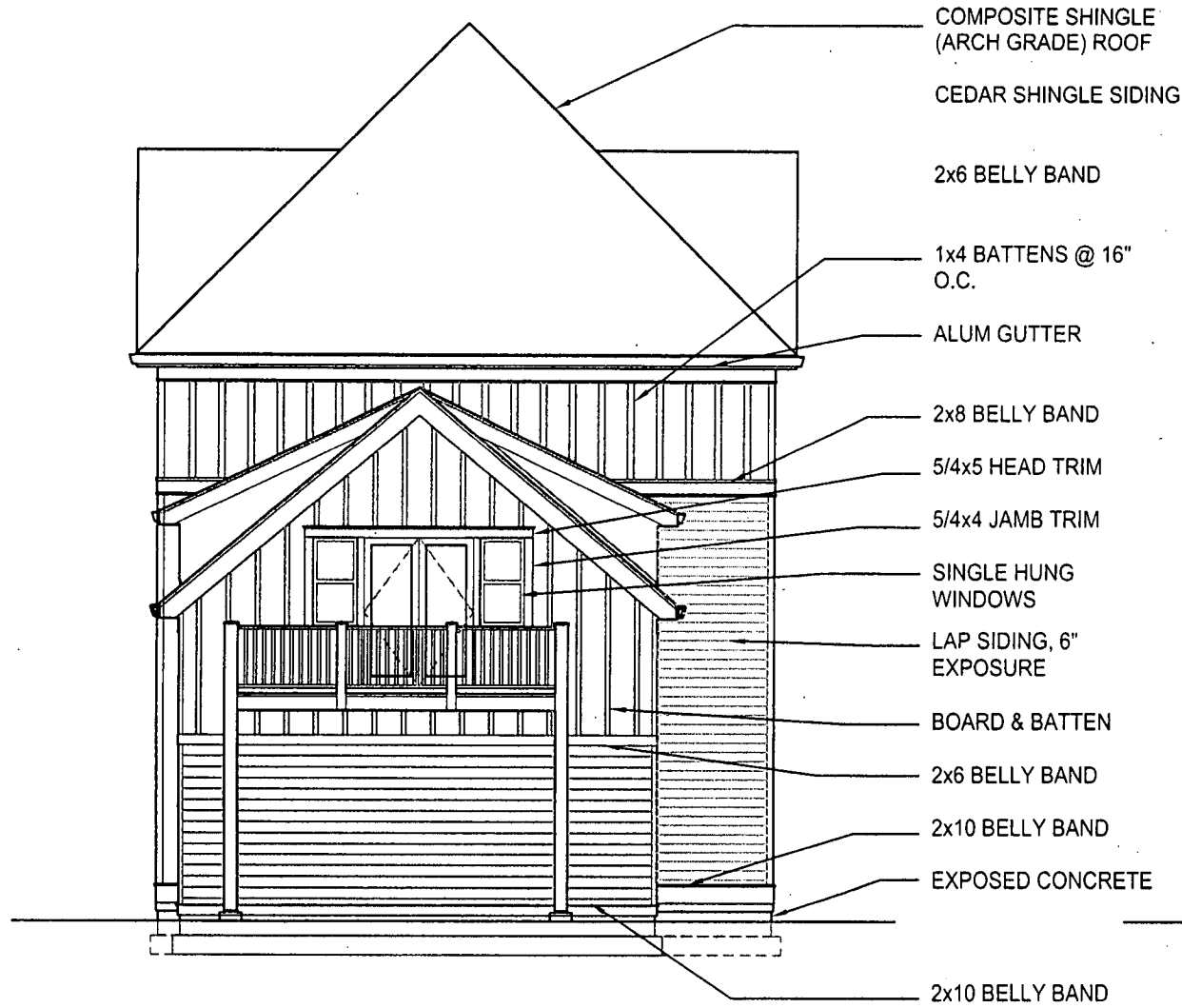
LAP SIDING, 6"
EXPOSURE

Left Side Elevation

SCALE: 1/8"=1'-0"

3





Rear Elevation

SCALE: 1/8"=1'-0"

DO NOT REPRODUCE WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT



Right Side Elevation
SCALE: 1/8"=1'-0"

4

Ph & fasmile: 503.281.9484

3805 N Michigan Ave. PORTLAND, OR 97227

Eric Hess, O H Architecture, PC

C. Dickey
Exterior Elevation

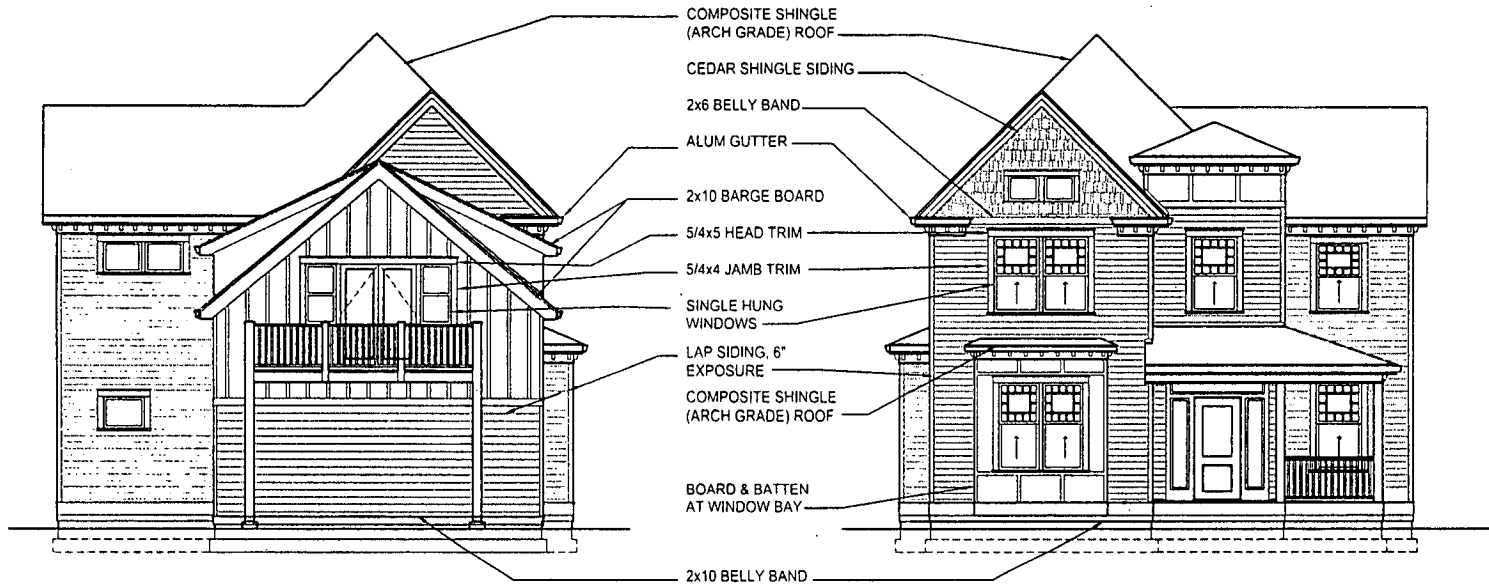
Wilsonville, LOT #2

DATE 20 Mar, 2007

FILE Wan2-P3

P3

DO NOT REPRODUCE WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT



Rear Elevation
SCALE: 1/8"=1'-0"

2

Front Elevation
SCALE: 1/8"=1'-0"

1

Ph & fasmile: 503.281.9484

3805 N Michigan Ave. PORTLAND, OR 97227

Eric Hess, O H Architecture, PC

C. Dickey
Exterior Elevations
Wilsonville, LOT #2

DATE 20 Mar, 2007

FILE Wen2-P1

P1

DO NOT REPRODUCE WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT



Left Side Elevation

SCALE: 1/8"=1'-0"

3

Ph & fasmile: 503.281.9484

3805 N Michigan Ave. PORTLAND, OR 97227

Eric Hess, O H Architecture, PC

C. Dickey
Exterior Elevation
Wilsonville, LOT #2

DATE 20 Mar, 2007

FILE Wsn2-P2

P2

COMPOSITE SHINGLE
(ARCH GRADE) ROOF

ALUM GUTTER

2x8 BELLY BAND

5/4x5 HEAD TRIM

5/4x4 JAMB TRIM

SINGLE HUNG
WINDOWS

LAP SIDING, 6"
EXPOSURE

36" HIGH GUARDRAIL
2x5 TOP RAIL W/
2x2 PICKETS &
2x3 PR BOT RAIL

2x10 BELLY BAND

EXPOSED CONCRETE



COMPOSITE SHINGLE
(ARCH GRADE) ROOF

ALUM GUTTER

5/4x5 HEAD TRIM

5/4x4 JAMB TRIM

SINGLE HUNG
WINDOWS

36" HIGH GUARDRAIL
2x5 TOP RAIL W/
2x2 PICKETS &
2x3 PR BOT RAIL

BOARD & BATTEN
@ 16" O.C.

2x6 BELLY BAND

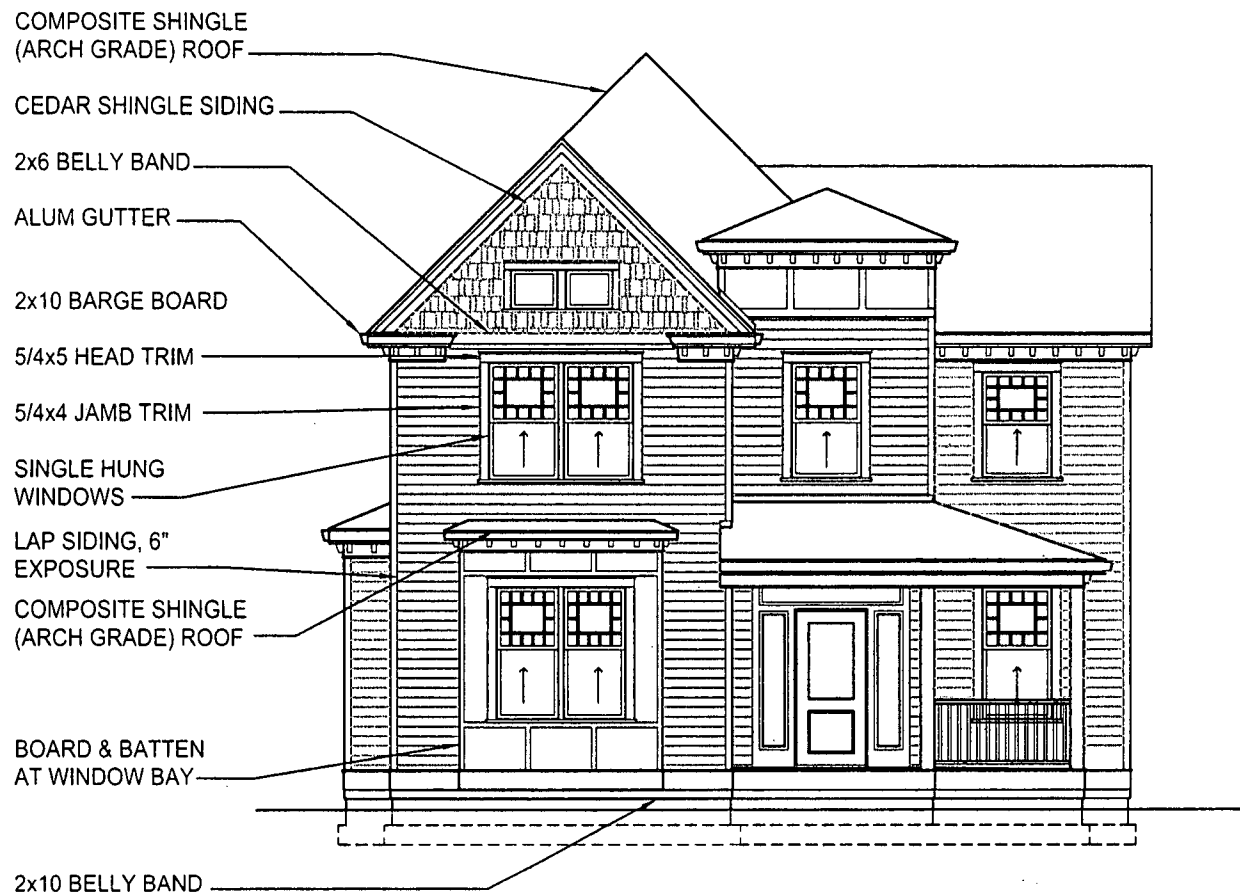
LAP SIDING, 6"
EXPOSURE

2x5 BELLY BAND

16'x8' GARAGE DOOR

Right Side Elevation

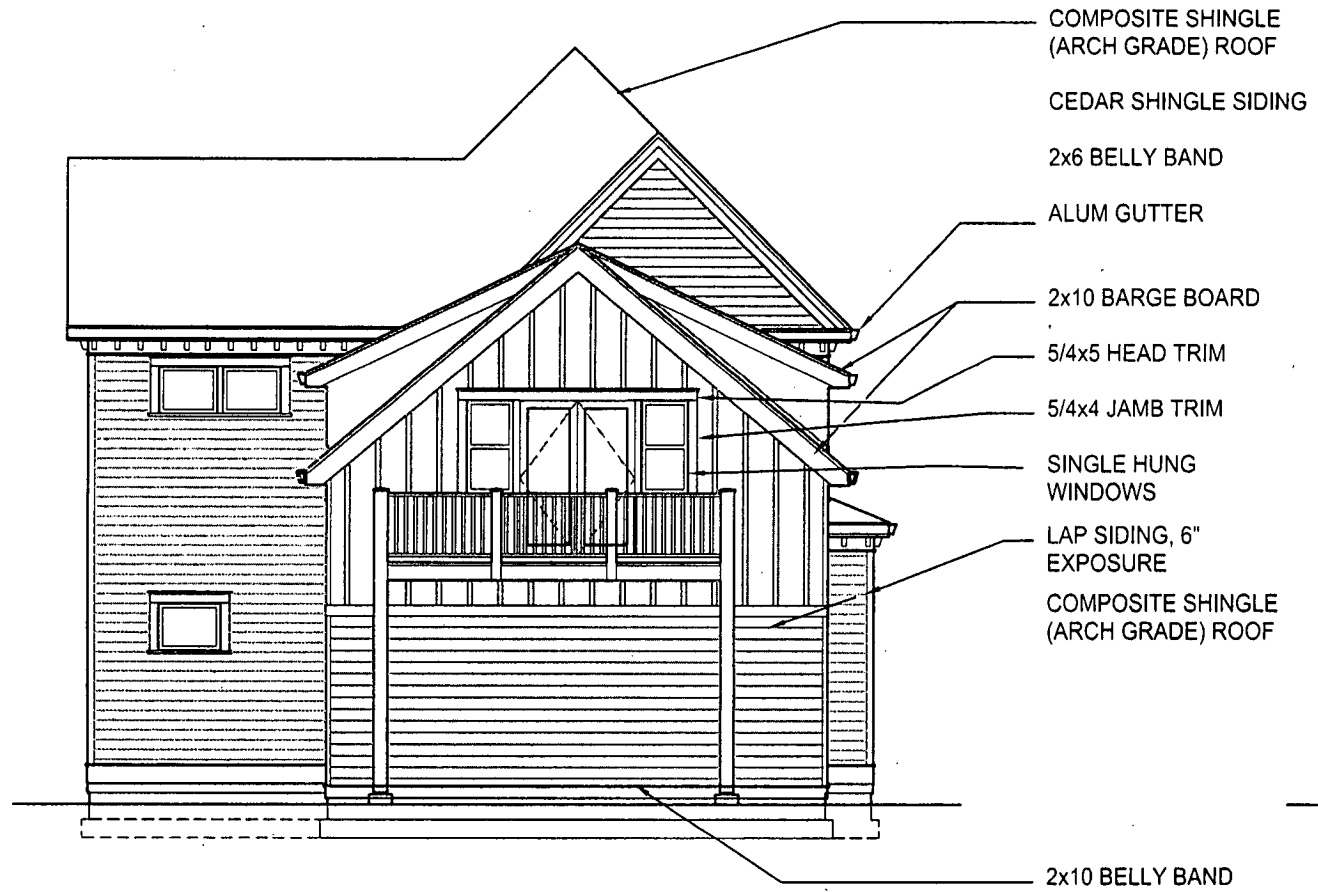
SCALE: 1/8"=1'-0"



Front Elevation

SCALE: 1/8" = 1'-0"

1



Rear Elevation

SCALE: 1/8"=1'-0"



Left Side Elevation

SCALE: 1/8"=1'-0"

3

VIII. New Public Hearings:

1. Resolution No. 93. Carol Dickey and Jeff Cameron/Ben Altman-Altman Urban Solutions. Fir Street Development.

This item was remanded to the DRB by City Council in November 2006.

Applicant requests approval of the following case files for development of Phase 1 of a two phase, 10-lot single-family development, including 10 accessory dwellings, along with associated site improvements. The 1.8 acre site is located at 30820 Fir Street, on Tax Lots 400, 401, and 500, Section 23AC, Clackamas County, Oregon. Staff: Blaise Edmonds.

- A. **DB06-0051:** The DRB recommends that the City Council approve a Zone Map Amendment from Residential Agricultural Holding Zone (RA-H) to Planned Development Residential (PDR-4) Zone.
- B. **DB07-0021:** Stage I Preliminary Plan
- C. **DB06-0052:** Tentative Partition Plan (3 lots)
- D. **DB06-0053:** Stage II final Plan (Phase 1)
- E. **DB06-0054:** Site Design Review (Phase 1)
- F. **DB06-0055:** Type 'C' Tree Plan for (Phase 1)
- G. **DB06-0056:** Density Waiver

The DRB's action on items B, C, D, E, F, are contingent upon Council's action on item A; a City Council hearing date is scheduled for June 18, 2007 to review Item A.

Chair Smith called the public hearing to order at 7:29 p.m. and read the conduct of meeting format into the record. Kristin Koetz and John Schenk 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.

Staff Report

Blaise Edmonds, Manager of Current Planning announced that the criteria applicable to this application were stated on page 3 of the Staff report, which was entered into the record. Copies of the report were available to the side of the room.

Mr. Edmonds reviewed the application's history and the current proposal with the following additional comments:

- The Applicant voluntarily requested a remand back to the DRB of this application at City Council; they have redesigned the project.
 - The application had caused quite a bit of controversy last fall. The Board denied the application due to several concerns regarding the number of requested waivers, housing density, tree removal, etc.
- The application currently before the Board is a totally new application and project from what was originally presented a year ago.
- Existing conditions and the original project proposal were reviewed via PowerPoint slides.
 - The site has an existing house, outbuildings, very significant Douglas Fir trees and is comprised of three tax lots.

- The Board is considering the proposed master plan and zone change. Changes from the original proposal were summarized in a table on page 4 of 54 of the Staff report, which resulted in a net reduction of 7 dwelling units from the original plan.
 - Staff and other applicants are finding that developing a single-family subdivision on sites three acres or less is almost impossible without requesting at least a waiver to either density, setback or lot size. The previous Copper Creek application provided another example.
- He emphasized that the Applicant had worked extremely hard to avoid waivers and now only a density waiver is requested.
 - The project proposed 10, rather than 11 single-family residences, falling only 1 unit short of the required 12 units for the subject property's size.
- Because of the City's traffic capacity limitation, the Applicant proposed Phase 1 approval, which included Lots 1 and 2 and an open space tract, with Phase 2 to be built when trip capacity became available. (PowerPoint slide),
- In response to previous public testimony, the Applicant tried to create lot sizes equivalent to 5,000 sq. feet on the west side of Fir Street.
 - He believed the new plan had achieved that goal with Lots 1 and 2 measuring 6,093 and 5,000 sq. feet respectively.
- An exhaustive design analysis of the project's proposed homes was completed.
 - The proposed Victorian design architecture was of the 19th and 20th century, very ornate with attractive colors and met the Old Town Overlay District Architectural Standards.
 - The architecture was superior and a very well conceived design.
- Issues discussed at the prior hearing included:
 - Curbs on Fir Street when constructed. Engineering Staff's condition of approval required that curbs be constructed; however, several residents in Old Town still disagreed since no other streets in Old Town are curbed. The curbing issue still needed addressed.
 - Storm water drainage system. A dry well system was previously proposed and the City Engineer has since agreed to the principle of a groundwater injection system as long as the Applicant provided DEQ authorization that it was an acceptable practice for that area and would not create groundwater contamination in the area.
 - The revised tree protection/removal plan indicated only 6 trees of 27 existing trees would be removed compared to the 18 trees proposed for removal in the previous application.
 - The Applicant shifted lots, building footprints and streets in order to protect more of the large Douglas fir trees in good and excellent condition, incorporating them in tracts or open space.
 - The revised proposal complied with the 25% open space requirement with open space between proposed Lots 1 and 2 and to the east of Lot 2 on the northeast corner of the property.
 - An open space pocket was noted on private land at the property's most southerly end and was displayed on the revised site plan via PowerPoint.
- Staff believed the Applicant had worked very hard and listened to the neighborhood to develop a revised plan that better fit the Old Town area.
- Staff strongly suggested the DRB forward a recommendation to the City Council for the zone change for entire property.
 - The Applicant had provided a fairly detailed Stage I Master Plan for the DRB to make a zone change recommendation for the entire property, so when the Applicant acquired trip capacity, building Phase 2 would simply be a matter of returning before the Board, platting out the balance of the lots and receiving DRB approval.

