

**ORDINANCE NO. 717**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING AN INCREASE IN THE NUMBER MULTI-FAMILY RESIDENTIAL DWELLING UNITS BY 66 UNITS FOR THE ACTIVE ADULTS AT THE GROVE APARTMENT BUILDING, THE SUBJECT PROPERTY BEING AFFECTED BY THIS ORDINANCE IS LOCATED ON PORTIONS OF TAX LOTS 105 AND 200 OF SECTION 14A, T3S, R1W, CLACKAMAS COUNTY, OREGON. HOLLAND PARTNER GROUP/BRENCHLEY ESTATES PARTNERS, LP, APPLICANT.**

**RECITALS**

WHEREAS, on May 10, 2012, the Wilsonville City Council adopted Ordinance No. 703 which established the maximum density to be allowed for Tax Lots 103, 105 and 200 of Section 14A, T3S, R1W, Clackamas, County Oregon; and

WHEREAS, on May 30, 2013, the Development Review Board Panel B, at a regularly scheduled meeting held on May 30, 2013, conducted a public hearing to consider, among other related applications, a height waiver for a proposed apartment building to increase the maximum building height from thirty-five (35) feet to up to forty-seven (47) feet in order to allow a four (4) story building that would accommodate an increase in density that the Applicant represented it would request of the Wilsonville City Council at an upcoming public hearing (Case File DB13 0008). Based on the testimony and record presented, the Development Review Board voted unanimously to approve the height waiver; and

WHEREAS, although the issue of the increased density was not a matter before the Development Review Board, or a matter within their authority to act, in light of the testimony presented in support of the height waiver, the Development Review Board members opted to provide a recommendation to City Council supporting the Applicant's upcoming increased density request. A copy of Resolution No. 254, is attached hereto as **Exhibit A**; and incorporated by reference herein; and

WHEREAS, the City Planning staff prepared a staff report to the City Council, dated July 15, 2013 summarizing Applicant's request for additional density and proposed Ordinance 717; and

WHEREAS, on July 15, 2013, the Wilsonville City Council held a public hearing regarding the Applicant's request to add the 39 units previously relinquished under Ordinance 703 to this Application and to further add an additional 27 units to this Application, based on the City of Wilsonville's Comprehensive Plan Implementation Measure 4.1.4.v.

WHEREAS the City Council reviewed and considered the full public record made before the Development Review Board, including the staff report, which record was incorporated into the City Council public hearing record; took public testimony; and, upon deliberation, concluded that evidence presented satisfied the applicable approval criteria under the City of Wilsonville Development Code and with Comprehensive Plan Implementation Measure 4.1.4.v; which provides, in pertinent part: "*Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*" The Applicant has committed that all 112 dwelling units located in the building will be age restricted to age 55 and over; there will be nine (9) additional specially equipped Type "A" American National Standards Institute (ANSI) units; elevator service and secured building access.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS the following modifications to Ordinance No. 703:

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the staff report, as contained in the record of the above described City Council hearing and incorporates them by reference herein, as if fully set forth.

Section 2. Order. The density limits of Ordinance No. 703 are hereby modified as follows: The number of dwelling allowed pursuant to Ordinance 703 is hereby increased by 66 units for a total of 781 units and the additional 66 units granted hereunder shall all be contained within the proposed 112 total unit apartment building included in this Application. All 112 units will be age restricted to require that at least one (1) occupant of each of the 112 dwelling units to be age 55 or older and at least six (6) additional specially equipped Type "A" American National Standards Institute (ANSI) units will be constructed (for a total of nine (9) total Type A units) within the building, all served by elevators and a building security system.

This modification in density is conditioned upon the Applicant first recording, in the real

property records of Clackamas County, Oregon, a deed restriction against the real property where the apartment building is located which clearly provides that all units contained within that apartment building, whether rented or owned, are age restricted, requiring that at least one occupant of each unit be age 55 or older; such deed restriction to be reviewed and approved by the City Attorney.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 15<sup>th</sup> day of July 2013, and scheduled for the second and final reading on August 5, 2013, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

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Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 5th day of August, 2013, by the following

votes:                                      Yes:-3-                                      No:-2-

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Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_\_ day of August, 2013.

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Tim Knapp, MAYOR

**SUMMARY OF VOTES:**

Mayor Knapp	Yes
Councilor Starr	No
Councilor Goddard	No
Councilor Stevens	Yes
Councilor Fitzgerald	Yes

**Attachments:**

Exhibit A – DRB Panel B Resolution No. 254

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 254**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY DEVELOPMENT PLAN FOR BRENCHLEY ESTATES, APPROVING A WAIVER TO THE MAXIMUM BUILDING HEIGHT, STAGE II FINAL PLAN, SITE DESIGN PLAN, TYPE 'C' TREE PLAN FOR THE ACTIVE ADULTS AT THE GROVE MULTI-FAMILY. THE SUBJECT PROPERTY IS LOCATED ON TAX LOTS 100, 103, 104, 105 AND 200 OF SECTION 14A, T3S, R1W, CLACKAMAS COUNTY, OREGON, HOLLAND PARTNER GROUP/BRENCHLEY ESTATES PARTNERS, L.P, APPLICANT.**