Mr. Schenk asked why the Board could not approve the entire project and then have the City withhold building permits until trip capacity became available. The process seemed redundant and a waste of time in this particular case.

Mr. Edmonds agreed as Staff wanted to be efficient also. He explained that when the Staff report was written, the ordinance Councilor Knapp mentioned was not in effect, so a timing issue prevented moving the whole application forward.

- The legal notice also advertised for a Phase I, Stage II approval, not that the entire project might be approved at this time for the trip capacity.

Mr. Schenk asked City Attorney Paul Lee if it was possible to approve the entire project.

Chair Smith did not believe it was possible without proper notification to the public.

Mr. Lee asked what the notice stated with respect to the concurrency ordinance.

Mr. Edmonds did not have the file before him, but would retrieve the notice information.

Mr. Lee explained that the resolution was adopted by City Council interpreting various Comprehensive Plan and Development Code references to concurrency and finding that the various policies, goals, implementation measures and Code sections could be satisfied, particularly the finding that LOS D traffic capacity is planned and funded within two years with the exception of that corridor between Boones Ferry Road and Town Center Loop East, which could be four years under provisions of the Transportation Plan. that conditional approvals whereby the approval and any building permits would be made subject to a couple things, including a substantial amendment to URD, but importantly an entry into an intergovernmental agreement with ODOT for the majority of the construction of the improvement.

- Council found that some of the applications in waiting could be approved on that basis.
- Mr. Schenk's question was good. Since Council had adopted that resolution, an interpretation pursuant to that resolution could be applied to this particular application, which was why he wanted to see what the notice stated.

Chair Smith asked if the Board had received everything needed to make an informed decision on the entire project.

Mr. Edmonds explained that the notice for the considered case files stated one preliminary plan, a zone map amendment for the entire property and a tentative partition plat for three lots, but not the entire project.

- He explained the Applicant could not ask for a Stage II for the balance of the project because traffic capacity was not available at the time the report was written.

Mr. Schenk commented that Staff was aware and the Board had a picture showing the Applicant's intentions.

Chair Smith noted that the matter involved the public. If the Board approved more than what was originally noticed, he believed there would be problems given the controversy regarding the Application.

Mr. Edmonds asked if an opportunity existed to readvertise the entire application, so by the time the application came before City Council for the zone change, Council could consider the entire project.

- Staff typically does not like bringing an entire application up to Council. Council typically reviews the zone change without the other components.

Mr. Lee agreed, adding the DRB considers Stage II first and Council does not consider a Stage II apart from that process being followed.

- The application would need amending to respect Stage II for the entire project and for the DRB to act on it; importantly, Staff would need to craft a condition of approval tracking the interpretive resolution, all of which must occur before City Council could approve the entire application.
- Under Code, Council only has the zone change within its authority; therefore he did not believe Council could approve the entire project.

Vice-Chair Postma noted the third paragraph of page 4 of 54 stated, "... further reduced from 11 to 10 single-family houses..." and asked if it was supposed to read "17 to 10".

Mr. Edmonds explained the original proposal had two duplexes which added four units, resulting in 27 total units with the 10 Accessory Dwelling Units (ADUs).

- Regarding the particular sentence, he explained that one plan had showed 11 single-family homes, however, Staff and the Applicant learned at a meeting that 25% open space was still required, so another unit was removed.
- He noted that a sheet distributed prior to the public hearing corrected Condition PDB 1, because the revised application only involved one waiver request, not three.

Vice-Chair wanted to clarify that the proposed waiver was from 11 to 10 single-family units, for purposes of a potential finding that the waiver is allowable because for purposes of calculating density, the 10 single-family units were [counted used] and the 10 additional ADUs were actually concurrent to those 10 single-family units.

Mr. Edmonds agreed, reminding that in Staff's opinion, ADUs do not count toward density in the Wilsonville Development Code, but were bonus units. According to Development Code, the actual density was 10 single-family dwelling units.

Vice-Chair Postma asked what the Development Code stated regarding curbs.

Mr. Edmonds clarified that the Public Works Standards regarded curbing and said Mr. Adams was available for a more detailed response.

Vice-Chair Postma asked if the proposed storm drainage system was an interim system that would only apply to Phase 1 and if a different system would be implemented for the later phase.

Mr. Edmonds believed the Applicant's intent was to use the groundwater injection system. Four or five dry wells throughout the site were intended for use in the permanent system.

Kristin Koetz asked where the driveway was located for Lot 2.

Mr. Edmonds explained the driveway could occur anywhere along the lot's frontage on Fir Street. The garage and house footprints were not shown on the displayed plan, but the Applicant might have a more detailed layout of Lot 2, indicating the driveway's position.

Ms. Koetz remarked that if approved, the DRB would be approving the application without knowing where the driveways would be placed.

Mr. Edmonds responded that driveways to single-family homes were not typically approved in any subdivision request.

Ms. Koetz noted the Board usually saw the layout of the homes and everything in the project.

Mr. Edmonds replied yes, but this particular project fell under the Old Town Overlay District and Site Design review of the homes' architecture.

- He deferred to the Applicant to explain the location of that driveway and the house's footprint.

Ms. Koetz noted two car garages were proposed and asked where people renting the ADUs [would park.]. The ADUs were like duplexes, with two apartments in each building, were shared garages proposed for the ADUs?

Mr. Edmonds stated the Development Code requires only one parking space per dwelling unit and a 20-foot driveway between garage door and sidewalk, creating the potential for cars to park in the driveway as well as in the garage. In theory, the Applicant would meet or exceed Code requirements with off site parking.

- The original plan proposed head-in parking off Fir Street at the project's southwest corner, which was now deleted.
- Once [improved], parking was also allowed along Fir Street, a public street.

Chair Smith asked if yellow was the only color proposed for the homes.

Mr. Edmonds responded no; a broader color palette was provided, which the Applicant was probably prepared to show.

Chair Smith asked how Lots 7 and 8 would be accessed.

Mr. Edmonds explained once Phase 2 is built, Fourth Street, a public street would be widened and then a private, plug street would provide access to Lots 7, 8 and 9, and perhaps Lot 10.

- Lot 6 would likely be accessed from Fourth Street to retain the large Douglas Fir on the lot's east side, and avoid cutting through the tract.

Chair Smith asked who would maintain the private street.

Mr. Edmonds answered the project's homeowners. A homeowners association (HOA) would be required as in any other subdivision. The City Development Code allows for alleys and private streets, but a HOA is required to maintain them. Even in Villebois, the HOA maintains the alleys.

Mr. Schenk asked if plans existed to extend Fourth Street through the small grove of fir trees.

Mr. Edmonds replied that neither the City nor the Applicant had any desire or plans to extend Fourth Street east.

Chair Smith called for the Applicant's testimony.

- **Ben Altman, Urban Solutions, PO Box 4063, Wilsonville, OR 97070**, representing the applicants explained that the project was completely revised following the remand from City Council. The redesign's focus was based on the DRB's reasons for denial, primarily focusing on the number of waivers requested in the original application and extending from neighborhood objections related to density, lot size, street frontage, lots fronting the street, on street parking and tree preservation.
- Beyond that, the specifics of Wilsonville's PDR-4 zone and subdivision requirements were the basis for the project's design. The project achieved 99.9% Development Code compliance.
 - Lot size requirements were met with two lots just below 5,000 sq. feet, but within the allowable 5527 sq. feet lot size average for PDR-4.
 - All lots now fronted on streets, though a private street was proposed that is allowed by the Development Code.
 - Off street parking was provided and parking exceeded Development Code requirements.
 - The 25% open space standard had been met and 2/3 of the 27 on site trees were preserved through open space tracts.
- He confirmed that open space tracts and private street would be maintained by homeowners through a HOA.
- One standard that could not be met with this design was the minimum 11 unit density calculation based on the net lot area; only 10 units could be obtained from this package.
 - Priority was given to tree preservation and lot sizes based on input from the neighborhood in making the decision to request the waiver. Based on all the other factors, the Applicant was forced to request a waiver to allow one less unit than the minimum requirement.
 - Consideration of that waiver was based on Metro's policy for the inner neighborhood provision. It was not [Metro's] intent to impact existing neighborhoods by increased densities.
- He clarified that the on site storm drain system for the lots would be the in ground injection. Roof drains would run into planter beds and then be injected into the ground. Consistent with the public works standards, the Fir and Fourth Street improvements would connect to a public storm system. There was no provision for in ground injection of the public portion of the site.
- Except for the one minor waiver, he believed the neighborhood's expectations and Development Code standards had both been met and looked forward to the DRBs approval and recommendation to City Council regarding the zone change.

Ms. Koetz asked if the remaining property would be maintained and groomed or just left as an open field when the first two houses were built.

Mr. Altman replied that the property would be maintained. The existing house would remain until Phase 2 is built, then the rest of the open space, which is primarily lawn, would be maintained and mowed.

- Phase 2 had not been discussed in depth since Council had not yet adopted the interpreted resolution when the application was submitted. The Applicants had not anticipated the issue being resolved so quickly.

- He was uncertain when the Phase 2, Stage II approval would come before the DRB, though he did not expect to proceed with the Phase 2 immediately, but get Phase 1 in place over time and then return to the Board.

Ms. Koetz asked if the units were apartments or individual homes and what the square footages were of the main house and [ADUs].

Mr. Altman answered that all the units were designed as single-family homes.

- Currently the owners intended to rent the homes, holding them as an annuity investment, but the plat would create individual lots just like the rest of Old Town. Depending upon market conditions, the homes could be sold.
- He clarified that the current owners would be the HOA at this point, but the project was structured so if platted and individual units were sold, those individual owners would become part of the HOA.

Ms. Koetz wanted to clarify the square footages of the units, were the units homes with two apartments? What was the difference between a duplex and a single-family dwelling with an ADU?

Mr. Altman explained that under the Wilsonville Development Code, a duplex has two living units with full kitchens, utilities, etc. ADUs are limited to 600 sq. feet and cannot have all the plumbing requirements of a full house. An ADU is similar to a studio apartment with a kitchenette and small bathroom.

- The existing, two-story house has three bedrooms with the whole upstairs open. A living room, bedrooms and family room were downstairs.

Ms. Koetz asked if the Applicant knew where the driveway would be located for Lot 2.

Jeff Cameron, 14943 SW 154th Terrace, Tigard, OR, Applicant and Co-property owner explained that a joint easement had been incorporated between the two property lines on Lot 2's south side. The [easement] would run along the southern border to the back of Lot 2 to the home's garage indicated on the slide at the back of the house.

- No garages from any lots would be seen from the street.

Ms. Koetz confirmed that the easement came off Fir Street.

Chair Smith asked if it was like an alley.

Mr. Altman responded no, it was a driveway between Lots 2 and 3, which enabled the driveway to be shared if the Applicants chose to do so. It was not an alley.

Ms. Koetz asked if the driveway would be paved.

Mr. Cameron answered whatever the City required.

Chair Smith asked if the design was like accessing a flag lot.

Mr. Cameron answered no, the design reflected a time when garages were in the back of the lot and the proposed driveway enabled cars to access the back of the lot to the garage's proposed location.

Ms. Koetz asked if the driveway stopped where the vertical line shown on the site plan ended, indicating grassy area, and if the same [easement] occurred between Lots 7 and 8.

- Chair Smith had asked about accessing Lot 8. Were there two of the shared-type driveways?

Mr. Cameron stated a shared easement did exist between Lots 7 and 8 and was most likely where the driveway would be. The easements were done in order to plan ahead; he wanted the flexibility to have shared driveways.

Mr. Altman stated the easement also allowed for a pedestrian link back to the open space from the lots fronting on Fir Street.

Ms. Koetz commented [the idea] was wonderful and opened up the whole project.

Vice-Chair Postma asked if turnaround capacity was provided on the private street going toward the open space.

Mr. Altman answered that a turnaround was not designed, primarily because there was not enough square footage. Also, [the street] was short enough in length that a turnaround was not required. The driveways would serve as that function.

Sukhwant Jhaj said the original application mentioned ODOT had been contacted relative to connecting to the ODOT storm drainage line, but no decision had been made about whether that connection would be feasible at the time the Staff report was written.

- He asked what the implication was of receiving ODOT's permission and whether this was a concern.

Mr. Altman responded the issue actually involved the street improvements of Phase 2. A couple different options were available for storm water drainage, which could go south down to the wastewater plant or east toward the freeway to the state property and then down.

- The storm water drainage issue had not been pursued, because the focus had been on Phase 1, however a decision would be needed about how street storm water was to be handled before submitting for Phase 2.

Mr. Jhaj asked Staff what the consequence was of not receiving ODOT's permission to connect to the storm water lines, since the DRB was approving a complete layout.

Mr. Edmonds clarified that the Board was not approving a Stage II Final Plan for Phase 2 yet. As Mr. Altman testified, storm water drainage would become an issue when the second application returned before the DRB and must be resolved at that time.

- With Phase 1, the City Engineer indicated that the storm drainage runoff for Lots 1 and 2 was not significant enough to trigger a full improvement to storm drainage, such as connecting to ODOT property lines or some other methodology.

Chair Smith called for public testimony.

Michelle Dempsey, 30999 SW Boones Ferry Road, Wilsonville, OR 97070 read her written comments into the record (Exhibit C4).

Rose Case, 9150 SW Fourth Street, Wilsonville, OR 97070 stated that her house was adjacent to Lot 10 shown on the site plan.

- She has been an Old Town resident since 1987 and served on the Westside Planning Task Force that had substantial debates regarding density. She noted page 12 of the Master Plan discussed alternative types of housing, listing co-housing, housing for seniors, disabilities, manufactured-type housing, etc.
 - That discussion was intended to keep Old Town from being duplex city and just a mass of duplexes, tri-plexes and so forth. [The Task Force] wanted the community to be “Old Town”, classic from the early 1900s back to the 1880s, which was where the ADUs came in. [Old Town residents] did not feel that worked for the community.
- Concerning sidewalks, what was being considered was the [type of sidewalks] found in front of St. Cyril’s Church and in towns like Independence, Oregon. Her in-laws have a similar [sidewalk/curb] in front of their house, which is a former church built in 1880. These were what [Old Town residents] would like installed for the residential area.

Chair Smith asked if not having curbs and sidewalks actually invited more off street parking.

Ms. Case responded that in Independence, her in laws never had problems with a lot of street parking. The neighborhood was older, with single-family homes and one home that was turned into student housing, which did not have a magnitude of cars or motorcycles in front.

Chair Smith commented that the density [proposed] in this smaller area would invite more [inaudible].

Ms. Case added that St. Cyril’s was a different situation since [the congregation] had outgrown the church, which also added to the situation. [The neighborhood] was already at its density, to add more would make matters worse because not many routes existed to get out, Boones Ferry Road was it.

- Those back on Fir and Fourth Street, like herself, were really locked in when [traffic] backed up, as would residents of Lots 6, 7, 8, 9 and 10.
- The ADUs would double the number of frustrated families.
- The church had been very good about trying to address those concerns.

Barbara Bergmans, 9250 SW Fourth Street, Wilsonville, OR, 97070 lives right on the corner of Fourth and Fir Street and agreed with the previous speakers regarding no sidewalks or curbs.

- The Old Town Overlay Plan was being updated and one issue being discussed was having no curbs and sidewalks. Gravel with drainage underneath was being considered, so vehicles could park on top of it.
 - This would also give a more open feeling rather than being locked in by curbs.
- She was still had a concern like everyone else about the ADUs due to the added traffic and everyone being on dead end streets; there is only one way out.
- Sidewalks and curbs did not fit the character of Old Town’s residential areas, the only time curbs and sidewalks were seen is in the business area.
- She believed the next issue might involve Phase 2, but if Fourth Street was widened, several large, old Douglas fir trees would be lost.
 - She understood the City of Wilsonville wants to maintain trees, rather than removing them.

- John Ludlow, 29173 SW Courtside Drive, Wilsonville, OR 97070** lived in Old Town for 25 years and has known many of its residents for decades. He believed the biggest surprise for them was that this zoning existed allowing this kind of thing to be done.
- Old Town residents have fought duplexes many times. The Board would hear that residents are concerned about duplexes. In the early 1990s, meetings were held with Old Town residents to guide them about what they wanted for the future, because the residents had heard that duplexes, tri-plexes and four-plexes would be allowed. Everyone in Old Town had an understanding in the early 90s that [those types of units] would not proceed.
 - When this proposal came to them, Old Town residents did not know what an ADU was. How can that happen in an informed town?
 - People in Old Town had been there a long time. Where was the respect?
 - There was no question that the Development Code allowed this type of development. But where was the communication? The developer never came and told people his plans, in fact, he went to different garage sales telling the same people testifying tonight something different every time.
 - Though building the project is legal, what is the cost of non-communication with the people [the City] is supposed to be serving?
 - How could the residents not know what an ADU is when it is proposed for their neighborhood?
 - He was on the Planning Commission, when the SROZ went into place. He begged the City and went clear to City Council about mailing directly to the people adjacent to SROZ. The Council specifically refused to do so and Mr. Ludlow did the mailing himself.
 - The City of Wilsonville mails one piece of paper when doing mailings to an area, which says, "Pay attention, we are doing a Master Plan it MAY affect the value of your property."
 - Residents have the right to know what an ADU is if it is proposed for their neighborhoods and this municipality was allowing it.
 - They did not know about this development either until the 250 or 300 foot mailing notice area was delineated and mailed to.
 - There is a lack of communication in this City specifically on this application.
 - He knew about Old Town because he was the mayor and thought everything was pretty settled. Next thing he knows, plexes, which is what they are, pseudo plexes, can be stacked in an area that never believed that would happen.
 - Old Town has developed many bare lots that have mobile homes, which were an effective and inexpensive way of living. Old Town was and is the least expensive area to buy in Wilsonville.
 - This type of development did not increase home value, but brought a whole new element, including traffic problems. The corner of Fifth Street and Boones Ferry is very dangerous as it is.
 - The biggest issue however is a lack of information in this City, which can be improved. People have tried since the 90s to get the City to say "There might be this type of development that includes ADUs. Do you know what that is?"
 - The Spokesman has about a 33% circulation rate and the City could not depend on that to inform people, nor can people be expected to get information online. Finding information out was not people's responsibility.
 - It was the City's responsibility to insure information went out and people were informed in a timely matter about what was coming. Then these reactions would be avoided. These were not knee-jerk reactions; people are hurt because they did not know this was coming.
 - He knew it was not the Board's responsibility, but the Board could make a recommendation that the City was not informing citizens well enough.

Haley Alberts, 30740 SW Magnolia Avenue, Wilsonville, OR 97070 said she grew up in Los Angeles, where curbs are everywhere. From what she had experience, both in and outside this country, curbs invited parking. A curb was almost like an open invitation, indicating 'this is a place to park.'

- She lives across the street from a home that is for sale and there are no curbs in the neighborhood. Out of respect for those selling the home, spaces were intentionally left open during open houses.
- Business owners on the street, having recitals, etc. [use extra parking] and she didn't find herself crammed in as in curbed areas which create congestion and invite motorcycles to squeeze in for instance.
- People seem to have a little more respect in a non-curbed area, which do not have the trash seen on curbed areas either, falling from cars or thrown from car windows.
- She believed having curbs and sidewalks in the new development would change the area because it would invite parking and would decrease respect for peoples' properties.

Jim Doty, 9210 SW Fourth Street, Wilsonville, OR 97070 commented that when driving through neighborhoods he sees garages full of stuff and asked what ADUs would do to parking. He understood the garage accounted for some of the parking, but if it was full of storage, parking a car in the garage would be difficult. He wanted the Board to consider the practicality of that.

- He was also concerned about how wide the curbs would make Fourth Street and how the two huge fir trees on his property would be affected. He noted the trees on the displayed site map.
 - He believed the curbs might conflict with the trees.
- He has lived in Old Town for 18 years and would miss watching the deer and having the open space. The neighborhood has a country feel in an urban location, but he understood that growth happens. He is in the building industry, supplying homes with doors, etc.
- These two issues were a very big concern for him, however.

Chair Smith asked if the Applicant had any rebuttal.

Mr. Altman clarified that the proposed Fourth Street improvements in Phase 2 would affect the north half of the street only. The south side would not be affected, unless those properties were developed in the future, then that developer would also need to improve the other half of the street as required by the Development Code.

- A couple trees would be removed on the north side due to the street improvements, but those were included in the nine total trees proposed for removal for the whole project and extended from Wilsonville's Development Code that required subdivisions to make street improvements. The Applicant was simply adhering to Code.
- A waiver was not specifically requested regarding the curbing/sidewalk issue, because the Applicant was trying to avoid waivers after the last hearing and minimized requests by only asking for the density waiver.
 - Curbing was a local and Development Code issue. The Applicants complied with the Code but were prepared to support a waiver setting aside that Code standard if the City and neighbors agreed.
- ADUs have been addressed several times regarding how the Development Code is structured. Misunderstandings in Old Town could not be resolved.
 - The Applicants actually debated about whether to even raise ADUs as part of the application because ADUs were not an issue. The units fell under the Development Code regarding what is allowed on a lot once the lot is created.

- In the interest of full disclosure, however the Applicants chose to state the intent to include ADUs, but again the units are allowed by the Development Code and were not seen as a compliance issue. Though he understood the concerns, ADUs would be included because they are allowed by the City's Development Code.
- He clarified that the Code defines an ADU as an accessory unit, not as a duplex or an attached unit. ADUs are intended for infill and to meet special needs in the community extending from the Metro 2040 plan. He emphasized that duplexes were not being built.

Steve Adams, Deputy City Engineer clarified that current City standards only have streets with curbs. He knew the planning department was considering a possible modification for the Old Town area, but until adopted by City Council, the City still required streets with curbs.

- The City Engineer would not fight the Old Town district proceeding with a curbless design for these residential areas; engineering just did not have any [standards] allowing no curbs.
- Sidewalks were a separate issue. He did not believe engineering would support no sidewalks in the new development due to pedestrian safety. Without sidewalks, people would be walking in the street.
- He also clarified that PFC 14 required a full street improvement of Fourth Street with the south side being financed by the City through SDC credits.

Chair Smith asked what would happen to the large trees mentioned during public testimony.

Mr. Adams responded that the City would need to determine the trees' exact location. The City did try to protect as many trees as possible, so the trees would be taken into consideration.

- Changing the paved surface width was discussed as an option with Planning Director, Sandi Young.
 - Reducing the 32-foot width to 24-feet would allow trees to be in the gravel area outside the paved area.

Mr. Schenk understood that curbs are quite three dimensional, extending considerably below grade to keep the road from eroding away from a civil engineer's perspective.

- Respecting that need, would a zero height curb provide the necessary road structure, being a band of concrete more level to the ground; could that be a possible compromise?

Mr. Adams answered that could be done and had been approved for parts of the Villebois development. A band or flush mounted curb 18 inches wide and 12 inches deep held the paving stone street together and was a possibility for Fourth Street.

Mr. Schenk added such a curb would not protect fir tree roots running in that area, but achieved much of the desired visual aesthetics.

Mr. Jhaj asked what engineering purpose a curb served.

Mr. Adams replied that the most obvious was to collect storm water runoff from the street, prevent it from flooding private property and disposing of it.

- A street is a public right of way and if water shed off the right of way and flooded private property, owners have a legal recourse [against] the City damaging personal property outside the curb.
- A curb also clearly defines a street, preventing lawns from becoming parking areas.
- And as mentioned, curbs prevent deterioration of the roadway's edges.

Ms. Koetz asked for an explanation regarding drainage differences between gravel and curbing.

Mr. Adams said the Old Town neighborhood area was probably the most ideal for using an infiltration system. Both sides of the freeway have a lot of gravel/cobble soils and drain quite well.

- In time, [the soils] could silt up and puddle on top. A thin layer of silty soil would minimize drainage.
- Old Town residents seemed to like the gravel drainage, which can cause puddling for months on end in other Portland areas, but did not seem to create that same situation in Old Town.
- Gravel was a viable solution if drainage continued. If the area silted up and began puddling, maintenance could be an issue for someone.

Ms. Koetz said the residents requested gravel drainage to maintain the absolute character of Old Town as it currently exists and were considering including it in the Old Town Overlay Plan. Gravel drainage would be an alternative to curbing, because it fit Old Town's design.

Mr. Adams agreed.

Vice-Chair Postma confirmed that Condition PFD 1 assumed the requirement for curbs.

- He asked if the Condition was accurate or needed to be slightly revised if City Council approved no curbing in the Old Town District so [Old Town residents] could use that newly adopted Code versus what was being cited at this hearing.

Mr. Lee replied that was a possibility, but leaving the time frame open ended was problematic because [that approval] could take years.

- He suggested asking Mr. Adams to articulate a modified PF condition describing the altered, flatter curb design that exists in Villebois for the Board's adoption and to [remind] engineering that was the desired design in Old Town should curbsless streets become required.
- Then, if City Council did not approve a curbsless design in the Old Town District, the curb would be constructed like the Villebois flush curb.

Mr. Adams replied he would develop the condition, adding that an engineering technician could also draw up a detail indicating a flat, concrete band.

Vice-Chair Postma added that he was not opposed to incentives to push the curbing issue if Old Town residents wanted such an approval from City Council.

Board Discussion

Mr. Schenk did not care for excessive density either, perhaps limiting the ADUs to a certain percentage of the homes or something to that effect. He sympathized with Old Town residents but did not know how to help them.

- He asked if ADUs could be limited. One was located near his home and seemed to attract transient people who tended to degrade property. He understood the neighborhood's concern.
- He believed a flushed curb was a good compromise.

Vice-Chair Postma stated it was important to note that Development Code Section 4.113.11 stated an ADU was permitted outright when developed in conjunction with detached, single-family dwellings approved by the City. ADUs are an absolute right for anyone building a single family home.

Mr. Schenk remarked that virtually any house could have an ADU.

Vice-Chair Postma responded as the Code is written.

- He added that the DRB was not a legislative body; the Board's responsibility was to apply the rules, not make them. If the rules did not match what the Board or citizens preferred, the remedy was with City Council for a change.
- He did not believe ADUs were the best approach either as ADUs were getting jammed onto pretty small lots. However, the solution would be to redraft the Development Code to allow for a sizing requirement for ADUs.
- He emphasized that the Board did not have that Code provision before them at this time.
- He noted Code language that distinguished between ADUs and duplexes, adding that as long as the ADU did not exceed 600 square feet, it would not fall under the definition of a duplex.

Mr. Schenk offered that citizens now knew where to go with that concern. He believed it would be helpful to have the supporting house have a certain minimum number of square feet.

Chair Smith reminded that was also a matter for the Planning Commission.

Vice-Chair Postma liked Mr. Lee's suggestion of developing a slightly differing condition to allow for no curbing.

Mr. Edmonds read Mr. Adams' suggested language for PFC 14 on page 18 of 54, which added, "*Curbs may be flushed or flat curbs.*" after the first, long sentence of the condition.

Mr. Schenk suggested using "must" rather than "may".

Chair Smith agreed, since "may" provided the option of flat curbs, allowing the Applicant and City to still install curbs, rather than returning before the DRB.

Ms. Koetz stated that as written, the option of having the gravel drainage and/or moving into the flat curbing was provided.

Mr. Edmonds noted gravel was not included.

Ms. Koetz replied gravel was one thing the residents wanted.

Vice-Chair Postma suggested creating a finding with regard to a recommendation for no curbing as opposed to a specific condition; that the DRB recommend that flush curbing be utilized if possible.

Mr. Edmonds reminded that only the zone change would go before City Council, no curbing technicalities would be reviewed.

Ms. Koetz noted the community request could be addressed by including another waiver, or perhaps a condition.

Mr. Edmonds offered that another suggestion would be to resolve curbing at Phase 2.

- He asked Mr. Adams if curbing was being requested as part of Phase 1.

Mr. Adams answered no. PFC 26 stated that for the short amount of street frontage on Lots 1 and 2, only a deposit for the curbing cost was required in Phase 1.

Mr. Edmonds stated curbing could still be resolved at Phase 2, which was another strategy.

Vice-Chair Postma said PFC 14 would remain as written, allowing curbing to be discussed in more detail at Phase 2.

Mr. Edmonds added that perhaps City Council would provide some direction by then regarding curbing in Old Town.

Vice-Chair Postma said it would also allow full consideration by Staff and the Applicant for a waiver request, if necessary.

Mr. Schenk envisioned that Old Town residents wanted a flush concrete curb and only adjacent gravel paths in lieu of sidewalks, which would also provide good drainage. It was important to insure that option remained possible for them.

Chair Smith pointed out that since money was being deposited in Phase 1 for the curbs and sidewalks, the issue would be addressed at Phase 2. The Applicant and the City had agreed to what the neighborhood wanted. The Board would also have more direction from City Council and perhaps a bit more latitude at that time.

- The issue did not need to be addressed right now because the Applicant would not change anything, sidewalks and curbs were not actually being built yet.

Mr. Jhaj commented that making a modification to PFC 14, regarding flush or flat curbs, recognized the need for that change.

Mr. Edmonds agreed the Board should address some of the issue at this point, because the Applicant would have to return to modify Condition PFC 14, which needed to be more connected to future study by City Council of the Old Town master planning effort.

Mr. Lee suggested adding, "*Curbs may be flushed or flat curbs if the requirement for curbs exists at the time of street construction.*" again, after the first sentence of Condition PFC 14, which meant that curbs would not need to be done if City Council removed curbing from Old Town by Phase 2, but if City Council did not act on the issue, then the curbs may be a flat curb.

Mr. Schenk asked if "*may have gravel paths in lieu of concrete sidewalks*" could also be added.

Mr. Jhaj was not sure the addition was a good idea, since safety was a concern raised by the City Engineer.

Mr. Schenk replied that a packed gravel path would keep the character of Old Town versus polished concrete.

Mr. Jhaj asked if any ADA requirements applied.

Mr. Adams confirmed that ADA requirements did apply. A minimum 4-foot sidewalk is required and the City requires 5-foot sidewalks.

- He could not recall any ADA references to gravel surfaces, only hard surfaces.

Chair Smith asked if the Board favored Mr. Lee's suggested language.

Mr. Lee restated his suggested language for the Board.

Ms. Koetz supported the language, leaving [gravel drainage] open for conversation at the next phase.

Chair Smith closed the public hearing at 9:03 p.m.

MOTION:

Eric Postma moved to adopt the Staff report with the changes to PFC 14 and addition change requested by Mr. Edmonds to PDB 1.

The following amendments were made

(Note: added language in bold, italic text; deleted language struck through)

- PDB 1: This action approves a two phase master plan and *approves three one* waivers ~~Density waiver, waive the 6,000 sq. ft. lot size within the PDR-4 zone and waive the 25% open space to allow 21.2% open space.~~ *to housing density.* Subsection 4.133.11 (A) permit outright accessory dwelling units.
- PFC 14, on page 18 of 54, was amended to include, "*Curbs may be flushed or flat curbs if the requirement for curbs exists at the time of street construction.*" as the third to the last sentence of the condition.

Kristin Koetz seconded the motion, which passed 5 to 0.

MOTION:

Eric Postma moved to adopt Resolution No. 93. Sukwant Jhaj seconded the motion which passed unanimously.



VIA: Certified Mail, Return Receipt Requested

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

May 17, 2007

Carol Dickey and Jeff Cameron
6107 SW Murray Blvd #416
Beaverton OR 97008

Re: Fir Street Development

Two copies of the Development Review Board's decision on your referenced project, including conditions of approval rendered are attached. *Please note that these approvals are contingent upon the City Council's approval of the Zone Map Amendment, which is scheduled for a hearing on June 18, 2007.*

Please note that your signature acknowledging receipt and acceptance of the Conditions of Approval is required to be returned to the Planning Office before the decision is effective. One copy is provided for this purpose. Please sign and return to the undersigned. Thank you.

Sally Hartill
Planning Project Coordinator II
City of Wilsonville
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Wilsonville OR 97070

Ben Altman
Urban Solutions
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Rosanne C. Case
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Michele Dempsey
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Curt Kipp
Spokesman
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Cc:



May 17, 2007



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**DEVELOPMENT REVIEW BOARD
PANEL A
NOTICE OF DECISION**

- Project Name:** Fir Street Development
- Case File No.:**
- A. DB07-0021: Revised Stage I Preliminary Plan
 - B. DB06-0052: Tentative Partition Plat (Phase I, proposed 3 parcels including the parent parcel and existing house)
 - C. DB06-0053: Stage II Final Plan (Phase I)
 - D. DB06-0054: Site Design Review (Phase I)
 - E. DB06-0055: Type C Tree Removal Plan (Phase I)
 - F. DB06-0056: Density Waiver

 - G. DB06-0051: Zone Map Amendment to rezone 1.8 acres from *RA-H Zone (Residential Agriculture-Holding) to PDR-4 (Planned Development Residential - 4)*
- Applicant:** Ben Altman of Urban Solutions for Carol Dickey and Jeff Cameron
- Owner:** Carol Dickey and Jeff Cameron
- Property Description:** Tax Lots 400, 500, and 501, Section 23AC, T3S-R1W, Clackamas, County, Wilsonville, Oregon
- Location:** Northeast corner of SW Fir and 4th Avenue, Old Town

On May 14, 2007, at the meeting of the Development Review Board Panel A, the following action was granted on the above-referenced proposed development application:

Items A, B, C, D, E, F, : Approved with conditions of approval. *This approval is contingent upon City Council's approval of Item G; a Council hearing date is set for June 18, 2007 to hear this item.*

Item G: The DRB has forwarded a recommendation of approval to the City Council.

Any appeals by anyone who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of the Notice of Decision. *WC Sec. 4.022(.02).*

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 17th day of May 2007 and is available for public inspection. This decision shall become effective on the fifteenth (15th) calendar day after the postmarked date of the written Notice of Decision, unless appealed or called up for review by the Council in accordance with this Section. *WC Sec. 4.022(.09)*

Written decision is attached

This approval will expire on May 14, 2009 unless development commences prior to the expiration date. *See WC Section 4.163 for renewal.*

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 93 including adopted staff report with conditions of approval



**DEVELOPMENT REVIEW BOARD
PANEL A
FIR STREET DEVELOPMENT
RESOLUTION NO. 93**

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE MAP AMENDMENT FROM *RESIDENTIAL AGRICULTURAL HOLDING ZONE (RA-H)* TO *PLANNED DEVELOPMENT RESIDENTIAL (PDR-4)*, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A TENTATIVE 3-LOT PARTITION, A STAGE I PRELIMINARY PLAN, A STAGE II FINAL PLAN, SITE DESIGN REVIEW PLANS AND A TYPE C TREE REMOVAL PLAN FOR PHASE I, AND A DENSITY WAIVER. . THE PROPERTY IS LOCATED AT 30820 FIR STREET, SECTION 23AC, TAX LOTS 400, 401, AND 500, T3S-R1W, CLACKAMAS COUNTY, OREGON. MR. BEN ALTMAN OF URBAN SOLUTIONS, ACTING AS APPLICANT FOR PROPERTY OWNERS, CAROL DICKEY AND JEFF CAMERON.

WHEREAS, an application, together with planning exhibits for the above-captioned development were submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code. Planning Staff prepared staff reports which were considered by the Development Review Board Panel A in meetings conducted on August 14, 2006 and October 9, 2006, at which time exhibits, findings and public testimony were entered into the public record. After considering the record and public testimony and after deliberation, the Board recommended in Resolution No. 77 that the City Council deny a request for a Zone Map Amendment (Case File DB06-0051) and denied the Tentative Subdivision Plat for Phase I comprising four residential lots and the parent parcel with a phased development schedule (Case File DB06-0050), Stage II Final Plan for Phase I (Case File DB06-0053), Six waivers (Case File DB06-0056), Site Design Plan for Phase I (Case File DB06-0054) and a Type C Tree Removal Plan (CaseFile DB06-0055).

WHEREAS, on October 23, 2006, pursuant to WC 4.022 the applicant appealed the DRB's decision of denial, and on November 20, 2006 at the advertised meeting to review the appeal, Mr. Kohlhoff, City Attorney, advised that the applicants had requested a voluntary remand and tolling of the 120-day time period to work with the neighborhood to find an agreeable approach to the development and to then return to the DRB, and

WHEREAS, after several meetings with the neighbors in the Old Town community, the applicant has submitted a REVISED development plan dated March 29, 2007, and

WHEREAS, the Planning Staff has prepared reports on the above-captioned subject dated May 2, 2007, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on May 14,

2007, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

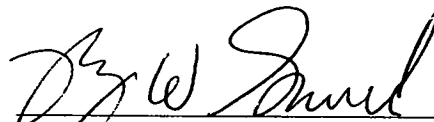
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A with findings and recommendations contained therein, with amendments as read into the record, and approves:

DB07-0021 Revised Stage I Preliminary Plan;
DB06-0052 Tentative Partition Plat (Phase 1 -proposed 3 parcels including the parent parcel and existing house);
DB06-0053 Stage II Final Plan (Phase 1);
DB06-0054 Site Design Review (Phase 1);
DB06-0055 Type 'C' Tree Plan (Phase 1);
DB06-0056 Density Waiver;

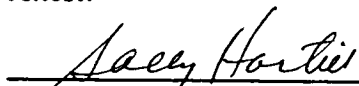
and recommends that the City Council approve the Zone Map Amendment (DB06-0051). Approvals under this resolution are subject to City Council approval of the Zone Map Amendment.

ADOPTED by Panel A of the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14th day of May, 2007, and filed with the Planning Project Coordinator on 5-17-07. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision unless appealed or called up for review by the Council in accordance with WC Sec 4.022(.09).



Bryan Smith, Chair Panel A
Wilsonville Development Review Board

Attest:



Sally Hartill, Planning Project Coordinator

**EXHIBIT A
PLANNING DIVISION
STAFF REPORT
WILSONVILLAGE
FIR STREET DEVELOPMENT
(FORMALLY WILSONVILLAGE)
APPROVED AND ADOPTED MAY 14, 2007
DEVELOPMENT REVIEW BOARD
QUASI JUDICIAL HEARING**

Public Hearing Date: May 14, 2007
Date of Report: May 2, 2007
Application Numbers: Proposed Revised Applications:
Request A: DB06-0051 Zone Map Amendment
Request B: DB07-0021 Stage I Preliminary Plan
Request C: DB06-0052 Tentative Partition Plat (Phase 1 - proposed 3 parcels including the parent parcel and existing house)
Request D: DB06-0053 Stage II Final Plan (Phase 1)
Request E: DB06-0054 Site Design Review (Phase 1)
Request F: DB06-0055 Type 'C' Tree Plan (Phase 1)
Request G: DB06-0056 Density Waiver

Property Owners/Applicants: Carol Dickey and Jeff Cameron

Mr. Ben Altman of Urban Solutions, acting as agent for the applicants is proposing a revised development plan showing 10 single family houses including 10 accessory dwellings units (ADU's), in two (2) phases along with associated site improvements, for the property located at the northeast corner of SW Fir and 4th Avenue, Old Town neighborhood. The development site area is comprised of an assembly of three parcels which total approximately 1.8 acres. The applicants are seeking approval for Phase 1 development (Parcels 1 and 2 includes two (2) single-family houses and two (2) ADU's), which staff is proposing to condition Phase 1 to a "de minimus" impact of 3 trips, plus 2 grand-fathered trips.