**RECITALS**

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

WHEREAS, the Planning Staff has prepared a staff report on the above-captioned subject dated May 17, 2013, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meeting conducted on May 30, 2013, 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, the Development Review Board recognizing that it does not have the authority to approve the additional density being requested by the Applicant, which approval must be obtained from the Wilsonville City Council, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board Panel B of the City of Wilsonville, recognizing that City Council approval is required for the additional density contemplated, and recommending that the additional density be approved, approves the Applicants' request for a revised Stage I Preliminary Plan, waiver to the maximum building height, Stage II Final Plan, Site Design Review and Type 'C' Tree Plan, subject to City Council approval of the applicant's increased density, as presented to the Development Review Board and does hereby adopt the staff report, attached hereto as Exhibit A1, with modified findings, recommendations and conditions

placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

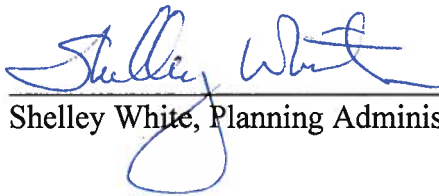
- DB13-0008 Revised Stage I Preliminary Plan
- DB13-0009 Waiver to the maximum building height. – Lot 3
- DB13-0010 Stage II Final Plan – Lot 3
- DB13-0011 Site Design Review – Lot 3
- DB13-0012 Type 'C' Tree Plan – Lot 3

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 30th day of May 2013 and filed with the Planning Administrative Assistant on June 3, 2013. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.



Andrew Karr, Chair  
Development Review Board, Panel B

Attest:



Shelley White, Planning Administrative Assistant

**EXHIBIT A1  
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION  
DEVELOPMENT REVIEW BOARD PANEL ‘B’  
QUASI - JUDICIAL PUBLIC HEARING  
*Active Adults at the Grove Multi-Family*  
(Amended and Adopted May 30, 2013)**

**Public Hearing Date:** May 30, 2013  
**Date of Report:** May 17, 2013

**Application Numbers:** Request A: DB13-0008 Revised Stage I Pre. Plan  
Request B: DB13-0009 Waiver to building height.  
Request C: DB13-0010 Stage II Final Plan – Lot 3  
Request D: DB13-0011 Site Design Review – Lot 3  
Request E: DB13-0012 Type ‘C’ Tree Plan – Lot 3

*Italic/bold = new words*

~~Strikethrough~~ = deleted words

**Property Owners:** Holland Partner Group/Brenchley Estates Partners, L.P. and CRP & Holland Brenchley Estates II L.P.

**Applicant:** Holland Partner Group/Brenchley Estates Partners L.P.

**REQUEST:** Mr. Jerry Offer of OTAK Inc, acting as agent for the Applicant, propose a 4 story apartment building comprising of 112 units for occupants 55 years or older on 3.41 acres or Lot 3. The proposed apartment building would replace the site for a detached single-family subdivision. No changes are proposed to the remainder of the previously approved master plan set aside for 25 detached single-family residential houses.

**Applicant:** A request for approval of the following applications:

**“A. Planned Development preliminary plan (Stage I)** approval to amend the current approved Brenchley Estates Planned Development master plan. This request seeks to revise the plans for the approved lot 3 within Brenchley Estates North from the prior designation of this lot being developed with 30 single-family lots to current plans for development of the lot with 112 apartments within one building. The proposed apartments would be age-restricted apartments available only to those 55 years old and older. No changes are proposed to the remainder of the previously approved development. In order to accomplish the requested housing opportunity, it is requested that the City Council amend Ordinance No. 703 to approve additional housing opportunities for development of age restricted housing on lot 3 consistent with Comprehensive plan Implementation Measure 4.1.1v which may allow densities to be increased to provide for

meeting special needs, including housing for seniors. Proposed language for revising Ordinance 703 is included as part of Section II-A of this application package. The previously approved Stage I development plans for the southern portion of Brenchley Estates included 324 apartments and 32 detached single-family residences on individual lots (subsequently revised to 30 detached single-family lots). The previously approved plans for Brenchley Estates North provided for development of an additional 39 lots for detached single-family homes (includes 30 SFR lots in area of approved lot 3; 288 market rate apartments on lot 1; an approximately 1.4-acre future development parcel on lot 5 (use to be determined through a future application); a 1.07 acre private park, and networks of public roads and utilities.” Staff note: Ordinance No. 703 allows 25 single family lots not 30 lots stated by the Applicant.

**“B. Stage II Planned Development final plan and Site Design Review** approval for development of 112 multi-family family dwellings in a four-story building to be constructed on approved lot 3. The project is to be known as the Active Adult at the Grove *Multi-Family* project. In addition, a waiver is requested to the maximum 35-foot building height of the PDR-4 zoning district to allow a multifamily building of four stories and up to 47-feet in height. This waiver request is addressed in the section of this application which deals specifically with the request for Stage II Final Development Plan and Site Design Review approval for development of lot 3.”

**“C. Type C Tree Removal Plan** for removal of 38 to 41 existing trees within the site of the proposed senior apartment in Brenchley Estates North.”

## **BACKGROUND:**

In May 2011, the DRB approved Brenchley Estates (renamed Jory Trail at the Grove). Jory Trail at the Grove comprises 356 residential units divided among 14 apartment buildings (324 multi-family units), a community building/swimming pool and 32 (re-plated to 30 lots) detached single-family houses. Jory Trail at the Grove apartments are approximately ~~70~~ **92** percent occupied.