The applicants are seeking approval for the following revised applications:

- Zone Map Amendment from Residential Agricultural - Holding Zone (RA-H) to Planned Development Residential (PDR-4) for the entire property.
- Stage I Preliminary Plan
- Tentative Partition Plat (Phase 1 including 3-parcels).
- Stage II Final Plan (Phase 1 including 2 single-family and 2 ADU's on two parcels). Old Town Overlay – Architectural Review
- Type 'C' Tree Protection and Tree Removal Plan (Phase 1).
- Site Design Review Plan (Phase 1).
- Density waiver - At 1/6,000, the net lot area calculates to 11 units, the revised project has only 10 units.

Comprehensive Plan Designation: Residential 6-7 du/ac

Current Zone Map Designation: Residential Agricultural - Holding Zone (RA-H)

DRB ACTION: Approved the applications, with conditions of approval.

Project Location: 30820 SW Fir Street. The subject site abuts the east side of SW Fir Street, and the north side of a 4th Avenue Street Easement, in Old Town. The properties lie south of 5th Street and adjacent to St. Cyril Catholic Church, and west of the ODOT gravel yard, which is adjacent to the I-5 Freeway. The subject property is more particularly described as being Tax Lots 400, 500 and 501, in Section 23AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon.



SITE

The subject property comprises three tax lots and is part of the Old Town plat. There is one existing home on Lot 400. This house is actually a converted commercial structure, once a farm implements sales and repair company. The other two parcels are 'Lots of Record', one of which once had a residence on it, which grandfather's 1 PM traffic trip.

APPLICABLE REVIEW CRITERIA:

Zoning Review Criteria:	
<i>Section 4.001(27)</i> Sections 4.008-4.035	<i>Accessory Dwelling Unit definition</i> Application Procedure
Section 4.100	Zoning Purpose
<i>Subsection 4.113.11</i> Section 4.118 (as applicable)	<i>Accessory Dwelling Units permitted outright</i> Standards Applying to All Planned Development Zones
Section 4.118(.03)	Waivers
Subsection 4.118(.02)	Utilities
Section 4.120 (as applicable)	Residential Agricultural - Holding (RA-H) Zone
Section 4.124.4 (as applicable)	Planned Development Residential (PDC-4) Zone
Section 4.140.07 Section 4.140 Section 4.155 Section 4.176	Preliminary Plan (Stage I) Planned Development Regulations and Stage II Final Approval Parking Landscaping
Section 4.197	Zone Map Amendment
Subsection 4.140(.07)(A)(1)	Owner's Authorization of Affected Property for Development
Section 4.138 Sections 4.400 – 4.450 Sections 4.600 -4.620(.20)	Old Town Overlay Zone Site Design Review Tree Preservation and Protection
Other Planning Documents:	
Metro's Urban Growth Management Functional Plan	
Storm Water Master Plan	
Transportation Systems Plan	

Staff Reviewers: Blaise Edmonds, Manager of Current Planning; Steve Adams, Deputy City Engineer; Don Walters, Plans Examiner and Kerry Rappold, Natural Resources Director.

SUMMARY:

On October 23, 2006 the applicants Carol Dickey and Jeff Cameron appealed the DRB's decision of the previous proposal showing single-family and attached housing. On November 20, 2006 the City Council scheduled to hear the appeal on the record of the waiver items involving lot size and street frontage together with the issues of clarification involving proposed head-in parking and rear yard set-back waivers. The appeal was to be heard by the City Council together with the proposed Zone Map Amendment. On November 20, 2006, Council accepted the applicants request to remand the matter to the DRB.

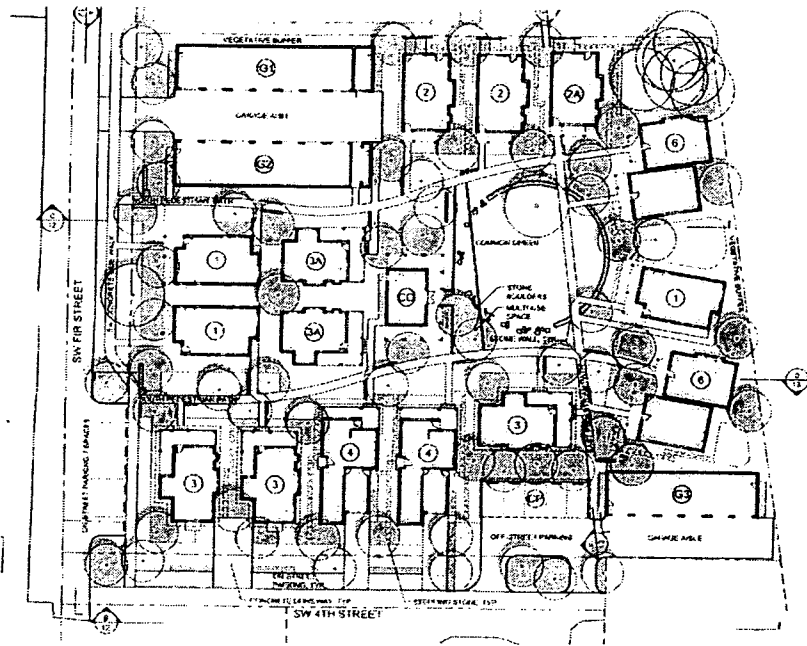
Ben Altman, representing the applicants, stated to the City Council that the applicants met with the neighborhood and received positive input from them on their major concerns. Mr. Altman felt solutions more acceptable to the neighborhood could be worked out. The appeal was made to secure the master plan and the Phase 1 approval, as originally recommended by staff, but remand it to the DRB and start over. Council set aside the appeal with a 100 percent remand and toll the 120 days. Council approved an initial 90 days, and if that is not long enough to reach a solution, the days would be extended.

On February 5th the applicants and several neighbors representing the Old Town neighborhood met and there was general citizen support for the proposed revised project. Since that meeting the density was further reduced from 11 to 10 single-family houses to create more useable open space.

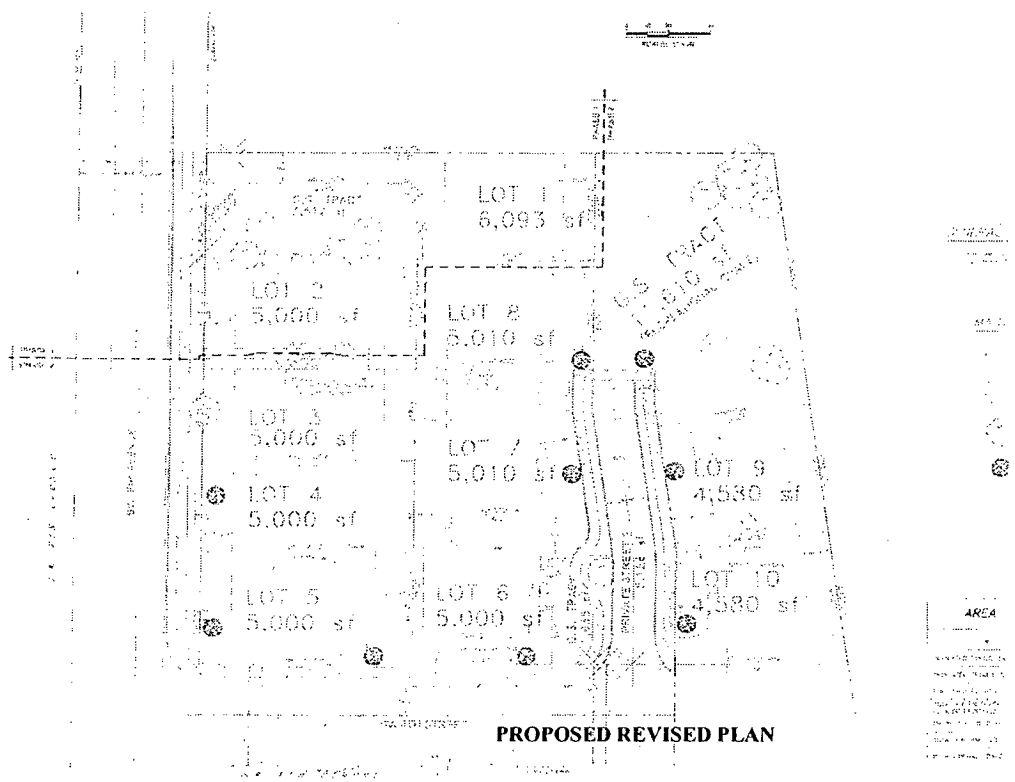
The proposed revised project has been laid out to accommodate inclusively a single-family subdivision plat. The development is anticipated in two phases, with the existing house to remain in Phase 2. Phase 1 development comprises two single-family houses, located in the northwest corner of the site, plus the existing house will be retained as an interim rental unit. The two single family houses in Phase 1 are proposed with ADU's, so the total unit-count for Phase 1 is 4 units. These units will front Fir Street. A portion of the existing house may need be demolished in order to comply with yard setbacks from new property lines in Phase 1 or replaced with the remaining 7 single-family houses proposed in Phase 2. Again, because of traffic impact limitations (de minimus to LOS "D") there is a requirement for this project to be phased.

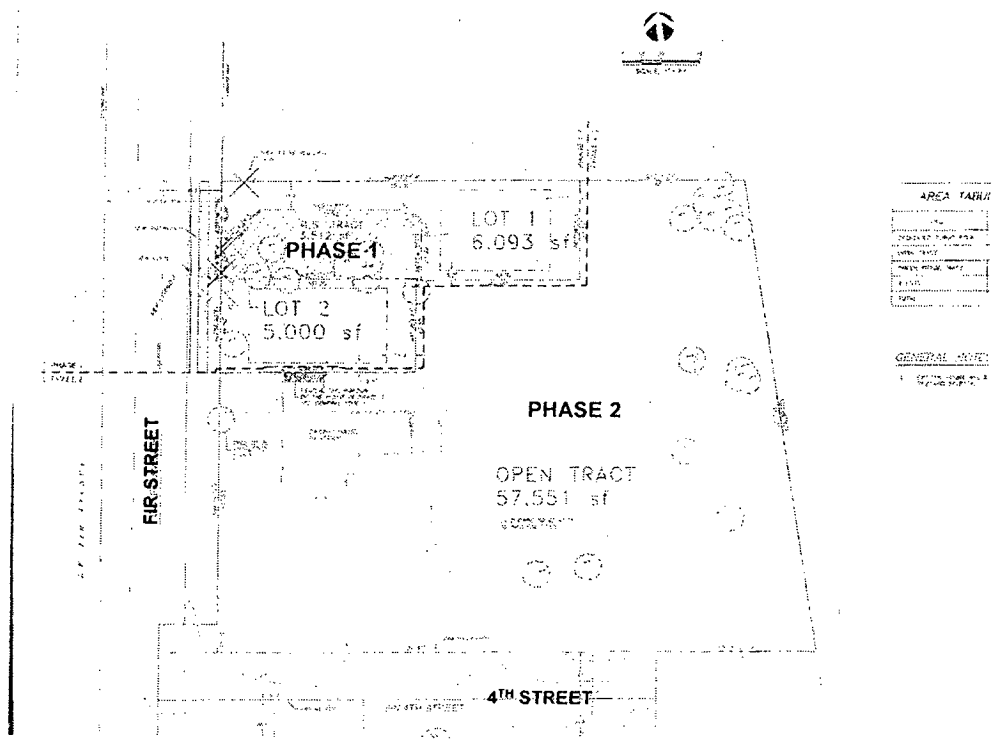
ORIGINAL PROPOSAL	PROPOSED REVISED
13 Single-family houses	10 SFR
2 – Duplexes	0
10 Accessory Dwelling Units	10 ADU's
Total: 27 Dwelling Units	Total: 20 Dwelling Units
Density:	
Common meeting building.	The common meeting building has been deleted.

Staff is recommending approval of the Zone Map Amendment for the entire site.



Original Proposal





PROPOSED STAGE II FINAL PLAN - PHASE 1

SUMMARY FINDINGS FOR APPROVAL:

Request A – Zone Map Amendment

The applicants proposed Zone Map Amendment meet all applicable zoning and Comprehensive Plan requirements.

Request B – Stage I Preliminary Plan

The applicants proposed Stage I Preliminary Plan meet all applicable criteria in Section 4.140.07.

Request C – Tentative Partition Plat – Phase 1

The proposed Tentative Partition Plat for Phase 1 (three parcels including the parent parcel) can be made to meet all applicable Code requirements through required conditions of approval. Proposed is a two (2) phase development plan however staff is proposing that only Phase 1 be approved because only Phase 1 has traffic concurrency for approval at this time.

Request D – Stage II Final Plan – Phase 1

The location, design, size and residential use of the proposed project, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council. Thus, staff is recommending Stage II Final Plan approval for Phase 1 development.

The location, design, size and residential uses in Phase 1 are such that traffic generated by the development can be accommodated safely for up to 5 PM peak hour trips and without congestion in excess of level service "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. **The applicants are not eligible for future de-minimus trips because the trips are allocated on one time basis per master planned area.**

The location, design, size and uses of the proposed Phase 1 project are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services for Phase 1.

Request E – Site Design Review – Phase 1

The Old-Town Overlay District design criteria for single-family houses are met by the proposed project.

Request F – Type C Tree Plan – Phase 1

The proposed Type C Tree Plan is in substantial compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00 subject to compliance with the attached conditions of approval for Phase 1.

Applicants: There are 27 existing trees over 6" caliper. The majority of these trees are Douglas Fir, with a few Western Red Cedar, Hawthorn and Cherry. Most of these trees are healthy, but 6 are recommended for removal because of their poor condition.

A Tree Removal Plan has been provided to clarify, which trees will be removed and which will be preserved. In Phase 1, only 4 trees will be removed. However, with full development of this Master Plan, a total of 9 trees will ultimately be removed.

Existing trees have been identified on the site and evaluated by the teams' Arborist. There are 27 trees of various sizes and species on the property. The Arborist has recommended that 6 of these trees be removed because of their condition. For the most part, the rest of the trees are in good condition. However, because the project will be phased, initially only 4 trees will be removed to accommodate Phase 1 improvement.

The trees identified with poor health will be initially preserved and monitored. If determined necessary they will be removed for safety reasons. In Phase 2 an additional 6 trees will be removed. All other trees will be preserved.

None of the existing trees, proposed for removal, are protected by SROZ.

Request G – Waiver

Staff: The requested density waiver is necessary to create larger lots to better match the 5,000 sq. ft. lot sizes in the immediate neighborhood and still create 25% open space. Staff has found in order to satisfy Section 4.118.05 the proposed density waiver is necessary and unavoidable for single-family residential development on sites below 3 acres. The proposed density waiver should be approved.

ISSUES:

Issue - Affordable Housing: The data provided by the applicants demonstrate that proposal will provide 10 single-family houses and 10 accessory rental dwelling units (ADU's less than 600 sq. ft., studio type apartments). The ADU's will be rental units for low to moderate income renters.

Issue – Density: The Old Town Overlay District encompasses a broad area located approximately between Wilsonville Road and the Willamette River, and between Interstate-5 and the Portland & Western Railroad. It also comprises a wide range of industrial, commercial and residential uses. The proposed Fred Myers store is in the Old Town Overlay District. Near the project vicinity to the south is apartment complex that comprise 12 units and to the north are Boones Ferry Village apartments with 84 units. The immediate neighborhood surrounding the project site is 5,000 sq. ft. single-family houses, manufactured houses and older mobile homes at a lower density, and Saint Cyril Catholic Church.

Last year at prior DRB hearings several residents objected to the higher density of the project because existing Old Town development is not nearly that dense. For the purpose of calculating overall housing density, a single family dwelling unit can include an accessory dwelling unit (ADU) and still be counted as one dwelling unit. The proposed revised project has seven fewer ADU's (10 ADU's being proposed) thus the project does not appear as dense because the lots sizes have increased and there is more on-site parking (double car garages and driveways).

Approving ADU's is consistent with what previous panels of the Development Review Board approved for Canyon Creek Meadows subdivision (Resolution # 1211) comprising 117 single family lots and up to 12 accessory units, and also Wilsonville Meadows Phase 8 (Resolution 95PC06) comprising 9 single family lots and up to 9 accessory dwelling units.). The allowed number of accessory dwelling units is regulated by Section 4.001(27) and Subsection 4.133.11(A).

Issue - Traffic: There is no traffic capacity (in excess of LOS D) at the SW Boones Ferry/Wilsonville Road/Wilsonville Road Intersection. Subsection 4.140.09(J)(b)(i) allows "A planned development or expansion thereof which generates three (3) new p.m. peak hour trips or less". Thus, the applicants are seeking approval for Phase I development plus the existing house, which 3 de minimus trips in addition to the 2 grandfathered trips are available. Thus, staff recommends limiting pm peak hour trips to a "de minimus" impact of 3 trips, plus 2 grand-fathered trips.

Prior public testimony indicated that Old Town has a traffic bottle neck at SW Boones Ferry Road because there is only one route to Wilsonville Road, and it may slow emergency vehicle response. Tualatin Valley Fire and Rescue has reviewed the proposed project and has concluded that adequate emergency service can be provided. In this case only 5 pm peak hour trips can be approved for Phase I until more traffic capacity is created for full project build-out.

Issue - Waiver

The previous design concept included a request for several waivers:

1. Minimum lot size, less than 4,000 Square feet - Proposed minimum 2,520 sq. ft.
2. Minimum rear yard, less than 15 feet
3. Streets with sidewalk, but no curbing.
5. Minimum street frontage - 11 interior lots- were proposed with no street frontage.
6. Standard parallel on-street parking - Proposed is head-in parking on Fir Street.

The proposed revised application includes one waiver:

- At 1/6,000, the net lot area calculates to 11 units, the revised project has only 10 units.

The code requires that all waivers be specified at the time of Stage I Master Plan and Preliminary Plat approval. The revised design eliminates the need for any waivers from the PDR-4 standards or the Old Town Overlay standards.

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.

Applicant's Response:

The development will provide 16,757 square feet of common open and recreational space. This common area will also provide the required Outdoor Living Area, which meets the minimum ¼ acre standard, set in Section 4.1 13(.02)A.

The minimum density standard for the PDR-4 Zone is 1 unit per 6,000 square feet, which calculates to a minimum of 11 units, based on net site area. With 10 base lots the minimum density requirement is not satisfied.

Landscaping requirements will be exceeded with yard landscaping around each unit, in addition to the common area tracts and street trees, totaling more than 25% of the site.

Because of the required 25% open space, it is not possible to create the 11 minimum lots necessary to meet the minimum density standard for the PDR-4 zone, while simultaneously meeting the lot size requirements, and expectations of the neighborhood for 5,000 square foot lots. Consequently, 2 lots are below the 5,000 square foot target, but within the allowed minimum 4,000 square feet. Lots 9 ~ 10 are 4,580 square feet, and lot 1 is 6,093 square feet, which results in an overall lot average of 5,527 square feet. So the lay pattern meets the minimum and average lot size standard of the PDR -4 , and meets the 25% open space standard, but not the minimum density of 11 units.

Therefore it is necessary to request special waiver relief from the minimum density requirement to allow only 10 lots. This is a minor waiver since all other applicable standards are met.