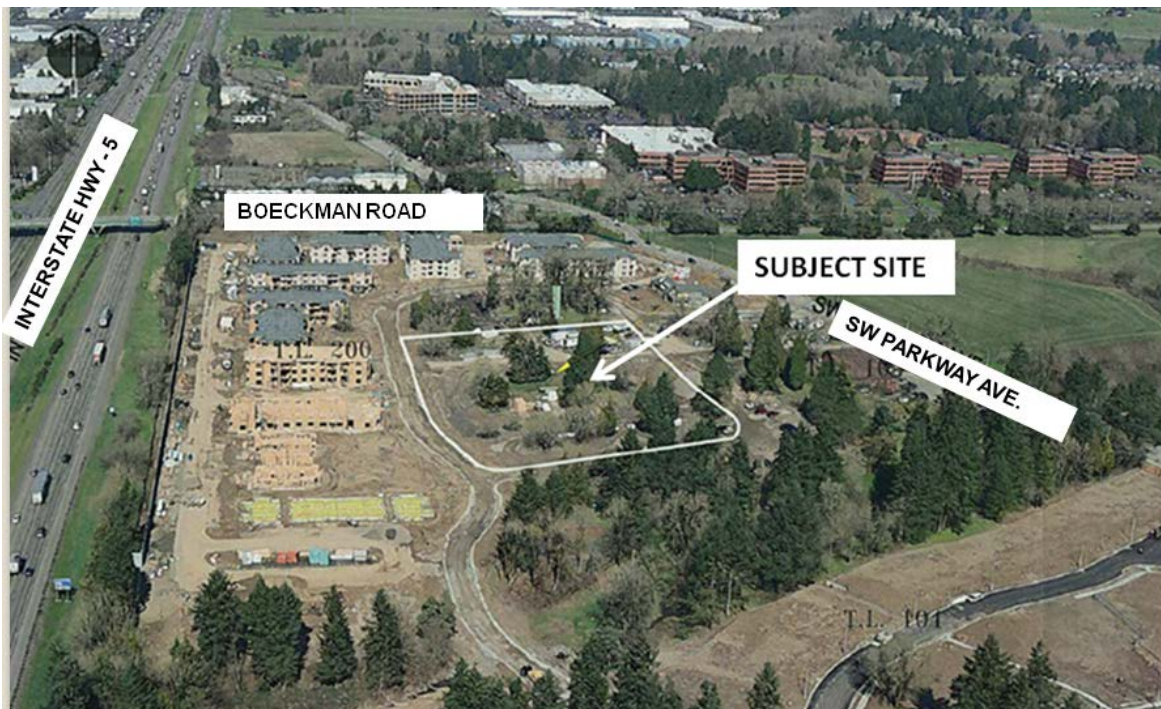
In March 2012, the DRB modified the Stage I Preliminary Plan (master plan) that combined Brenchley Estates - South with Brenchley Estates - North. The combined master planned area is 59.96 acres. This master plan was approved for 71 single-family detached houses and 683 apartment units for 754 total units.

In April 2012, Council adopted Ordinance No. 703 that rezoned Brenchley Estates North from RA-H to PDR-4. Ordinance No. 703 also reduced the total number of dwelling units by 39 and the Applicant agreed to voluntarily age restrict forty six (46) units (the type of housing were yet to be determined) to be contained in the next phase of the development to occupants 50 years or over excluding 25 market rate single family homes which was not be age restricted totaling 359 units in Brenchley Estates North.

**Comprehensive Plan Designation:** Residential 6-7 du/ac.

**Current Zone Map Designations:** Planned Development Residential – 4 (PDR-4), Planned Development Residential – 5 (PDR-5) and SROZ.

**Project Location:** The subject site for the proposed Active Adults at the Grove Multi-Family is located in Brenchely Estates - North which is adjacent to the Terrene Apartments, the Terrene Community Center and the site for a future single family house subdivision. The site for the Active Adults at the Grove Multi-Family comprises Tax Lots 105 and 200 in Section 14A; T3S R1W; Clackamas County; Wilsonville, Oregon. Stage I Preliminary Plan area: Tax Lots 100, 103, 104, 105 and 200 in Section 14A; T3S R1W.





**APPLICABLE REVIEW CRITERIA:**

<b>Wilsonville Code Section(s)</b>	<b>Description</b>
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.113 (as applicable)	Standards for Residential Development in Any Zone
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Sections 4.124.4 and 4.124.5	Planned Development Residential (PDR-4 and PDR-5) Zones
Sections 4.139.00 – 4.139.10	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.140.07	Stage I Preliminary Plan
Section 4.140.09	Stage II Final Plan
Section 4.155	Parking
Section 4.167	Access, Ingress and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176 (as applicable)	Landscaping, Screening and Buffering
Section 4.177 (as applicable)	Street Improvement Standards
Section 4.178	Sidewalk and Pathway Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings
Section 4.199	Outdoor Lighting
Sections 4.210 – 4.270	Land Division
Sections 4.300 – 4.320	Underground Utilities
Sections 4.400 through 4.450	Site Design Review
Section 4.600 – 4.600.50	Tree Removal
Section 4.620.00 – 4.620.10	Mitigation, Tree Protection

<b>Other Planning Documents:</b>
Storm Water Master Plan
Transportation Systems Plan
Bicycle And Pedestrian Master Plan
Comprehensive Plan, Goal 10, Implementation Measure 4.1.4.v.
Approved Jory Trail at the Grove Apartments and the Terrene Apartments Preliminary Development Plan

**Staff Reviewers:** Blaise Edmonds, Manager of Current Planning, Mike Ward, Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