Issue - Tree Preservation: A Tree Report has been prepared by Walt Knapp addressing existing trees within the proposed project site. Most of the trees are Douglas fir and are in good or excellent condition. The proposed revised project puts a much greater emphasis on retaining mature trees wherever possible. Tree mitigation should comprise of primarily native coniferous and deciduous trees that will grow to large size Existing trees 6" DBH or more must be preserved when healthy and compatible with the project design. Native species of trees and trees with historical importance shall be given special consideration for retention. The proposed revised tree protection and removal plan indicates 6 trees removed out of 27 existing trees or 22% compared with 18 trees removed out of 27 existing trees or 67% in the prior request for the full development of the master plan. Most of the trees are in good or excellent condition. In Phase 1, only two trees (Tree # 1229-16" Douglas Fir, low vigor and #1236-20" Cherry, short lived, susceptible to storm damage) are proposed to be removed. Of the six trees the arborist is recommending removal due to poor health, condition or site improvements.

Issue - Storm Water: The subject site lies within the Old Town Drainage Basin, which is not directly connected or related to any creek or stream system. There is no formal piped storm system available in the immediate area, and any such system would need to connect out to Boones Ferry Road. Such improvements are far too expensive for the proposed development to accommodate. For the two proposed homes in Phase 1 construction, the City Engineer has indicated that a storm system will not need to be addressed for the right-of-way improvements. The storm system discussion/solution will be left with the build-out of the remaining eight lots in Phase 2.

An on-site system has been designed with alternative methods of storm water management. This system will utilize passive water filtration of roof drains, etc. running stormwater through planted areas or planter boxes. The treated water will be discharged directly into the ground in dry wells.

In the original application the City Engineering Division recommended that the entire project connect to an approved storm drainage line. The applicant has contacted ODOT relative to connecting storm drainage to the ODOT line but at the time of writing this staff report no decision has been made if this will be feasible.

Issue – Curbs: Standard curbs and sidewalks have generally not been provided on streets in Old Town. Sidewalks and curbs are proposed with the development of Fir Street Development. Many residents in Old Town prefer not to have curbs. However, the City Engineer is requiring curbs be built as part of the Engineering PF conditions; they are part of the Public Works Standards and the City Engineering Division has no separate standard for the Old Town area.

Issue - Outdoor Recreation and Open Space: Residential development standards require that 25% of the site be set aside for outdoor recreation and open space. This requirement is met with the proposed revised project at 25%. Proposed Phase 2 will remain undeveloped until further Stage II plans are submitted and approved. Overall, the entire project contains over 16,757 square feet in open space and the majority of the Douglas Firs.

"...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, walking 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..." [Emphasis added.]

Subsection 4.113.02(A) that ¼ acre of recreation area be provided. The code also allows a mix of outdoor and common indoor recreational facilities to be included in the calculation. The original indoor recreational facility has been deleted from the proposed revised project plans. At ¼ acre or 10,890 SF is required for outdoor recreation. This recreation area can be included in the 25% parks and open space requirement and again 16,757 SF (10,890 SF is needed) is proposed meeting the minimum code requirement.

Issue – Architecture: The proposed revised Victorian style architecture is supportive and compatible with existing single-family homes in Old Town. Prior public testimony indicated that the proposed architecture didn't go far enough to compliment the existing historic structures in Old Town. In the professional opinion of staff the proposed revised architecture far exceeds the design expectations prescribed in the Old Town Overlay District.

ADOPTED CONDITIONS OF APPROVAL

<p>PD = Planning Division conditions BD – Building Division Conditions PF = Engineering Conditions. NR = Natural Resources Conditions TR = SMART/Transit Conditions FD = Tualatin Valley Fire and Rescue Conditions</p>	<p>Request A: DB06-051 Zone Map Amendment Request B: DB07-0021 Stage I Preliminary Plan Request C: DB06-0052: Tentative Partition Plat Request D: DB06-053 Stage II Final Plan (Phase I) Request E: DB06-054 Site Design Review (Phase I) Request F: DB06-055 Type ‘C’ Tree Plan (Phase I) Request G: DB06-056 Density Waiver</p>
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[Note: The Engineering Division, Building Division, and Natural Resource Division conditions are found in applications DB06-052 and DB06-053, regarding the Tentative Partition Plat and Stage II Final Plan]

Request A: DB06-0051 Zone Map Amendment

Planning Division Conditions:

On the basis of conclusionary findings A1 through A30, staff recommends that the Development Review Board **approve** the **Zone Map Amendment** together with the recommended condition necessary to fully comply with the requirements of the Code. This is a recommendation to the City Council.

Request B: DB07-0021 Stage I Preliminary Plan

Planning Division Conditions:

PDB1. This action approves a two phase master plan and approves one waiver to housing density. Subsection 4.133.11(A) permit outright accessory dwelling units.

PDB2. The applicants shall commit to provide a performance bond or other acceptable security for the capital improvements required by the applicant’s proposed project. See Finding B5.

Request C: DB06-0052 Tentative Partition Plat

Planning Division Conditions:

PDC1. This action approves the Tentative Partition Plat involving three (3) lots (Exhibit B4), as entered into the DRB record on May 14, 2007.

PDC2. The Applicants/Owners shall:

- a. Submit an application for Final Plat review and approval on the Planning Division Site Development Application and Permit form. The Applicants/Owners shall also provide materials for review by the City’s Planning Division in accordance with Section 4.220 of City’s Development Code.
- b. Provide the City with a recordable instrument guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property and maintenance of off-site water quality treatment and detention facilities.

PDC3. The Applicants/Owners shall coordinate the proposed locations and associated infrastructure design with the franchise utilities. Should permanent/construction easements or rights-of-way be required to construct the public improvements or to relocate a franchised utility, the Applicants/Owners shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the Applicants/Owners shall obtain written approval from the appropriate utility prior to commencing any construction. Any easements shall be shown on the final plat.

PDC4. The Applicants/Owners shall waive the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site. Before the start of construction, a waiver of right to remonstrance shall be submitted to the City Attorney.

PDC5. Prior to recording the Final Plat the Applicants/Owners shall demonstrate to the Planning Division that a minimum five (5) feet setback for one story or seven (7) feet setback for two story will be maintained from the existing house to new side yard property line.

Request D: DB06-0053 Stage II Final Plan (Phase 1)

Planning Division Condition:

PDD1. This action approves Phase 1 of the Stage II Final Plan/Tentative Partition Plat (Exhibit B4) submitted with this application comprising two (2) single-family residential lots, approved by the Development Review Board, and stamped "Approved Planning Division".

PDD2. This action approved up to 5 p.m. peak hour trips for Phase 1 and including the existing house. 3 of the 5 trips are de-minimus and 2 trips are grandfathered. The entire Stage I Preliminary Development Plan is not eligible for additional 3-de-minimus trips because de-minimus trips are offered only one time.

Engineering Division Conditions:

PFC 1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards – 2006.

PFC 2. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.

PFC 3. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

PFC 4. Plans submitted for review shall meet the following general criteria:

- a. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
- b. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- c. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.

- d. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- e. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- f. All new gas, telephone, cable, fiber-optic and electric improvements.etc. shall be installed underground.
- g. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- h. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- i. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- j. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.
- k. At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD version 2004.

PFC 5. Submit plans in the following format and order:

- a. Cover sheet
- b. General note sheet
- c. Existing conditions plan.
- d. Erosion control and tree protection plan.
- e. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- f. Grading plan, with 1-foot contours.
- g. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- h. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
- i. Street
- j. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference
- k. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.
- l. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure.
- m. Composite franchise utility plan.
- n. City of Wilsonville detail drawings.
- o. Illumination plan.
- p. Striping and signage plan.
- q. Landscape plan

*Three trips or less is deemed to be de-minimus in nature (W.C. 4.140.09,J.,2.,(b))

Development of the additional phases of this project is subject to approval of the City based on traffic capacity through the Wilsonville Road Interchange Area

PFC 12. Access to public streets shall be limited to the following:

Proposed driveways to garages located on Fir Street.

Proposed driveways to garages located on 4th Street and proposed private street connection located on 4th Street.

One private driveway per proposed lot.

PFC 13. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.

PFC 14. The applicant shall be required to construct a (32)-foot wide, curb-to-curb, residential street improvement (asphalt roadway, curb and gutter, sidewalk, storm water and streetlights) along the project frontage along both Fir Street and 4th Street, holding the existing centerline of the right-of-way as the centerline of the proposed street improvements. The costs associated with the east (24)-feet along Fir Street and the north (24)-feet along 4th Street of the improvements will be the applicant's responsibility. Curbs may be flush or flat if the requirement for curbs exists at the time of street construction. The costs associated with the west (8)-feet along Fir Street and the south (8)-feet along 4th Street will be given as credits by the City towards the applicant's Street System Development Charges.

PFC 14. Head-in or diagonal on-street parking shall be located completely outside of the 12-ft wide travel lanes located nearest the project, as measured from street centerline.

PFC 15. The applicant shall relocate the existing overhead utility lines on 4th Street underground, as feasible, within the public utility easement to be provided. The applicant shall be responsible for and make all necessary arrangements with the serving utility to provide underground service(s); underground services shall be provided across the right-of-way to the existing tax lots located on 4th Street, adjacent to the project. All costs to underground these utilities shall be the responsibility of the applicant.

PFC 16. The applicant shall be required to construct a storm water system to convey all storm water generated from the required street improvements into existing public facilities. *Storm water generated from private, on-site impervious surfaces may be allowed to drain to infiltration devices upon submittal of a letter of acceptance issued by State of Oregon Department of Environmental Quality.* Storm water detention will not be required for this proposed development.

Existing City storm lines are located at 5th Street and Fir Street and at 4th Street and Magnolia Avenue; applicant to research depth and location of lines to determine connection feasibility.

ODOT controls a 42" storm line within their right-of-way along the west side of I-5 which may be available to connect with. If this option is pursued, applicant shall provide documentation of ODOT approval for connection to this storm line. Construction within the state right-of-way area cannot occur without an ODOT permit

PFC 17. The applicant shall be required to connect sanitary service into the existing sanitary sewer lines located in Fir Street and 4th Street.

PFC 18. The project shall install a manhole at each connection point to the public storm and sanitary

sewer systems.

PFC 19. Storm water and/or sanitary sewer utilities which service two or more tax lots shall be public utilities, constructed to public works standards, and located within public pipeline easements.

PFC 20. *The applicant shall construct a minimum 8" water line in 4th Street to obtain fire flow, domestic and irrigation water. Tie-in to the City system shall be at the main line located at the intersection of 4th and Fir Streets. Costs to be born by developer.*

Four existing service lines on 4th Street shall be connected to the new water line; this cost shall be reimbursable through SDC credits.

Note: it appears the existing water line in 4th Avenue is substandard and will be abandoned after completion of the new line; abandoned line to be removed from the right-of-way prior to completion of street improvements.

PFC 21. The applicant shall satisfy requirements of Tualatin Valley Fire & Rescue in locating fire hydrants at this project.

PFC 22. Parallel private utilities shall not be located within public utility easements.

PFC 23. The applicant shall dedicate a six (6) foot public utility easement along their frontages at Fir Street and 4th Street.

PFC 24. Phased construction plans of required public improvements are subject to approval of engineering staff.

PFC 25. *From the material submitted, it appears that the first phase of development, two lots facing Fir Street, totals approximately 100 feet of street frontage. Applicant shall be required to deposit with the City 130% of the approved Engineer's estimate for this street improvement work.*

Applicant shall be responsible for completing the street improvement work with the buildout of the remaining lots fronting Fir Street. Upon completion of construction, the City shall reimburse applicant with the deposited funds plus all accrued interest; applicant shall be responsible for any cost over-runs within the east 24 feet of the Fir Street Improvements.

Applicant shall be responsible for completing this ±100 feet of street improvements prior to selling remaining parcel(s) or lots. Alternately, the applicant may present to the City a letter from the buyer stating they will assume the work and costs of construction for this ±100 feet of street improvements, with City reimbursement of the deposited funds plus all accrued interest upon completion of construction.

PFC 26. *Current tax maps show the property fronting on 4th Street as a Street Easement. The applicant shall be required to dedicate this 25-foot wide parcel to the City on its dedication forms.*

Natural Resources Conditions:

Stormwater Management

NRC 1. If more than 5,000 square feet of impervious area will result from the proposed development, submit a drainage report and drainage plans. Water quality treatment is required when proposed development establishes or increases the impervious surface area by more than 5,000 square feet. The drainage report and plans shall demonstrate the proposed water quality treatment satisfies the City's Public Works Standards.

NRC 2. Pursuant to Implementation Measure 9.3.3.2, the applicant shall submit a maintenance plan (including the City's stormwater maintenance covenant and access easement) for the proposed water quality treatment and water quantity control facilities prior to approval for occupancy of the associated development.

Other

NRC 3. Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant shall include the following techniques and methods in the submitted erosion and sedimentation control plan:

- a. Dust control;
- b. Temporary/permanent seeding or wet weather measures (e.g. mulch);
- c. Limits of construction; and
- d. Other appropriate erosion and sedimentation control methods.

NRA 1. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities (e.g. DEQ NPDES #1200-C permit).

Request E: DB06-0054 Site Design Review

PDE1. The applicants shall provide an instrument guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.

Building Division Conditions:

BD 1. CONDITION. PLANS submitted using architectural scale format shall use a scale of 3/32 or greater to insure clarity. Where building size or paper limitations necessitate the use of a smaller scale, submit plans in engineering scale format. (Oregon Residential Specialty Code (ORSC) Section R106.1.1)

BD 2. CONDITION. RETAINING WALLS. When pedestrian walkways are located at or adjacent to the top of retaining walls where there is 30 inches or more of grade differential between the top of the wall and the lower finished grade, guardrails (or equivalent) meeting the requirements of the code shall be installed. (ORSC Sec. R312)

BD 3. CONDITION. GRADING. Lots shall be graded so as to drain surface water away from foundation walls. Surface drainage shall be directed to the street, alley, or other approved storm sewer conveyance as required by the City. Surface drainage may be a park or other open area when approved by the City. Surface drainage shall only be directed to an adjoining building lot when expressly approved by the City. (ORSC R401.3)

BD 4. ADVISORY. A 1200C permit from the Department of Environmental Quality will be required for this project. A copy of the 1200C permit shall be submitted to the City as part of the grading permit submittal. (DEQ Requirements)

Tualatin Valley Fire and Rescue Conditions.

FD 1 CONDITION. ACCESS ROAD SPECS. Unless otherwise approved by the fire marshal, provide fire department apparatus access within 150 feet hose-lay fashion of all exterior walls. Access roadways shall not be located closer than 20 feet to a structure unless topographical restrictions dictate the location. The road shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches, except that for 10 feet to each side of any hydrant the roadway shall be a minimum of 26 feet in width. Minimum required widths and clearances shall be maintained at all times. Note: See IFC Appendix D for further direction. (IFC Section 503.1.1, 503.2.1, D103.1)

FD 2 ADVISORY. BEFORE CONSTRUCTION REQUIREMENTS. Required fire department access roads and water supplies for fire protection shall be approved, installed and made serviceable prior to construction proceeding beyond the foundation stage. (IFC Section 501.4)

FD 3 ADVISORY. NEW RESIDENTIAL CONSTRUCTION/HYDRANTS. The construction of any new residences may require fire hydrants on site. Fire hydrants shall be installed at the location and in the number required by the fire marshal and the City Engineering Department. (IFC Section 508.1)

FD 4 ADVISORY. HYDRANTS. If additional hydrants are installed to meet the above condition, those hydrants shall be equipped with STORZ connections, as per Tualatin Valley Fire & Rescue (TVF&R). [Storz connections are "quick-connect" type connections that do not require any tools for use. Storz fittings allow fire hoses to be installed minutes faster than hoses with old style screw-type connections. Storz connections are being installed over much of the state on both new and existing hydrants]

Request F: DB06-0055 Type 'C' Tree Plan- Phase 1

Planning Division Conditions:

PDF 1. This action approves the Type 'C' Tree Removal Plan for Phase 1. Development on the remainder of the 1.8 acre property shall require separate applications and DRB approval for Type C Tree Plans.

PDF 2. Prior to site grading, the Applicants/Owners shall obtain a Type C tree permit. Trees adjacent to Phase 1 shall be protected.

PDF 3. The Applicants /Owners shall implement the tree mitigation plan as recommended in the arborist report.

MASTER EXHIBITS LIST:

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

A. Revised Staff Report dated May 2, 2007.

Applicant's Written and Graphic Material

B1. Land Use application, date received June 30, 2006 including project narrative, response findings, arborist report, storm drainage, reduced plan sheets and title information. In the Planning Division file, ON FILE.

B2. The original site development plan -full size drawings/plan sheets date received June 30, 2006 in the Planning Division file, ON FILE.

B3. Urban Solutions, supplemental findings, dated September 27, 2006

Applicant's Written and Graphic Material.

B4. Revised Land Use Application, date received March 29, 2007 including project narrative, response findings, reduced plan sheets, house elevations and title information.

B5. Full size revised drawings/plan sheets date received March 29, 2007:

Sheet Number Sheet title

C1.0 Preliminary Master Site Plan

No sheet number. Phase 1, Stage II Final Plan/Tentative Partition Plat

8. Existing Conditions

Sheet Number Sheet title

C1.0 Site Plan

Not numbered: Stage II – Phase 1

8 Topography Survey

P1 Exterior Elevations

P2 Exterior Elecations

1 through 4 Elevations

P3 Exterior Elevation

Exhibits received at the September 11th DRB public hearing:

Letters (In Favor): None submitted

Letters (Opposed):

C1. Petition including letter and 43 names, ON FILE.

C2. Letter and photo-copy photographs of historic structures from Rose Case, not dated, ON FILE.

Exhibits received after the September 11th DRB public hearing:

C3. E-mail from Dan Hoyt of Costa Pacific Communities dated 9/21/06 in support of the project, ON FILE.

FINDINGS OF FACT

1. Existing Site Conditions:

The subject 1.8 acre site comprises three properties, which are part of the Old Town plat. The applicants have provided a revised site description in the project narrative (Exhibit B4). The subject property is currently zoned Residential Agricultural - Holding Zone (RA-H).

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Saint Cyril Church
East	Interstate -5 and ODOT gravel storage yard.
South	Residential/Old Town
West	Residential/Old Town

Natural Characteristics:

The subject site contains nearly level terrain. Douglas firs are scattered throughout the site. The existing house at 30820 Fir Street (Tax Lot 400) would remain in the initial phasing of development. This house is actually a converted commercial structure, once a farm implements sales and repair company. The other two parcels are Lots of Record, one of which once had a residence on it.

Streets:

The site fronts on the west by SW Fir Street and 4th Street abutting the southerly side of the project site.

2. Previous Planning Applications Relevant to the subject property: None
3. The applicants have 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 were received and are incorporated into this staff report.
5. The statutory 120-day time limit applies to this application.

Wilsonville: Statutory 120-day time limit

June 30, 2006	Application received	
July 7, 2006	1 st incomplete notice mailed	
July 10, 2006	2 nd incomplete notice mailed;	

	acknowledged July 10, 2006	
August 3, 2006	Application deemed complete	Dec 1, 2006; 120-day time period complete
Sept. 11, 2006	1 st public hearing	
Sept. 11, 2006	On the record; Mr Altman "agreed to waive the 120-day requirement to allow the board to continue the hearing to Oct., 9, 2006	+ 30 Jan 1, 2007; 120-day time period complete
Oct. 9, 2006	2 nd public hearing; DRB denied the applications	
Oct. 23, 2006	Applicant filed an appeal of the DRB's denial; appeal scheduled for Nov. 20, 2006	
Nov. 20, 2006	City Council remanded the applications to the DRB; the applicant tolled the 120day rule by 90 days	+90 Apr 1, 2007; 120-day time period complete
Jan 16, 2007	Applicant requested 30 day time period extension	+30 May 1, 2007; 120-day time period complete
Feb. 9, 2007	Applicant requested 60-day time period extension	+60 July 1, 2007; 120-day time period complete
March 29, 2007	Revised applications were submitted.	March 30, 2007; The revised applications were deemed complete.

CONCLUSIONARY FINDINGS

The applicants' proposed revised findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B4.

REQUEST 'A' DB06-051 ZONE MAP AMENDMENT

The subject property is currently zoned Residential Agricultural Holding (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the Code. The proposed Zone Map Amendment from RA-H to PDR-4 is intended to serve as a procedure to evaluate the conversion of urbanizable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion 'A'

"That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140."

- A1. The applicants have provided findings in Exhibit B1 and B4 addressing the Zone Map Amendment criteria. Approval of the proposed Zone Map Amendment is contingent upon approval by the City Council.

Criterion 'B'

"That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text."

Comprehensive Plan Designation: Residential 6-7 dwelling units per acre.

- A2. Based on the gross/net acres, the designated density for the site is calculated based on the standards of the implementing zones. The 6-7 density is intended to be implemented by the PDR-3 and PDR-4 zones. The gross site area is 79,101 sq. ft. or 1.81 acres. The net site area, less right-of-way is 1.53 acres or 67,030 sq. ft.

Applicant: *The allowable density ranges from 8 to 17 units. The proposed Master Plan provides 10 base single family lots. The 10 base units are consistent with the designated density range, being above the minimum of 8 and below the maximum density of 17 units. However, under the PDR-4 zoning and the net lot area, the minimum density calculates to 11 units, as addressed below in this report. Therefore a waiver for density is required. The waiver request is discussed below as part of the Phase I Master Plan.*

In addition to the 10 base units, the applicants are proposing that each base unit will include an Accessory Dwelling Unit (ADU). The ADU's are not counted towards the allowed density, as they are an outright use, associated with any detached single family unit.

While the Comprehensive Plan specifies an urban density, the properties are currently zoned RA-H, Residential Agricultural - Holding Zone. The RA-H is an interim zoning, which is intended to be replaced overtime through rezoning in conjunction with proposed urban level development, such as the proposed application.

As is anticipated with the RA-H zoning, this application includes a zone change to PDR-4. As is discussed below, the PDR-4 zone implements the designated density, and provides for a range from 8 to 17 units based on the net site area.

TITLE 12: PROTECTION OF RESIDENTIAL NEIGHBORHOODS

3.07.1210 Purpose and Intent

Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.

(Ordinance No. 02-969B, Sec. 3.)

3.07.1220 Residential Density

Metro shall not require any city or county to authorize an increase in the residential density of a single-family neighborhood in an area mapped solely as an Inner or Outer Neighborhood pursuant to Metro Code Section 3.07.130 prior to May 22, 2002.

A3. The Old Town Overlay District encompasses a broad area that covers approximately between Wilsonville Road and the Willamette River, and between Interstate-5 and the Portland & Western Railroad. It also comprises a wide range of industrial, commercial and residential uses. Proposed Fred Myers store is in the Old Town Overlay District. Near the project vicinity to the south is an apartment complex that comprises 12 units and to the north is Boones Ferry Village apartments comprise 84 units. The immediate neighborhood surrounding the project site is 5,000 sq. ft. single-family houses and manufactured houses and older mobile homes at a lower density and Saint Cyril Catholic Church. If considered as a whole neighborhood, there is not a single development type and pattern in the Old Town Overlay District.

Section 4.001(80)WC defines Dwelling, Single Family: "A dwelling unit designed for occupancy by one family. A single-family dwelling may be detached or attached, provided that each such unit is located on its own tax lot. A single-family dwelling may also include an accessory dwelling unit, if approved for that use as specified by Code."

Section 4.001(27) defines Accessory Dwelling Unit (ADU): "A dwelling unit of not more than 600 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".

Furthermore, the first sentence in Subsection 4.113.11(A) states: **“Accessory Dwelling Units shall be permitted outright when developed in conjunction with detached single family dwellings that have approved by the City.”**

- A4. An ADU can have access to the primary residence or separate access with or without relation to the single-family house. Again the code allows for detached ADU on the same lot as a single-family dwelling. The previous proposal showing two-duplexes are deleted in the proposed revised project.
- A5. For the purpose of calculating overall housing density, a single family dwelling unit can also include an accessory dwelling unit and still be counted as one dwelling unit. This is consistent with what previous panels of the Development Review Board approved for Canyon Creek Meadows subdivision (Resolution # 1211) comprising 117 single family lots and up to 12 accessory units, and also Wilsonville Meadows Phase 8 (Resolution 95PC06) comprising 9 single family lots and up to 9 accessory dwelling units). Again, proposed for Fir Street Development is 10 ADU's meeting code.
- A6. To remind the reader of this staff report, at this time, the applicants are only proposing a partition to create two parcels in Phase 1 and the parent parcel including 2 new single-family houses and 2 ADU's, and retain the existing single-family house on the parent parcel. The allowable density ranges from 9 to 18 units. The proposed revised Fir Street Development, Stage I Preliminary Plan provides 10 base single-family houses. The base units are consistent with the allowable density, being below the maximum density allowed.
- A7. While the Comprehensive Plan specifies an urban density, the properties are currently zoned RA-H, Residential Agricultural - Holding Zone. This is an interim zoning, which is intended to be replaced through rezoning in conjunction with proposed urban level development.
- A8. The proposed revised project is consistent with the designated density pattern in the surrounding neighborhood. The applicants are also proposing 10 Accessory Dwelling units, in an effort to provide more affordable housing for the low and moderate-income households working in Wilsonville.
- A9. The proposed revised project meets the Comprehensive Plan density range, while also meeting the desired level of development. The proposed revised project will maximize density to increase affordability of the housing units and to further reduce the overall unit cost. However, staff is recommending that the DRB approve Phase 1 of the Stage I Preliminary Plan at this time and not approve Phase 2.

Comprehensive Plan – Residential Variety/Diversity of Housing

Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City's desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.

- A10. The proposal would provide a net addition of 4 residential units in Phase 1. The applicants' response findings to 4.198.01(A) in Exhibits B1 and B4 speak to the providing for additional single-family houses in the City meeting these measures.

Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City's desire to approve new residential development concurrent with the availability of public facilities.

A11. Water and sanitary sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. However, a storm water system will need to be provided for Phase 2 development.

Implementation Measure 4.1.4.h: "Require new housing developments to pay an equitable share of the cost of required capital improvements for public services."

A12. The applicants/owners will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.

Significant Natural Resources

A13. Based on the material submitted, there is no SROZ located on the subject property.

Area of Special Concern

A14. The Comprehensive Plan identifies the subject property in Area of Special Concern F, which is the Old Town neighborhood. The applicants findings found in Exhibit B1 and B4 meet the design objectives in Area of Special Concern F.

Implementation Measure 4.1.4.b – Variety in Housing Type "Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment."

A15. The low vacancy rates of subdivisions in the City provide circumstantial evidence that there is demand for the single-family housing product proposed by the applicants meeting IM 4.1.4b. Adequate public services could be made available to the site.

Implementation Measure 4.1.4.d – Diversity of Housing Types "Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms."

A16. Again, proposed are 10 single-family dwellings, an existing house and 10 accessory dwelling units meeting IM4.1.4.d.

Implementation Measure 4.1.4.e "Targets are to be set in order to meet the City's Goals for housing and to assure compliance with State and regional standards."

A17. The City has established a 50% multi-family, 40% single-family target for housing in the City. The May 2006 Development Summary estimate by the City indicates a current split of 53% multi-family to 42% single-family. The proposed project would have negligible impact on the split.

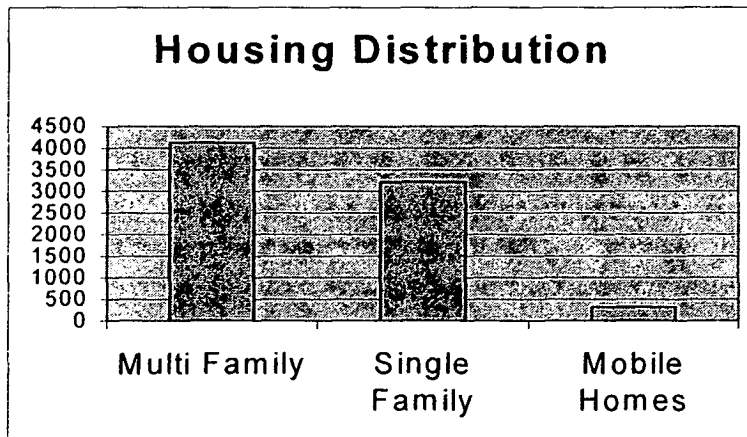
Development Summary For August 2006:

***Land Use**

Type	Total Acreage	Acres Vacant	% Vacant
PDC	247	43	17
PDC-TC	133	29	22
PDI	1092	149	14
PDR	1093	41	4
R	112	29	26
RA-H	545	297	54
PF	432		
PF-C	104		
V	111		
EFU (County)	95		
Other	738 (River, Roads, Freeway)		
Totals	4702		

Housing Units

Type	New	YTD	Total
Apartment	0	0	3869
Condominium	0	0	427
Duplex	0	0	68
Mobile Homes	0	0	22
Mobile Home/park	0	0	325
Single Family	8	137	3390
Totals	8	137	8101



August, in short.....

8 new single family

*Reflect 2006 Zone Chgs

Population Estimates

Estimated Population at 2.15 per household.....17,417

Coffee Creek Correctional Facility Population..... 1,290

PSU Certified Population as of 7/1/06.....16,885

A18. The August 2006 Development Summary further indicates that approximately 23% of 4,702 acres of land within the City is zoned Planned Development Residential (PDR). Of the land currently zoned PDR, only four (4) percent is vacant. While single family development currently makes up over 42% of the housing units in the City, the 2000 Census figures for Wilsonville shows a vacancy rate of 2.6% for owner-occupied housing units in the City. By comparison, multi-family housing makes up over 53% of the housing stock in the City and was at a 9.5% vacancy rate in 2000. Of the 5,937 ‘occupied housing units’ in the City in the year 2000, 3,199 (54%) were owner occupied, and 2,738 (46%) were renter-occupied. (The Census figures do not make a distinction between single-family detached housing and attached housing [condos, etc.]). While the Census figures show a greater percentage of the city’s housing stock being owner occupied, the vacancy rate would suggest a higher demand for this type of housing. The proposed zone map amendment meets a public need that has been identified for affordable housing. The proposed project would increase the percentage of land in PDR zoning and single-family houses by a negligible amount.

Implementation Measure 4.1.4.q “The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.”

A19. The applicants are not proposing to site mobile homes in this application.

Implementation Measure 4.1.4.x “Apartments and mobile homes are to be located to produce an optimum living environment for the occupants and surrounding residential areas. Development criteria includes:

1. **Buffering by means of landscaping, fencing, and distance from conflicting uses.**
2. **Compatibility of design, recognizing the architectural differences between apartment buildings and houses.**
3. **On-site recreation space as well as pedestrian and bicycle access to parks, schools, mass transit stops and convenience shopping.**
4. **The siting of buildings to minimize the visual effects of parking areas and to increase the availability of privacy and natural surveillance for security.”**

A20. The applicants are proposing 10 accessory dwelling units meeting IM 4.1.4.x.

Criterion 'D' – Public Facilities “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

A21. The City Engineer’s Public Facilities (PF) conditions imposed upon the applications, which will require the applicants to provide adequate road improvement to Fir Street and 4th Street, provide water, stormwater and sewer infrastructure to serve the proposed project.

Criterion 'E' – Significant Resource Overlay Zone “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone.”

A22. There is no SROZ located on the subject premise.

Criterion 'F' “That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

A23. The applicants’ submittal document indicates intent to develop Phase 1 comprising 2 single-family houses/lots including 2 accessory dwellings shown on the tentative plat (Exhibit B1), after final approvals are obtained from the City. The applicants indicate that construction is planned within 2 years.

Criterion 'G' “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.”

A24. Staff is recommending conditions of approval for the proposed project that will bring it into compliance with all applicable development standards. These conditions are found in the reports regarding the applications.

Subsection 4.197(.03) provides that “If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.”

A25. The applicants have made affirmative findings for Subsection 4.197.02(A)-(G), above. Staff is also recommending conditions of approval for the project to ensure compliance with the subject Code criteria.

Subsection 4.197(.04) stipulates that the “City Council action approving a change in zoning shall be in the form of a Zoning Order.”

A26. Staff is recommending approval of the Zone Map Amendment for the entire site with relevant conditions of approval.

Subsection 4.197(.05) provides “In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.”

A27. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to modify the Zone Map designation will be forwarded as a recommendation to the City Council.

Traffic:

A28. The traffic study completed for this project (Exhibit B1) indicates Fir Street will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

A29. The proposed revised project will be adjacent to single-family homes on the west side, south side of St. Cyril church and ODOT gravel yard on the east side. Implementation Measures 4.1.4.b, d, and o speak to the City’s desire to see a diversity of housing types and affordability. The applicants’ revised proposal would create housing diversity of single family housing and accessory dwelling choices in the City. Through the PF conditions of approval proposed by staff, the project could be adequately served with urban services designed to minimize off-site impacts for Phase I at this time.

Metro’s Urban Growth Management Functional Plan

A30. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the revision of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The applicants are requesting a zone change to Planned Development Residential (PDR-4) which corresponds to a Comprehensive Plan Map density of 6-7 dwelling units per acre.

**REQUEST ‘B’
DB07-0021 STAGE I PRELIMINARY PLAN**

Subsection 4.140(.07)(A)(1) – (4) Preliminary Approval (Stage One):

B1.

1. The applicants are the owners to pursue development of project plans for the subject property.
2. The applicants have submitted the required application form and required fees.
3. The applicants professional design team is listed on the cover sheet of the applicants narrative (Exhibits B1 and B4).
4. The applicant has indicated that the development will include 10 single-family housing and 10 accessory dwelling units.

Subsection 4.140.07(B)(1) – (7): Stage I Preliminary Plan.

- B2. The applicants are requesting approval of a Stage I Preliminary Plan for the site that comprises 2 development phases. The applicants' submittal documents and plans are sufficient to judge the scope and size of the proposed Stage I Preliminary Plan.
- B3. Topographic information provided by the applicants is shown at two-foot intervals. The applicants will need to submit an application to the City of Wilsonville's Building Division for a grading permit prior to construction.
- B4. The applicants have submitted a tabulation of the proposed land use on the property. A more detailed analysis of the proposed development will occur during review of the Stage II Final Plan review and Site Design review applications.
- B5. The applicants have not provided a commitment to provide a performance bond or other acceptable security for the capital improvements required by the applicant's proposed project. Condition of approval PDB2 is recommended to correct this deficiency.

Subsection 4.140.06(B) states: The applicant may proceed to apply for Stage I - Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.

- B6. The proposed residential use contemplated with this request is consistent with the proposed Comprehensive Plan Map designation of Residential.

**REQUEST 'C'
DB06-0052 TENTATIVE PARTITION PLAT**

Tentative Plat Submission – 4.210(.01)(B)

- C1. The proposed tentative subdivision plat for Phase I show existing easements meeting this criterion.

General Requirements – Streets

Section 4.236(.01) – Conformity to the Master Plan or Map

- C2. Fir Street and 4th Street are listed in the City's 2003 Transportation System Plan as a residential street. The City Engineer is requiring that a half-street improvement be constructed to accommodate the traffic impact of the proposed future development of the remaining property.

Section 4.236(.02)(A) - Relation to Adjoining Streets

- C3. The adjacent Wilsonville (Old Town) subdivision provides street connections to the west and to Boones Ferry Road meeting this criterion.

Section 4.236(.08) – Existing Streets

- C4. The City Engineer's Public Facilities conditions require that all right-of-way dedications, easements and street improvements are to be completed to the requirements of the City's 2003 Transportation System Plan.

Subsection 4.237(.01)(A) – Blocks

All planned development residential zones require the following block and access standards:

- “A. The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.**
- B. Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.”**

Furthermore, Section 4.124(.06) Block and access standards:

C5. Findings below:

- 1. Maximum block perimeter in new land divisions: 1,800 feet.** The block perimeter of the project site is 622 feet meeting code.
- 2. Maximum spacing between streets for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.** Staff estimates the length of Fir Street measured from the centerline of 5th Street to the southwest corner of the subject property is 450' feet meeting code.
- 3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.** The project will provide internal sidewalk system connecting the lots to Fir Street meeting this criterion.

Subsection 4.177(.01)(G) – Dead End Streets

This section requires that “new dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection.”

- C6. The subject property has only one access route and that is SW Boones Ferry Road to 5th Avenue and Fir Street. Fir Street is a dead end street. 4th Street may someday provide access but it is not improved and is a large Douglas fir grove. Staff estimates the length of Fir Street measured from the centerline of 5th Street to the southwest corner of the subject property is 450' feet. See the Building Division comments, which include the Fire Marshall's comments regarding fire, health and safety.

Section 4.237(.02) – Easements

C7. The applicants' submittal documents indicate appropriate easements will be provided as part of the final plat. The Engineering Division requires that all easements on the final plat shall be specified per the City's Public Works Standards and shall be approved by the City Engineer prior to the issuance of Engineering Division permits for the project.

Section 4.237(.03) – Pedestrian and bicycle pathways.

C8. The applicants propose for subsequent Phase 2 development specifies five (5) foot sidewalk along the project side of Fir Street meeting code.

Section 4.237(.04) – Tree Planting

C9. Plan Sheet C1.0 of Exhibit B4 identifies the location of trees. The applicants will be required to provide an instrument guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property. See **Condition PDE1**.

Section 4.237(.05) – Lot Size and Shape

Subsection 4.124.4, PDR-4 specifies the following for lot size and shape:

- “(01) Average lot size: 5,000 square feet.**
- (.02) Minimum lot size: 4,000 square feet.**
- (.03) Minimum density at build-out: One unit per 6,000 square feet.**
- (.04) Other standards:**
 - A. Minimum lot width at building line: thirty-five (35) feet.**
 - B. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private road.**
 - C. Minimum lot depth: Sixty (60) feet.**
 - D. Setbacks: per Section 4.113(.03).**
 - E. Maximum building height: Thirty-five (35) feet.**
 - F. Maximum lot coverage: seventy-five percent (75%) for all buildings.**

C10. The applicants are not requesting waivers from the PDR-4 standards.

Section 4.138(.03) – Old Town Overlay District minimum yard setbacks:

C11. Minimum rear yard, less than 15 feet - **Proposed 15 feet, 20' for garages.**

C12. Minimum side yard less 5 feet - **Proposed 5 feet.**

Section 4.237(.10) – Building Line

- C13. The proposed Stage I Preliminary Plan and Stage II Final Plan for Phase I illustrate building lines relative to yard setbacks meeting this criterion.

Section 4.237(.11) – Build-To-Line

- C14. The proposed Stage II Final Plans do not propose build-to-lines.

Section 4.237(.12) – Land for Public Purposes

- C15. The applicants will be required to dedicate all public utility easements deemed necessary by the civil engineer for the project, prior to approval of any Certificate of Occupancy requested subsequent to this action, if approved.

Section 4.237(.13) – Corner Lots

- C16. All radii within the proposed subdivision are in excess of 10 feet, which meets this criterion.

Section 4.262 – Improvements – Requirements

- C17. The City Engineer's condition requires the installation of all public utilities to the City's Public Works standards (See PF conditions).

4.264 – Improvements – Assurance

- C18. The applicants have not furnished an assurance to the City for the complete installation of all improvements. The applicants will be required to provide a cost estimate and security acceptable to the City Engineer for the completion of all public improvements.

REQUEST 'D' - DB06-053 – STAGE II FINAL PLAN

Staff is recommending that Phase I comprising two (2) single-family lots be reviewed at this time. Phase I has concurrency with traffic capacity for approval at this time. The key Stage II Final Plan review standards are the following:

Subsections 4.140.09(C-F): *Stage II Final Plan*

D1. The applicants' submittal documents provide sufficient detail to satisfy the requirements of Section 4.140.09(C) & (D). These criteria are met.