**STAFF-DRB ACTION and RECOMMENDATION:**

***DRB Panel B approved the applications with conditions of approval beginning on page 9. A decision on the requested additional 66 unit density will be a City Council policy decision. The decision on the site design and building height waiver is was a DRB quasi-judicial decision, which may be contingent on City Council approval of the Applicant's proposed additional 66 unit density. If the additional 66 units are not approved by City Council, the Applicant may not need the height waiver and may elect to redesign the layout. Therefore, the DRB Panel's primary role is was to determine whether or not to grant the Applicant's proposed site design, including the height waiver, based on the applicable criteria for site design approval and the granting of a height waiver. The DRB Panel B may, however, also voted to elect make a Board favorable recommendation to City Council with respect to the Applicant's increased density request. Thus, Whether or not to make such a recommendation to City Council with respect to density should also be was thoughtfully deliberated upon by the DRB Panel B. The DRB Panel can thereafter elect to make a Board recommendation concerning density or to simply address the site design and building height waiver without making a recommendation one way or the other to City Council with respect to the Applicant's request for the increased 66 unit density.***

**PROJECT SUMMARY:**

A detailed project introduction and compliance report in support of the application is provided by the applicant found in the Active Adults at the Grove Multi-Family notebook - Exhibit B1. The Applicant's introduction in Section I adequately describes the project, the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, staff has relied upon the Applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

**Request A – Revised Stage I Preliminary Plan, Brenchley Estates**

Proposed is a 4 story apartment building comprising 112 units for occupants 55 years or over named the Active Adults at the Grove Multi-Family on Lot 3. No changes are proposed to the remainder of the previously approved master plan that is reserved for single-family houses. Proposed are 35,928 square feet in private open space and other open space tracts for the overall mater planned area comprising Jory Trail at the Grove, the Terrene Apartments and the Active Adults at the Grove Multi-Family, which is 320 square feet of outdoor recreation area per each of the 112 proposed units. 300 square feet per unit is required.

As demonstrated in findings A1 through A70, the proposed revised Stage I Preliminary Plan meets all applicable requirements in Section 4.140.01 through .07 subject to compliance with proposed conditions of approval.

**Request B, Requested Waiver**

The Applicant is seeking a waiver to increase the maximum 35 foot building height to allow a 4 story apartment building height of up to 47 feet.

As demonstrated in findings B1 through B12, staff is recommending that the proposed waiver to the 35 foot maximum building height can be approved. See Request B of this report for the detailed discussion of the proposed waivers from the PDR residential development standards subject to compliance with proposed conditions of approval.

### **Request C – Stage II Final Plan**

**Section 4.140.09(J)(1) Land Use:** The location, design, size and residential uses of the proposed project, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan.

**Section 4.140.09(J)(2) Traffic:** The location, design, size and the proposed multi-family residential use is such that traffic generated by the development can be accommodated safely for up to 28 (15 in 13 out) p.m. peak. This is 60 trips less than that was used to determine traffic impacts in the original *Brenchley Estates Phase II Transportation Impact Study* and is without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project and it will maintain LOS 'D', which complies with Subsection 4.140.09(J)(2).

**Section 4.140.09(J)(3) Public Facilities and Services:** The location, design, size and uses of the proposed project are such that the residents to be accommodated will be adequately served by existing or immediately planned facilities and services.

**Emergency Access:** Tualatin Valley Fire and Rescue and the Building Division have reviewed the proposed project and have concluded that adequate emergency service can be provided.

**Recreational Amenities:** Proposed outdoor recreational space associated with the Active Adults at the Grove Multi-Family together with the open space approved for Jory Trail at the Grove and the Terrene Apartments will provide the requisite 'usable' open space necessary to satisfy the minimum acreage requirement for a project of this size.

As demonstrated in findings C1 through C51, the proposed Stage II Final Plan for the proposed apartment building meets all applicable requirements in Section 4.140.01 through .09 subject to compliance with proposed conditions of approval.

### **Request D – Site Design Review**

The project design includes architectural, landscape and pedestrian pathway improvements, which are evaluated later in this report and meets Sections 4.400 through 4.421WC.

As demonstrated in findings D1 through D41, with conditions of approval referenced therein, the proposed Site Design Plan can be approved subject to compliance with proposed conditions of approval.

### **Request E – Type 'C' Tree Plan**

The Preliminary Tree Removal Plan (Plan Sheet L1.0) shows trees 6" d.b.h or larger on the site of the proposed apartment building. The Preliminary Tree Removal Plan designates up to 38 regulated trees for removal. Most all of the trees will be removed for the proposed apartment

building, parking, drives and for placement of utilities. Three existing trees are planned to be retained at the northerly boundary of the project site. The project arborist has evaluated the project's impact upon tree removal, and proposed tree mitigation. The Board may approve the Type 'C' Tree Removal Plan based upon this inventory, together with recommended conditions of approval.

As demonstrated in findings E1 through E5, with conditions of approval referenced therein, the proposed Type C Tree Plan can be approved subject to compliance with proposed conditions of approval.

## **DISCUSSION TOPICS**

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**Special Needs Housing:** City Council Ordinance No. 703 approved a Zone Map Amendment from RA-H to PDR-4 for property in Brenchley Estates - North, which allows for 715 total project units. In June the Applicant will be asking the City Council to modify Ordinance No. 703 to increase total project density by 66 units, justifying the request to increase density based on Comprehensive Plan Implementation Measure 4.1.4.v which provides, in pertinent part: *“Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).”*

The Applicant asserts that the proposed project will help meet the unmet demand for rental units for occupants 55 years or over and may fill a gap between independent and assisted living in the market. The additional 66 units will be accommodated by adding an additional story to one of the apartment complex buildings. The addition of the one story will also allow the applicant to install an elevator, which the Applicant has represented would not be financially feasible if the building had less units and one less story. The addition of the extra story will require the DRB Panel to approve a height waiver, as more particularly detailed in the staff report below.

The Applicant proposes to make the entire building where the extra 66 units will be located (a total of 112 units) age restricted to 55 years of age and older. The Applicant also proposes to increase the number of specially equipped Type “A” American National Standards Institute (ANSI) units from the required 3 units to 12 units which would provide for meeting the “special needs” of disabled residents. The 12 units equates to approximately 10% of the total unit count. Rent will be at market rates.

As stated in the staff recommendation a decision on the requested additional density will be a City Council policy decision. The decision on the site design and building height waiver is a DRB quasi-judicial decision, which may be contingent on City Council approval of the Applicant’s proposed additional 66 unit density. If the additional 66 units are not approved by City Council, the Applicant may not need the height waiver and may elect to redesign the layout. Therefore, the DRB Panel’s primary role is to determine whether or not to grant the Applicant’s proposed site design, including the height waiver, based on the applicable criteria for site design approval and the granting of a height waiver. The DRB Panel may, however, also elect make a Board recommendation to City Council with respect to the Applicant’s increased density request. Thus, whether or not to make such a recommendation to City Council with respect to density should also be deliberated upon by the DRB Panel. The DRB Panel can thereafter elect to make a Board recommendation concerning density or to simply address the site design and building height waiver without making a recommendation one way or the other to City Council with respect to the Application’s request for the increased 66 unit density.

**Proposed Waiver:** Staff is recommending that the proposed waiver to the 35 foot maximum building height for a 47 foot high, 4 story apartment building be approved. See Request B of this report for the detailed discussion of the proposed waiver from the PDR residential development standards. The top of the proposed apartment building parapet would be approximately 9 feet

higher than the roof ridges of the adjacent Terrene Apartments. So the overall building impact would not tower over the adjacent Terrene Apartments.

**Parking:** The Development Code does not have a parking standard which directly addresses senior or age restricted apartments. Table 5: of Section 4.155 identifies 4 types of residential uses. Of the 4 options “Apartments of ten or more units” is most similar to the Active Adults at the Grove Multi-Family. The Applicant has submitted summary findings with regard to parking. Based upon the requirement of this section, the Applicant is required to provide a **minimum of 161 parking spaces**. The Applicant is proposing to **provide 173 spaces**, which is **12 spaces above the parking minimum meeting code**. Parking is divided by 158 on-site parking and 15 on-street parking spaces. This is **1.54 parking spaces per unit**.

Adequate parking provisions for age-restricted housing projects within the City have been a controversial issue since Creekside Senior Apartments and Fox Center Townhomes projects were approved. Creekside is woefully under parked and Fox Center far exceeds code. Examples of parking provisions for apartment projects in the City:

- Year 2008: The Applicant for **Creekside Senior Apartments** (84 units) requested and the DRB approved a waiver that allowed 43 parking spaces which is 64 spaces below the parking minimum or **.51 spaces per unit**. The applicant for that project contended that since the proposal involved apartments for senior citizens the parking demand would be considerably lower. Since its opening it was found that more seniors drive with inadequate parking.
- Year 2011: **Jory Trail at the Grove** provides 530 parking spaces for 324 apartment units, which is 59 parking spaces above the parking minimum. **This is 1.64 parking spaces per unit**.
- Year 2012: The adjacent **Terrene Apartments** provide 481 parking spaces for 288 apartments units, which is 72 parking spaces above the parking minimum. This is **1.67 parking spaces per unit**.
- Year 2012: **Fox Center Townhomes** (15 units) did not involve a waiver to the parking standards. The parking code required a minimum of 22.5 parking spaces at 1.5 parking spaces per dwelling unit (15 units all 2 bdrm). The project will provide 44 spaces which is 21.5 spaces above the parking minimum. This is approximately **2.93 parking spaces per unit** well in excess of the minimum parking requirement. Council was not assured that the garages would be used for parking and not for storage.

**Tree Mitigation:** A tree report was prepared by Teragan and Associates for trees impacted by development and it identifies existing trees within the project site. Existing trees 6” DBH or larger must be preserved when healthy and compatible with the project design. The Preliminary Tree Removal/Preservation Plan in Exhibit B1 for the proposed development of the apartment building and associated drives and parking lots designates up to 41 regulated trees for removal. Up to 41 trees at 2” d.b.h will be planted for mitigation. Three (3) existing trees are planned to be retained. Tree mitigation is proposed in the form of Plan Sheet L2.0 – L2.2 Preliminary Planting Plans.

**Freeway Noise:** A 16 foot high concrete sound wall was installed along the entire length of the westerly boundary of Jory Trail at The Grove and along the Terrene Apartments next to the Interstate-5. ODOT has provided a letter that advised the applicant about potential traffic noise levels that may exceed federal guidelines.

**Bicycle Network:** Pre-existing SW Parkway Avenue fronting the subject property did not have on-street bike lanes or dedicated and separated pedestrian/bicycle paths. The Applicant has built a 10 foot wide pedestrian/bicycle path and a 5 foot wide bike lane along SW Parkway Avenue along the frontage of Jory Trail at the Grove and the Terrene Apartments but the wider sidewalk does not bridge the gap between the two projects in front of the old barn. The proposed Active Adults at the Grove Multi-Family will have elderly needing public transit and safe pedestrian routes. Currently there is a 5 foot wide sidewalk.