Subsection 4.140(.09)(J) – Final Plan approval

Subsection 4.140(.09)(J)(1-3) stipulates the following criteria for Final Plan approval:

1. **The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.**
2. **That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.**
3. **That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.**

ZONING, Sections 4.100-4.141

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

Additionally, Subsection 4.140(.09)(J)(1) states: The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

Comprehensive Plan and Zoning: *Planned Development Residential zone*

D2. The subject property contains one zoning district – RA-H. Following City Council action on a companion application for a Zone Map Amendment, the subject site is proposed to be zoned Planned Development Residential (PDR-4). The Comprehensive Plan identifies the subject property as Residential 6-7 dwelling units per acre.

Subsection 4.118.03(B): Waivers.

D3. The applicants are a density waiver to the Planned Development Regulations.

Subsection 4.113: Standards Applying to Residential Developments in any Zone:

Subsection 4.113 provides for the required open space in new residential developments. In addition, Implementation Measures 4.1.5.d, 4.1.5.j, and 4.1.5.k speak to the Comprehensive Plan's desire to create and conserve open space in the City for specified objectives.

Subsection 4.113.02(A) – Outdoor Recreational Area - Standards Applying To Residential Developments 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 Development 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, walking 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 residential 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 under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1) through (5) [Amended by Ord. 589 8/15/05]

- 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.

- D4. The above residential development standards require that 25% of the site be set aside for outdoor and recreation space. Those requirements are met through the proposed open space, total 16,757 sq. ft. (25% of the net area) of the site area meeting code. The closest public park is Boones Ferry Park. However, staff is recommending that the DRB not approve proposed Phase 2 at this time. So this criterion would be reviewed in future applications.
- D5. Subsection 4.113.02(A) that ¼ acre of recreation area be provided. The code also allows a mix of outdoor and common indoor recreational facilities to be included in the calculation. The original indoor recreational facility has been deleted from the proposed revised project plans. At ¼ acre or 10,890 SF is required for outdoor recreation. This recreation area can be included in the 25% parks and open space requirement and again 16,757 SF (10,890 SF is needed) is proposed meeting the minimum code requirement.

- D6. The applicants will need to provide the Planning Division a timeline as to when the future recreation space will be improved with future site development applications.
- D7. The Covenants, Conditions, and Restrictions of the Homeowner's Association (not yet submitted) will be required to place the ownership and maintenance responsibilities of the common areas upon the Homeowners Association. However, staff is recommending that the Development Review Board not approve proposed Phase 2 at this time. So this criterion would be reviewed in future applications.

Subsection 4.113(.03)(B) – Building Setbacks

- D8. All minimum building setbacks will be observed.

Subsection 4.113(.04) – Building Height

- D9. Proposed houses will not exceed the maximum 35' height limitation.

Subsection 4.113(.07) – Fences

- D10. The applicants are proposing to install fences around the housing units.

Subsection 4.171(.04): Natural Resource Protection – Trees and Wooded Areas

- D11. The applicants' arborist report in Exhibit B1 identifies twenty-seven (27) on-site trees. The majority of these trees are native species (Douglas firs). Given the relatively small size of the parcel (1.8 acres), the retention of existing trees on the site for the project is a difficult design challenge. The applicants propose to retain 21 trees. Conformance of the proposed project with the City's tree ordinance is considered in a report regarding proposed tree removal (case-file DB06-055), which is a companion to this application. However, staff is recommending that the DRB not approve proposed Phase 2 at this time. So this criterion would be reviewed in future applications.

Parking - Section 4.155 of the Wilsonville Code sets forth the minimum parking standards for off-street parking. The applicable subsections of this code are the following:

Subsection 4.155(.03)(B)(8) and Table 5: Parking Standards.

- D12. Each proposed houses would be required to provide one (1) off-street parking space, which will be accomplished with double car garages and driveway parking meeting code.

Schools

- D13. The applicants have not estimated how many school-age children will reside within the project at full build-out. The West Linn/Wilsonville School District completed construction of the new Boones Ferry Primary School in the fall of 2001. The Wilsonville High School was recently expanded to accommodate overcrowding. While not required by the Development Code, staff suggests the applicants provide the West Linn/Wilsonville School District with this estimate to aid in the school district's planning of future facilities.

Traffic

Comprehensive Plan– Implementation Measures 3.1.6a-3.1.6.cc - Transportation

- D14. The street layout aligns to the existing Old Town grid. Proposed are Fir Street, 4th street and a private road to access the houses. This criterion is met.
- D15. The City's 2003 Transportation System Plan does not identify pedestrian pathways on or near the subject premises.

Subsection 4.140(.09)(J)(2): Traffic Concurrency.

Subsection 4.140(.09)(J)(2) of the Wilsonville Code stipulates review criteria for Stage II of the planned development process:

“That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.”

Additionally, Subsection 4.140(.09)(J)(2)(a)(ii) requires that the traffic study performed to determine whether a proposed project will generate traffic in excess of Level of Service D (LOS D) look at “what impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic.”

- D16. The original DKS Associates traffic study for the 27 housing unit project estimated 22 total daily trips, 20 of which are new p.m. peak hour trips. The prior residential use (existing house) generated 2 PM peak hour trips through the Wilsonville Road interchange which results in 18 net new PM peak hour trips would use the Wilsonville Road/I-5 interchange. The proposed revised project with 20 housing units will have fewer traffic trips. At the time of writing this staff report the City has not, yet adopted a new Public Facilities Transportation Strategy (PFTS), so there is no capacity (in excess of LOS D) at the SW Boones Ferry/Wilsonville Road/Wilsonville Road Intersection, as the previous PFTS expired. Thus, the applicant's are seeking approval of Phase 1 development (3-lots including the existing house-total 2 SFR and 2 ADU = 5 DU), which staff will condition Phase 1 to a “de minimus” impact of 3 trips, plus 2 grand-fathered trips.

Prior Public testimony indicated that neighbors observed the traffic consultant counting traffic during off-peak traffic times. DKS Associates counts daily traffic trips together with traffic trips between 4:00 and 6:00 PM, which is standard transportation engineering practice.

- D17. Prior to the issuance of building permits by the City, the property owner shall be responsible for paying all applicable systems development charges (SDCs) for the proposed project including

supplemental street SDCs for future improvements to Wilsonville Road/I-5 interchange.

- D18. The Oregon Department of Transportation (ODOT) seeks to preserve traffic capacity on the freeway system, so ODOT was notified of this proposal. No comments have been received from ODOT.

Streets

- D19. No additional dedication of right-of-way is required along Fir Street, but right-of-way is proposed to be dedicated for 4th Street. The right-of-way dedication will provide for a half street improvement of 25 feet for the length of the frontage. Engineering staff recommends that the applicants be required to install a half-street improvement along the frontage of the site on Fir Street for Phase 1. With this proposed street improvement, the project would be adequately served by the road system. This development will be paying SDC's, which contribute towards overall system improvements, proportional to its impact. However, staff is recommending that the City Council not approve proposed phase 2 this time.

Section 4.167: Access, Ingress, and Egress and Subsection 4.177(.01)(H): Access Drives and Lanes

- D20. The applicants proposed vehicular circulation is access to Fir Avenue and 4th street, which are depicted in Exhibit B4 meeting this criterion.

Subsection 4.177.01(B): Sidewalk Requirements

- D21. The applicants proposed 5' wide concrete sidewalks at public and private roads meeting this criterion.

Applicant: Standard curbs and sidewalks have generally not been provided on streets in Old Town. However, for some of the newer developments in this area, the City has allowed provision of sidewalks, but without curbs. Therefore sidewalks are proposed with the development of Wilsonvillage, but without curbs.

In addition to sidewalks, as noted above, there is also a potential for pedestrian connection between Fir Street and Magnolia Street. This one block section of 4th Street, while unimproved, is generally open for pedestrian circulation, but without any formal sidewalk or pathway. This link is consistent with the city's pedestrian-friendly policies.

There are no designated pathways related to this development shown on the Bicycle and Pedestrian Master Plan. There are bike paths designated along Wilsonville Road, Boones Ferry Road. There is also a pathway link under the I-5 Boone Bridge linking the east and west sides of the city. However, the I-5 crossing is not directly accessible from Fir or 4th

Therefore it is concluded that the proposed development complies with all applicable public facilities and transportation master plans and policies. The phasing plan is designed to accommodate development within the de minimus LOS impact.

Timing of future phases will be dependant upon the City's adoption of a new PFTS, or other traffic management provisions, and the availability of trips to support the proposed development. It is the applicant's intent to complete the development as soon as possible.

It is specifically noted, that while the applicants are proposing to offer the ADU's as affordable housing units, delays in development, including required phasing compromise this intent by adding costs to the overall development.

Subsection 4.140(.09)(J)(3): Public Facilities.

Subsection 4.140.09(J)(3) stipulates, "That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

Public Services

- D22. Staff has requested comment from public service providers (e.g., Sheriff, Tualatin Valley Fire & Rescue, South Metro Area Rapid Transit, etc.) within the City about the potential of providing service to the subject project. TVF&R provided comments.

Subsection 4.140.09(J)(3) – Adequate Facilities and Services

- D23. The proposed revised project has available to it, or will be required to make available to it, adequate facilities to serve Phase 1. Phase 2 is lacking stormwater provisions, which must be coordinated with the City Engineering Division.

Sanitary Sewer

- D24. An 8-inch sanitary sewer running parallel to the westerly property line of the site in Fir Street will serve the project. The applicants will be required to install and fund, including the payment of system development charges, all improvements necessary to provide the project with sanitary sewer service. Any existing septic systems on site shall be removed prior to the issuance of a final grading permit of that particular phase.

Water

- D25. A water line will be looped through the project to ensure adequate fire flows. Any existing wells will need to be capped prior to the issuance of building permits.

Storm Drainage

- D26. The developer of the project has the responsibility to fund and install all necessary storm water facilities to meet the requirements of the City's Storm Water Master Plan. The final design and installation of all storm water facilities will require a public works permit from the City's Engineering Division.

Applicant: *The subject site lies within the Old Town Drainage Basin, which is not directly connected or related to any creek or stream system. There is no formal piped storm system available in the immediate area, and any such system would need to connect out to Boones Ferry Road. Such improvements are far too expensive for the proposed development to accommodate.*

However, an on-site system has been designed with alternative methods of storm water management. This system will utilize passive water filtration of roof drains, etc. running

stormwater through planted areas or planter boxes. The treated water will be discharged directly into the ground in dry wells.

This property has been tested for this design and the engineers report is included. Essentially, this site has excellent infiltration capability. The system will be designed and constructed consistent with the Storm Drainage Master Plan requirements, the City's public works standards, and DEQ ground water recharge standards. A permit from DEQ has been applied for, and they have preliminarily approved the design.

Storm water infrastructure is not immediately available to the project site. The nearest storm water line (42") traverses the adjacent ODOT property. Condition PF17 recommends connection to the line. The City Engineer has indicated that they would not require full improvements with Phase 1. For Phase 2, the applicants may need to acquire easement from ODOT that may not be feasible. The applicants are proposing an in-ground well injection system, which ultimately would require approval from the City Engineering Division and State agencies.

Semi-Public Utilities

- D27. The applicants will need to consult with the private utility providers (e.g., gas, electric, cable, waste collection, etc.) within the City about the potential of providing service to the subject project. Some providers have been consulted, but none have provided input.

Subsection 4.140(.09)(I): Duration of Stage II Approval

- D28. The approval of the Stage II Final Plans will expire two years after the approval date, if substantial development has not occurred on the property in that time. The DRB may grant three (3) one year extensions to this approval upon findings of good faith efforts to develop the property per this code criterion.
- D29. The location, design, size and uses of the proposed housing project, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
- D30. That the location, design, size and uses in Phase I are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.
- D31. That the location, design, size and uses of the proposed housing project are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services." Storm water infrastructure is not immediately available to the project site. The nearest storm water line (42") traverses the adjacent ODOT property. The applicants may need to acquire easement from ODOT that may not be feasible. The applicants are proposing an in-ground well injection system, which would require approval from the City Engineering Division and State agencies.

REQUEST 'E' - DB06-054 SITE DESIGN REVIEW -PHASE 1:

Subsection 4.125.18(P)(1): An application for approval of a Site Design Plan shall be subject to the provisions of Section 4.421.

- E1. The applicants have provided findings meeting the applicable criteria (Exhibit B1). Staff concurs with these findings except where otherwise noted.

Section 4.421: Site and Design Review - Criteria and Application of Design Standards

(.01) The following standards shall be utilized by 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 or innovation. The specification of one or more particular architectural styles is not included in these standards.

A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

- E2. The request to remove trees is based upon the recommendation of Walt Knapp, a certified arborist.
- E3. The proposed Type C Tree Plan requires the review and approval of the Development Review Board (DRB) and being processed concurrently with this request.

B. Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.

- E4. This proposal includes a review of the low density residential project. It also includes the review of landscaping and open space. The purpose of this Site Design Plans is to provide more detailed architectural and landscaping information.

C. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

- E5. The proposed project is not large enough to provide a circulation system for transportation options (automobiles, bicyclists and pedestrians).

Parking Analysis:

- E6. Table #5 of Section 4.155 requires 1 parking space per dwelling unit. 4 dwelling units are proposed in Phase; 1 = 6 minimum parking spaces. Double car garages will be provided exceeding code.

Subsection 4.155.02(O). Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven (7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

ARCHITECTURE –OLD TOWN OVERLAY DISTRICT

- E7. Again, the applicants have provided response findings to the applicable criteria (See the Supplemental Findings in Exhibit B1). Staff concurs with these findings except where otherwise noted. Thus, the Old-Town Overlay District design criteria are met by the proposed project.

Lighting:

- E8. Proposed site lighting comprises of street and porch lights typically found in any other subdivision in Wilsonville.

Section 4.176: Landscaping

- E9. The landscape plan proposed for the open space is relying on existing grass and trees, which is in accordance with the requirements of Section 4.176.09, and 4.440.01(B).
- E10. Street trees are a major component of the landscaping. Proposed are Chancelor or Sunset Red Maple, one per lot, except at lots 1, 2 and 3 having no street frontage or existing trees. The minimum caliper should be 2 ½ inches.

Subsection 4.176.04(C&D): Buffering and Screening

- E11. The submittal documents do not indicate the location of the heating, ventilation, and air condition (HVAC) equipment is not applicable to single-family houses.
- E12. The applicants are not proposing any outdoor storage other than that for trash containers solid waste and recyclables for each respective house.

Subsection 4.176(.06)(A-E): Plant Materials.

- E13. Landscaping on private property is the property owner's or the developer's responsibility to install and are not subject to the landscaping standards.

Subsections 4.179(.06-.07) and 4.430(.01-.04): Location, Design and Access Standards for mixed Solid Waste and Recycling Areas

- E14. The applicants should coordinate with Allied Waste Services because the proposed private road dead-ends and garbage collection trucks drivers prefer not to back down streets.

Section 4.176(.12)(D): Irrigation

- E15. In this case, irrigation is not required for the existing grassy open space areas that will be incorporated into this project and it is not encouraged within the drip-lines of the large Douglas Firs that are prevalent in the proposed open space areas.

REQUEST 'F' - DB06-055 - TYPE 'C' TREE PLAN:

Section 4.600 – Tree Preservation and Protection

(.50) Application for Tree Removal Permit

(.02) Time of Application: Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site plan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter,

Also Subsection 4.610.40: Type C Permit

F1. Staff notes that the future applications for Phase 2 may have ramifications on the tree preservation plan. If so, the tree plan will need to be reevaluated by the Development Review Board.

The following tree report narrative (Exhibit B1) was provided by project arborist Mr. Walter Knapp of Silviculture & Forest Management Urban Forestry.

This preliminary arborist report for the Wilsonvillage project summarizes tree condition, identifies trees that should be removed due to condition, and lists those that have potential for retention.

*Much of the site is open, with grass and existing development. The tree cover is dominated by Douglas-fir, with few other species (table 1). Most of the trees are in good to excellent condition, but five of the Douglas-firs and a large cherry tree should be removed for condition. The only disease noted on the site was stem decay caused by the fungus *Phellinus wierii*. Detailed information for the trees is included in the Tree Inventory (enclosed). Many of the Douglas-firs have developed stable structures and windthrow resistant characteristics.*

F2. The arborist report also documents the condition, viability, and which trees will be retained on the site and which will be removed because of construction or condition on the project site. The inventory that was provided by the arborist below lists tree species, size, condition and recommended treatment. The recommended treatments were based on tree characteristics as well as location within the site.

Wilsonville Tree Inventory

#	Species	DBH	Comments/Condition	Recommended Treatment
1227	Douglas-fir	26	No serious defects noted.	
1228	Douglas-fir	34	No serious defects noted.	
1229	Douglas-fir	16	Low vigor	Remove - Condition
1236	cherry	20	Species limitations: short lived, susceptible to storm damage	Remove - Condition
1386	hawthorn	6,12	No serious defects noted.	
1462	Douglas-fir	38	No serious defects noted.	
1463	Douglas-fir	36	No serious defects noted.	
1468	Douglas-fir	40	Pitch seam on 2 sides; hazard	Remove - Condition
1469	Douglas-fir	40	No serious defects noted.	
1470	Douglas-fir	24	No serious defects noted.	
1471	Douglas-fir	32	No serious defects noted.	
1472	Douglas-fir	24	stem decay (Phellinus pini); lean	Remove - Condition
1473	Douglas-fir	40	No serious defects noted.	
1474	Douglas-fir	16	stem decay (Phellinus pini)	Remove - Condition
1475	Douglas-fir	12	stem decay (Phellinus pini)	Remove - Condition
1476	Douglas-fir	22	No serious defects noted.	
1477	Douglas-fir	22	No serious defects noted.	
1478	Douglas-fir	36	Small pitch seam; not high hazard	
1479	Douglas-fir	32	No serious defects noted.	
1480	Douglas-fir	46	Pitch seam; basal scar; not high hazard	
1591	Douglas-fir	20	No serious defects noted.	
1592	Douglas-fir	14	No serious defects noted.	
1593	Douglas-fir	26	No serious defects noted.	
1594	Douglas-fir	48	No serious defects noted.	
1595	western redcedar	12	No serious defects noted.	
1596	western redcedar	10	No serious defects noted.	
1597	western redcedar	10	No serious defects noted.	

TREES OR SHRUBS SHOWN ON PLAN, BUT NOT INCLUDED IN ANALYSIS:

#	Species	DBH	Comments/Condition	Recommended Treatment
1237	laurel	8,8	No tree	Remove from analysis
1306	STUMP		No tree	Remove from analysis
1385	Douglas-fir	36	Located off property; south of 4th St.	Remove from analysis
1464	shrub	4	No tree	Remove from analysis
1465	shrub	4	No tree	Remove from analysis
1466	holly	4	No tree	Remove from analysis
1467	STUMP	16	No tree	Remove from analysis
1663	laurel	6,12	No tree	Remove from analysis

A total of four (4) different tree species was inventoried on the site of which three are native species.

F3. A Tree Report has been prepared by Walt Knapp addressing existing trees within the proposed project site. The City is particularly concerned about retaining mature trees wherever possible. Existing trees 6" DBH or more must be preserved when healthy and compatible with the project design. Native species of trees and trees with historical importance shall be given special consideration for retention. The proposed revised tree removal plan indicates 6 trees removed out of 27 existing trees or 22% compared with 18 trees removed out of 27 existing trees or 67% in the prior request for the full development of the master plan. Most of the trees are in good or

excellent condition. Most of the trees are Douglas fir. Of the six trees the arborist is recommending removal due to poor health, condition or site improvements. Tree mitigation should comprise of primarily native coniferous and deciduous trees that will grow to large size. Staff is recommending that the trees in Phase 2 be retained until the subsequent phased development is reviewed by the DRB. In Phase 1 only two trees (Tree # 1229-16" Douglas Fir, low vigor and #1236-20" Cherry, short lived, susceptible to storm damage) are proposed to be removed.

Prior public testimony indicated that the removal of trees would diminish an important tree grove that anchors the natural setting of Old Town. Much of the project site is open, with grass and existing house. The expansive ODOT gravel storage yard lies between the subject site and Interstate-5. There is a large grove of trees on the west side of the ODOT property, which the applicants do not have control to retain. The applicants propose to plant nine (9) street trees when full development occurs.