**Bus Turnout/Pull-Out:** Conditions of Approval TR1 and TR2 in the current land use approval for Brenchley Estates - North including the Terrene Apartments requires the installation of a bus turnout and bus shelter for the property fronting SW Parkway Avenue prior to or at final occupancy of the last apartment building in the Terrene Apartments.

## **PROPOSED CONDITIONS OF APPROVAL FOR REQUESTS ‘A’ – ‘E’**

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

PD = Planning Division BD – Building Division PF = Engineering NR = Natural Resources FD = Tualatin Valley Fire and Rescue PW = Public Works	Request A: DB13-0008 Revised Stage I Pre. Plan Request B: DB13-0009 Waiver Request C: DB13-0010 Stage II Final Plan Request D: DB13-0011 Site Design Review Request E: DB13-0012 Type ‘C Tree Plan
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### ***Request A: DB13-0008: Revised Stage I Preliminary Plan***

On the basis of findings A1 through A70. This action approves the revised Stage I Preliminary Plan submitted with this application, approved by the Development Review Board, and stamped “Approved Planning Division”. Approval of the revised Stage I preliminary Plan is contingent on City Council approval of the Applicant’s proposed amendments to Ordinance #703.

### ***Request B: DB13-0009: Waiver, Lot -3***

On the basis of findings B1 through B12, this action approves the waiver to the maximum building height identified in Request B with no conditions of approval being proposed. Approval of the requested waiver is contingent on City Council approval of the Applicant’s proposed amendments to Ordinance #703.

### ***Request C: DB13-0010: Stage II Final Plan, Lot -3***

On the basis of findings C1 through C51, This action approves the Stage II Final Plan submitted with this application, and stamped “Approved Planning Division” unless altered by a subsequent Board approval, or with minor revisions approved by the Planning Director under a Class I administrative review process. Approval of the Stage II Final Plan is contingent on City Council approval of the Applicant’s proposed amendments to Ordinance #703.



**CONDITIONS OF APPROVAL FROM THE ENGINEERING DIVISION, NATURAL RESOURCES DIVISION, BUILDING DIVISION, AND TUALATIN VALLEY FIRE AND RESCUE FOR ALL REQUEST**

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

**Exhibit C1, Engineering Division Conditions:**

Standard Comments:

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

**PFC 2.** Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

General Aggregate	\$2,000,000
Products-Completed Operations Aggregate	\$2,000,000
Each Occurrence	\$2,000,000
Automobile Insurance	\$1,000,000
Fire Damage (any one fire)	\$50,000
Medical Expense (any one person)	\$10,000

**PFC 3.** No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.

**PFC 4.** All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

**PFC 5.** Plans submitted for review shall meet the following general criteria:

- a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
- b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
- c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.

**PFC 6.** Submit plans in the following general format and order for all public works construction to be maintained by the City:

- a. Cover sheet
- b. City of Wilsonville construction note sheet
- c. General construction note sheet
- d. Existing conditions plan.
- e. Erosion control and tree protection plan.
- f. 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.
- g. Grading plan, with 1-foot contours.
- h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.

- i. 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'.
  - j. Street plans.
  - k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference
  - l. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.
  - m. 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. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.
  - n. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set.
  - o. Composite franchise utility plan.
  - p. City of Wilsonville detail drawings.
  - q. Illumination plan.
  - r. Striping and signage plan.
  - s. Landscape plan.
- PFC 7.** Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.
- PFC 8.** The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
- PFC 9.** Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
- PFC 10.** To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from the site shall be detained and limited to the difference between a developed 25-year storm and an undeveloped 25-year storm. The detention and outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
- PFC 11.** A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to

address appropriate pipe and detention facility sizing.

- PFC 12.** The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
- PFC 13.** Storm water quality facilities shall have approved landscape planted and/or some other erosion control method installed and approved by the City of Wilsonville prior to streets and/or alleys being paved.
- PFC 14.** The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall maintain all LID storm water components and private conventional storm water facilities located within medians and from the back of curb onto and including the project site.
- PFC 15.** Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
- PFC 16.** The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
- PFC 17.** All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- PFC 18.** Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
- PFC 19.** No surcharging of sanitary or storm water manholes is allowed.
- PFC 20.** The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
- PFC 21.** A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
- PFC 22.** The applicant shall provide a ‘stamped’ engineering plan and supporting

information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.

- PFC 23.** All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
- PFC 24.** Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.
- PFC 25.** 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 26.** Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
- PFC 27.** Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.
- PFC 28.** Applicant shall prepare an Ownership and Maintenance agreement between the City and the Owner. Stormwater or rainwater facilities may be located within the public right-of-way upon approval of the City Engineer. The Ownership and Maintenance agreement shall specify that the rainwater and stormwater facilities shall be privately maintained by the Applicant; maintenance shall transfer to the respective homeowners association when it is formed.
- PFC 29.** The applicant shall also "loop" proposed waterlines by connecting to the existing City waterlines where applicable.
- PFC 30.** All water lines that are to be temporary dead-end lines due to the phasing of construction shall have a valved tee with fire-hydrant assembly installed at the end of the line.
- PFC 31.** Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Minor and Major Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.
- PFC 32.** For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).
- PFC 33.** Mylar Record Drawings:  
At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be

made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.

**PFC 34.** Subdivision or Partition Plats:

Paper copies of all proposed subdivision/partition plats shall be provided to the City for review. Once the subdivision/partition plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision/partition plat.