Public testimony mentioned that significant trees would be removed with the proposed widening and 4th Street improvements. This would be necessary for any public street improvement impacting trees within the City right-of-way. Three are not trees but large shrubs along 4th Street. Tree # 1386 in Phase 1 is a Multi-trunk Hawthorne, which is not a significant tree to preserve along 4th Street.

Subsection 4.620.00: Tree Relocation, Mitigation, or Replacement

- F4. The City of Wilsonville requires mitigation planting when live trees are removed is 6 trees that are subject to mitigation requirements. Nine (9) street trees are proposed.
- F5. **Tree Protection During Construction:** Tree protection specifications are proposed and are included in the arborist report meeting code.

REQUEST 'G'
DB06-056 WAVIER

Section 4.118.03 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.**

Furthermore, Subsection 4. 118.03(B) states:

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;**

G1. The code requires that all waivers be specified at the time of Stage I Master Plan and Preliminary Plat approval. The waiver is for the minimum density, not average lot size. The PDR-4 standards, call for a minimum 4,000 square foot lot, average 5,000 square foot, and minimum density at 1/6000 square feet. At 1/6,000, the net lot area calculates to 11 units, and it proposes 10 units.

The proposed application meets:

- 4,000 sq ft minimum lot area;
- 5,000 sq ft lot average; and
- 25% open space.

The applicants' response revised findings found in Exhibit B4 provide the evidence to approve proposed density waiver. The requested waiver is necessary to create larger lots to better match the 5,000 sq. ft. lot sizes in the immediate neighborhood and still create 25% open space required by code. Staff has found in order to satisfy Section 4.118.05 relative to meeting the minimum 25% open space requirement that waivers are necessary and unavoidable for single-family residential development on sites below 3 acres.

Sign off accepting Conditions of Approval

Case File #'s DB07-0021; DB06-0052; DB06-0053; DB06-0054; DB06-0055; DB06-0056

Project Name: Fir Street Development

The Conditions of Approval rendered in the above case files have been received and accepted by:

Signature

Title

Date

Signature

Title

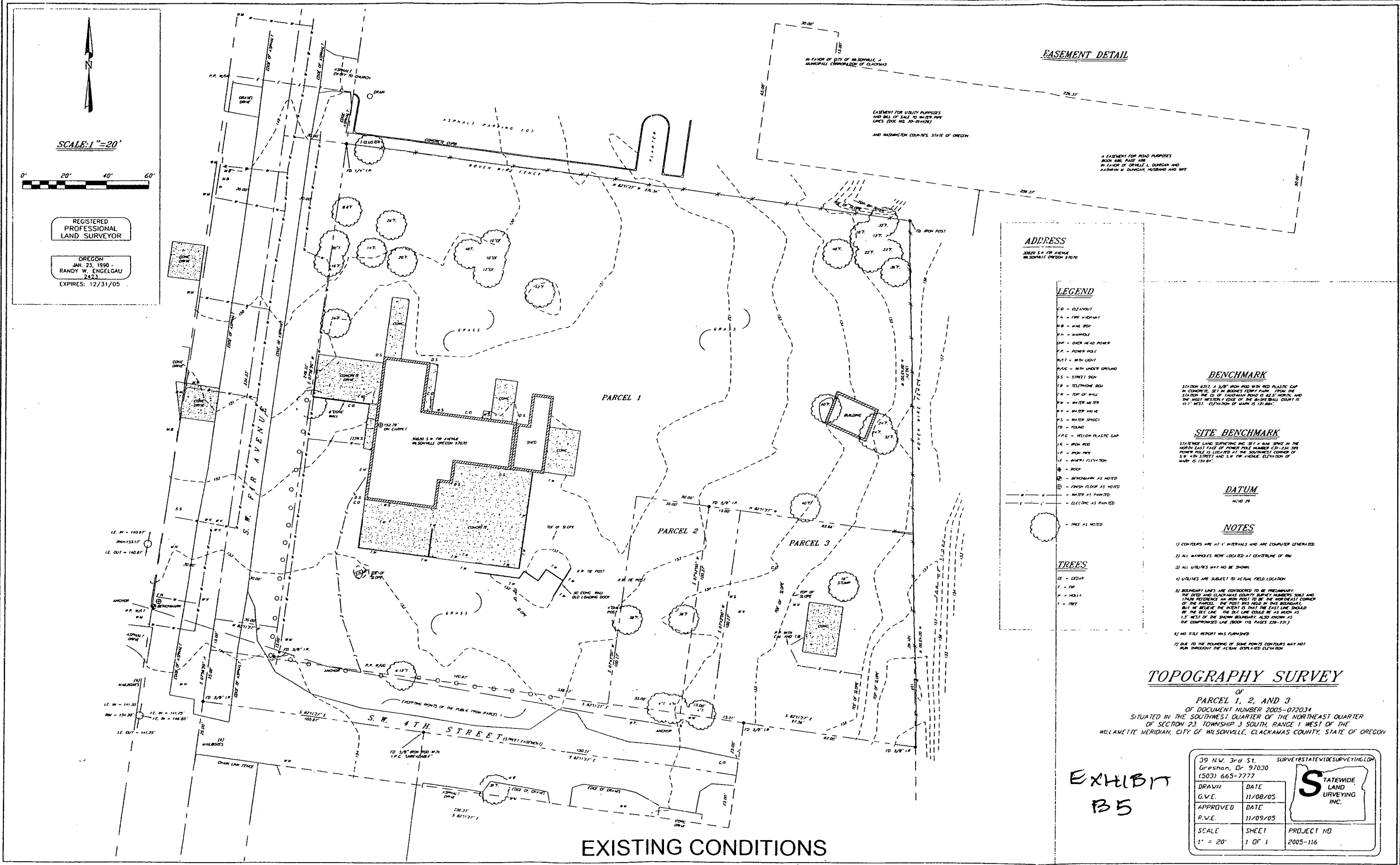
Date

This decision is not effective unless this form is signed and returned to the planning office as required by WC Section 4.140(.09)(L).

Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development.

Please sign and return to:

Sally Hartill
Planning Project Coordinator
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070



SCALE: 1" = 20'



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JAN. 23, 1990 -
RANDY W. ENGELGAU
7473
EXPIRES: 12/31/05

EASEMENT DETAIL

EASEMENT FOR UTILITY PURPOSES AND BILL OF SALE TO WATER PIPE LINES (DOC NO. 70-01428) AND WASHINGTON COUNTY, STATE OF OREGON

EASEMENT FOR ROAD PURPOSES BOOK 686 PAGE 408 BY FAVOR OF ORVILLE L. DUNGAN AND FARMIN W. DUNGAN, HUSBAND AND WIFE

ADDRESS

3010 S.W. FIR AVENUE
WILSONVILLE OREGON 97070

LEGEND

- CO - CLEAVOUT
- FM - FIRM FOUNDATION
- MB - MAIL BOX
- MH - MANNHOLE
- OP - OPEN HEAD POWER
- PP - POWER POLE
- PLAT - WITH LIGHT
- PLAC - WITH UNDER GROUND
- SS - STREET SIDE
- TR - TELEPHONE BOX
- TM - TOP OF WALL
- WM - WATER METER
- WV - WATER VALVE
- WS - WATER SPREAD
- FD - FOUND
- YPC - YELLOW PLASTIC CAP
- TR - IRON ROD
- IP - IRON PIPE
- LE - BENCHMARK ELEVATION
- ROOF - ROOF
- BR - BENCHMARK AS NOTED
- FF - FINISH FLOOR AS NOTED
- WA - WATER AS PAINTED
- EL - ELECTRIC AS PAINTED
- TR - TREE AS NOTED

BENCHMARK

STATION 8712, A 3/8" IRON ROD WITH RED PLASTIC CAP IN CONCRETE SET IN BRACKET FORM FOUND FROM THE SECTION THE Q. OF TACHMAN ROAD IS 88.5' NORTH, AND THE MOST WESTERN EDGE OF THE BASEBALL COURT IS 41.1' WEST. ELEVATION OF MARK IS 131.84'.

SITE BENCHMARK

STATION 8712, A 3/8" IRON ROD WITH RED PLASTIC CAP IN CONCRETE SET IN BRACKET FORM FOUND FROM THE SECTION THE Q. OF TACHMAN ROAD IS 88.5' NORTH, AND THE MOST WESTERN EDGE OF THE BASEBALL COURT IS 41.1' WEST. ELEVATION OF MARK IS 131.84'.

DATUM

NCVD 79

NOTES

- 1) CONTOURS ARE AT 1' INTERVALS AND ARE COMPUTER GENERATED
- 2) ALL MANNHOLES WERE LOCATED AT CENTRELINE OF RM
- 3) ALL UTILITIES MAY NOT BE SHOWN
- 4) UTILITIES ARE SUBJECT TO ACTUAL FIELD LOCATION
- 5) BOUNDARY LINES ARE CONSIDERED TO BE PRELIMINARY. THE DEED AND CLACKAMAS COUNTY SURVEY NUMBERS 5083 AND 1248 PREFERENCE AN IRON POST TO BE THE NORTHEAST CORNER OF THE PARCEL. THE POST WAS HELD IN THIS BOUNDARY, BUT WE BELIEVE THE INTENT IS THAT THE EAST LINE SHOULD BE THE DEC LINE. THE DEC LINE COULD BE AS MUCH AS 1.5' WEST OF THE SHOWN BOUNDARY. ALSO KNOWN AS THE COMPROMISED LINE (BOOK 110 PAGES 228-231.)
- 6) NO FIELD REPORT WAS FURNISHED
- 7) DUE TO THE POLYING OF SOME POINTS CONTOURS MAY NOT RUN THROUGH THE ACTUAL DISPLAYED ELEVATION

TREES

- CE - CEDAR
- FM - FIRM
- HO - HOLLY
- TR - TREE

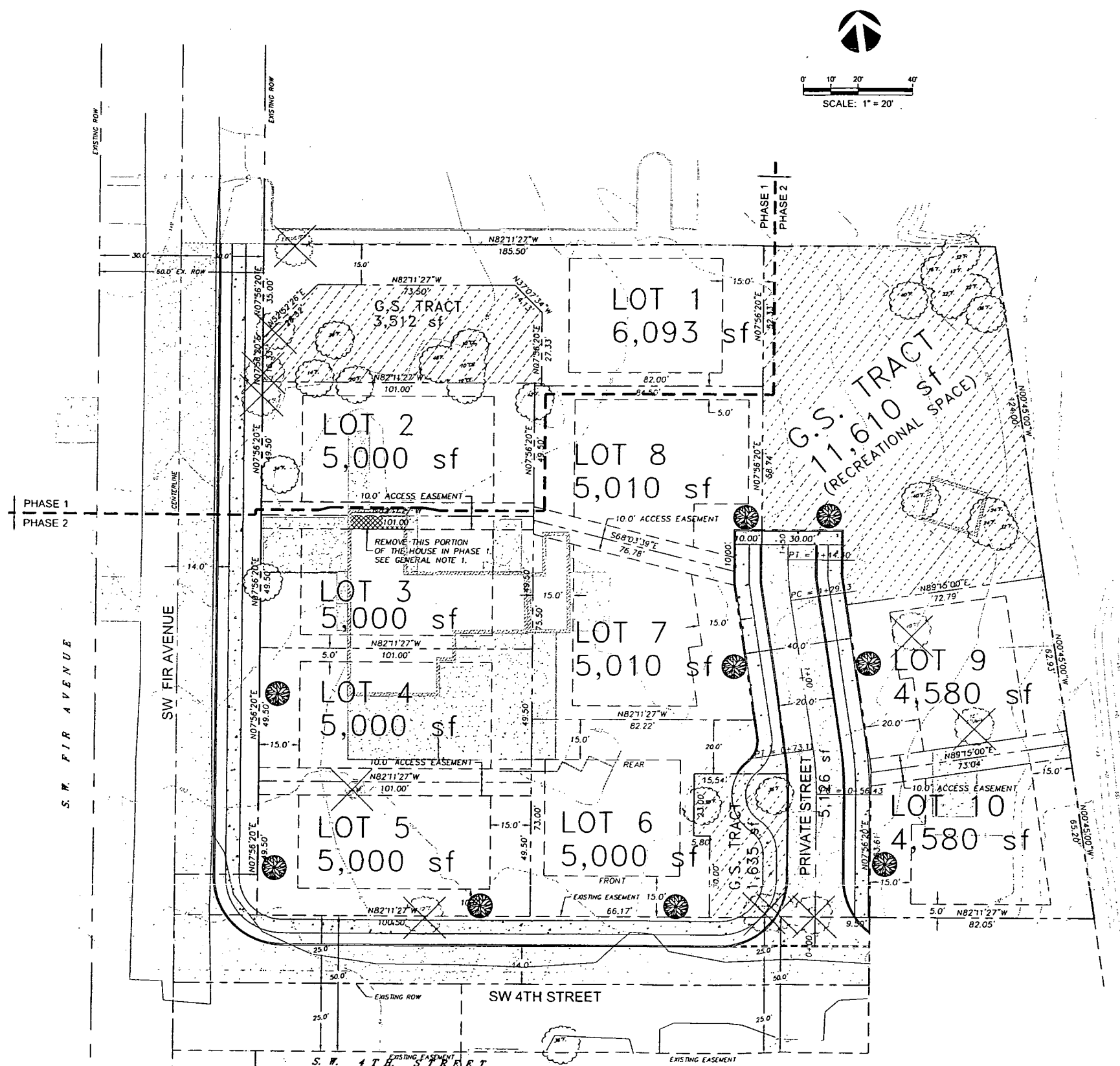
TOPOGRAPHY SURVEY

OF
PARCEL 1, 2, AND 3
OF DOCUMENT NUMBER 2005-072034
SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, STATE OF OREGON

EXHIBIT
B5

39 NW, 3rd St. Gresham, Or 97030 (503) 665-7777		SURVEYSTATEWIDESURVEYING.COM S TATEWIDE LAND SURVEYING INC.
DRAWN G.V.E.	DATE 11/08/05	
APPROVED P.V.E.	DATE 11/09/05	PROJECT NO. 2005-116
SCALE 1" = 20'	SHEET 1 OF 1	

DATE	REVISIONS



GENERAL NOTES

- EXISTING HOUSE WILL BE MODIFIED TO FIT WITHIN SIDEYARD SETBACK.

MASTER PLAN TREE LEGEND

- TREE TO BE REMOVED. (9 TOTAL)
- STUMP TO BE REMOVED. (2 TOTAL)
- TREE TO BE SAVED AND PROTECTED.
- PROPOSED 9 STREET TREES USING CHANCELOR AND/OR SUNSET RED MAPLE.

AREA TABULATION TABLE

ITEM	AREA (s.f.)	% OF SITE
DEDICATED PUBLIC R.O.W.	6,854 s.f.	8.7%
DEDICATED PRIVATE STREET	5,126 s.f.	6.5%
PROPOSED 10 LOTS	50,273 s.f.	63.6%
TOTAL GREEN SPACE TRACTS (25% OF PROPOSED SITE)	16,757 s.f.	21.2%
PROPOSED SITE (LOTS + G.S.)	67,030 s.f.	---
TOTAL EXISTING SITE	79,010 s.f.	100%
RECREATIONAL SPACE	11,610 s.f.	REQUIRED 10,890 s.f.

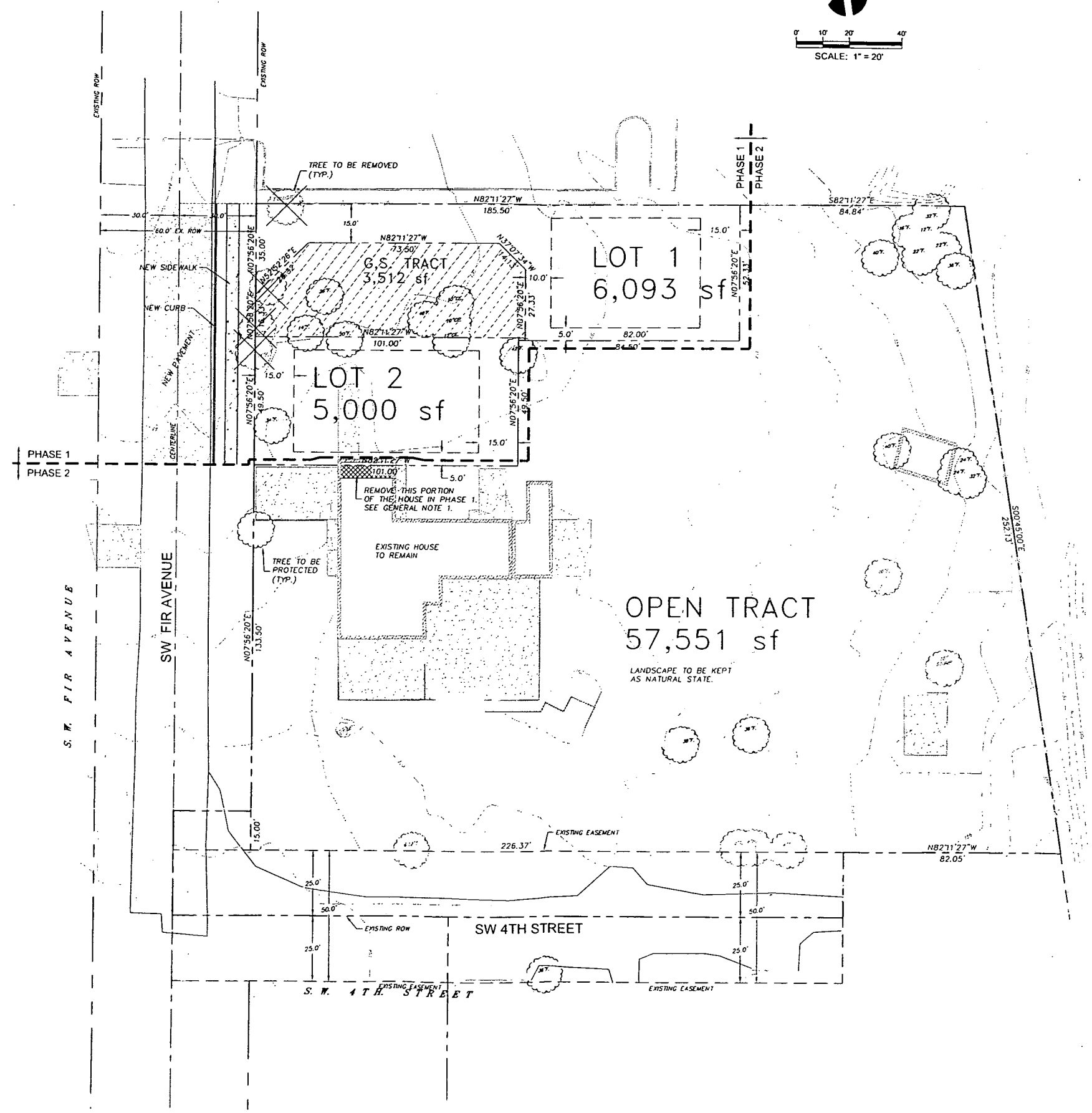
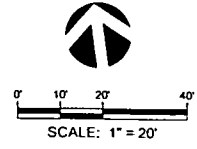
PBS
 1310 MAIN STREET
 VANCOUVER, WA
 98660
 (360) 690-4331
 FAX
 (360) 696-9064

FIR STREET DEVELOPMENT
 30820 SW FIR AVENUE
 WILSONVILLE, OREGON 97070

PRELIMINARY
 MASTER SITE PLAN
 70437.000
 HAT
 HAT
 February 2007

C1.0

SHEET 3 OF xx
 CIVIL DRAWINGS



AREA TABULATION TABLE		
ITEM	AREA (s.f.)	% OF SITE
DEDICATED PUBLIC R.O.W.	6,854 s.f.	8.7%
OPEN TRACT	57,551 s.f.	72.8%
GREEN SPACE TRACT	3,512 s.f.	4.5%
2 LOTS	11,093 s.f.	14.0%
TOTAL	79,010 s.f.	100%

GENERAL NOTES

- EXISTING HOUSE WILL BE MODIFIED TO FIT WITHIN SIDEYARD SETBACK.

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