**PFC 35.** Subdivision or Partition Plats:

All newly created easements shown on a subdivision or partition plat shall also be accompanied by the City's appropriate Easement document (on City approved forms) with accompanying survey exhibits that shall be recorded immediately after the subdivision or partition plat.

Specific Comments:

**PFC 36.** At the request of Staff, DKS Associates completed a Transportation Impact Study dated April 5, 2013. The TIS was based on 112 apartments, which is anticipated to generate 28 PM Peak Hour trips. The TIS for Brenchley North included an estimation of use on this property, which currently includes 288 apartments. The combined apartment development, a total of 400 units, is expected to generate 207 PM Peak Hour trips, which is less than the 267 that was anticipated for the northern development by prior approvals. 60 PM Peak Hour trips remain for future development on Lots 2, 4, & 5.

**PFC 37.** The Preliminary Site Development Plan set does not include a proposed demolition plan. Our understanding is that the scope of demolition to be conducted will be addressed in a separate Demolition Permit. For that permit, the Engineering Department will require a plan view drawing specifically identifying all utilities, pavements, and other facilities and appurtenances that will be abandoned, grouted or buried in place, and shall also identify stockpile areas and associated environmental controls where materials will be stored prior to reuse on the site.

**PFC 38.** Driveways for access to lots 4 and 5 must be aligned with a driveway on the opposite side of the street. The installation of driveway drops to provide access to Lots 4 & 5 with the construction of Street C (Ash Meadows Loop) is encouraged.

**PFC 39.** The top lift of asphalt on Street C (Ash Meadows Loop) must be paved with cold joints only at the connections to Ash Meadows.

**PFC 40.** The Preliminary Utility Plan shows water, storm, and sanitary sewer crossings a

the southeast corner of Street C (Ash Meadows Loop) which will need to be revised to meet City Public Works Standards.

- PFC 41.** Plans should show streets with approved Sheet Names. The street identified as Ash Meadows Rd on Sheet P5.0 on plans dated April 5, 2013 has previously been identified as Ash Meadows Loop. Street C has also been identified as Ash Meadows Loop.

**Exhibit C2, Natural Resources Conditions:**

The following conditions of approval are based on the material submitted by the applicant. Any subsequent revisions to the submitted plans may require conditions of approval to be modified by staff.

- NR1.** Pursuant to the policies and implementation measures of the 2012 Stormwater Master Plan, the applicant shall prioritize the use of Low Impact Development in the design and implementation of the stormwater management system. Low Impact Development entails managing rainfall at the source, using decentralized, small scale controls that provide infiltration, filtration, vegetative uptake, and the creation of extended flow paths.

**Building Division Conditions:**

- |   |
|---|
| <p><b>BD 1.</b> ADVISORY. ACCESSIBLE PARKING cannot be fully reviewed at this time. Accessible parking will be fully reviewed as part of the plan review of the building permit. The additional information available at plan review may require changes to the number and location of accessible parking spaces shown on these preliminary plans. (1106.6)</p> |
| <p><b>BD 2.</b> PASSENGER LOADING ZONES [serving the apartment building] shall be designed to meet the requirements of Oregon Structural Specialty Code 1106.8.</p>   |

**Exhibit C4, TVFR Conditions:**

- 1) **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
- 2) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1) *Per meeting with design team on May 16, 2013, building will be afforded with a full NFPA 13 fire sprinkler system.*
- 3) **AERIAL FIRE APPARATUS ACCESS:** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be

provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. **At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.** (OFC D105) *Full aerial access is not afforded along one entire side of Building # 1 and # 2. A full NFPA 13 fire sprinkler system and a stairway leading to the roof will be considered an alternate means of protection.*

- 4) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)
- 5) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & 103.3) *Please provide full size drawings for verification of turning radius at interior parking lots.*
- 6) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked “NO PARKING FIRE LANE” at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3) *See attached drawing P3.0 for fire lane curb marking plan.*
- 7) **GATES:** Gates securing fire apparatus roads shall comply with all of the following: Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island. Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width. Gates shall be set back at minimum of 30 feet from the intersecting roadway. Gates shall be of the swinging or sliding type. Manual operation shall be capable by one person. Electric automatic gates shall be equipped with a means for operation by fire department personnel. Locking devices shall be approved. Electric automatic gates shall comply with ASTM 220-5 and UL 325. (OFC D103.6) *Removable bollards are not an approved alternate to a swinging gate. A gate is not shown or otherwise approved.*
- 8) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal’s Office. (OFC B105.3) *Please provide a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as local building department. Fire flow calculation worksheets as well as instructions are available on our web site at [www.tvfr.com](http://www.tvfr.com).*
- 9) **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an



approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system. (OFC 507.5.1) *Please provide a fire hydrant distribution plan based on fire flow worksheets.*

- 10) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1.

**Considerations for placing fire hydrants may be as follows:**

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
  - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
  - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
  - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.
- 11) **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC C102.1)
- 12) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)
- 13) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)
- 14) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
- 15) **FIRE HYDRANT/FIRE DEPARTMENT CONNECTION:** A fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDCs shall be located on the same side of the fire apparatus access roadway and or drive aisle. FDCs shall normally be remote except when approved by the fire code official. **Fire sprinkler FDCs shall be plumbed to the fire sprinkler riser downstream of all control valves.** Each FDC shall be equipped with a metal sign with 1 inch raised letters and shall read, "AUTOMATIC SPRINKLERS OR STANDPIPES" or a combination there of as applicable. (OFC 912.2) *Fire department connection serving both fire sprinkler and standpipe system to be located at landscape island at south-central parking lot.*

- 16) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire-fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)
- 17) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (OFC 506.1) *Please provide a Knox box near the main entrance to the building.*
- 18) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 8 inches high with a 1 inch stroke. (OFC 505.1) *Please provide a physical address on both the north and south sides of the building. Please coordinate final location and elevation with the fire district prior to installation.*
- 19) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)
- 20) **STANDPIPE SYSTEM:** A Class I or III fire standpipe system is required for this building. (OFC 905.1). *Please provide hose station outlets within elements of each stair enclosure, at the roof and on both sides of the horizontal exit separating building # 1 and # 2.*
- 21) **ELEVATOR:** Please provide an EMS elevator car in accordance with IBC 3002.4

***Request D – DB13-0011: Site Design Review, Lot -3***

**On the basis of findings D1 through D41, this action approves the Site Design Plan submitted with this application and stamped “Approved Planning Division” unless altered by a subsequent Board approval, or with minor revisions approved by the Planning Director under a Class I administrative review process. Approval of the Site Design Plan is contingent on City Council approval of the Applicant’s proposed amendments to Ordinance #703.**

**PDD1.** All HVAC equipment shall be inconspicuous and designed to be screened from off-site view. Roof top HVAC equipment and including window mounted air conditioning units shall be painted so as to de-emphasize the HVAC units. The City reserves the right to require further screening of the equipment and utilities if they should be visible from off-site view after occupancy is granted. See Finding D12.

**PDD2. Irrigation:** Planning Division staff is hereby granted approval authority of the irrigation plan for the project to be submitted with the Building or Engineering Permit Set. This plan shall meet the requirements of Subsection 4.179(.09)(A-D). Landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary. A permanent underground irrigation system must be

provided for all lawn, shrub and tree plantings at the time building permits are issued for projects except within the drip line areas of significant, existing trees. See Finding D19.

**PDD3.** Prior to installing plantings and trees the Applicant/Owner shall provide the Planning Division a revised landscape plan that will be going out for bid demonstrating that the plantings meet the minimum size requirements of Section 4.176.06(A)(1 through 5)WDC. Prior to installation of required landscape materials, the Applicant/Owner shall also:

- a. Assure that construction and site development shall be carried out in substantial accord with the Site Design Review plans as approved by the Development Review Board, except as may be subsequently altered by Board approval, or by minor revisions approved by the Planning Director under a Class I administrative review process.
- b. Assure that all shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon cans when available. The landscaping plan shall be planted at such a density so as to provide a minimum of 95% coverage of landscape areas with vegetation, within a 3 year time period.
- c. Plant materials, once approved by the DRB, shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless the City approves appropriate substitute species.
- d. The Applicant/Owner shall coordinate with the U.S. Postal Service regarding mailbox stations or a mail room. The U.S. Postmaster has specific standards for locating mail rooms or stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, mail rooms or stations shall be located so as to not diminish required sidewalk or pathway widths, nor obstruct pedestrian movement, nor interfere with fire hydrants or public and private utilities.

**PDD5.** All Patio and stair railings shall be aluminum construction. See Finding D39.

**PDD6.** In order to provide safe sight distance of pedestrians in crosswalks and plantings within street vision clearances must be 24" or lower in height. See Finding D13.

***Request E: DB13#-0012: Type 'C' Tree Removal, Plan, Lot - 3***

**On the basis of findings E1 through E5, this action approves the Type 'C' Tree Plan submitted with this application and stamped "Approved Planning Division". Approval of the Type C Tree Plan is contingent on City Council approval of the Applicant's proposed amendments to Ordinance #703.**

**PDE1.** The Applicant/Owner shall submit an application and fee for a Type 'C' tree removal permit including a site plan showing public rights-of-ways and other trees found necessary to construct needed erosion control measures and/or construction activities, and as necessary to respond to conditions of approval prior to the issuance of a grading permit by the City's Building Division.

**PDE2.** In the event that preservation of a listed retained tree is not feasible, the project arborist shall provide City staff with a written explanation of the measures considered to preserve the trees along with the line of reasoning that makes the preservation of the tree not feasible. Prior to further construction within the tree protection zone, the City will verify the validity of the report through review by an independent arborist to ensure that the tree cannot be preserved. If it is ultimately decided that the tree cannot be preserved by both arborists, then the developer may remove the tree through a Class I permit, and will be required to plant another tree somewhere else on the property.

**PDE3.** The Applicant/Owner shall implement the tree mitigation plan as recommended in the arborist report. Trees measuring at least 2-inches in diameter must be planted as mitigation for tree removal at a ratio of at least one tree to be planted for mitigation for each tree to be removed.

**PDE4.** Trees to be planted shall meet the requirements of the American Association of Nurseryman (AAN) American Standards for Nursery Stock (ANSI Z60.1) for Grade No. 1 or better.

**PDE5.** All trees needing further on-site analysis and retained trees from site development on Lot 3 shall be protected with a 6' tall chain link fence with metal posts pounded into the ground at 6'-8' centers. Such fences shall be placed at or beyond the drip line of the trees to be protected and shall remain in place until such time as substantial construction is complete or City approval is obtained to remove the trees.

## MASTER EXHIBIT LIST

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

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.
- A3. City Council Ordinance No. 703.

### **Applicant's Written and Graphic Materials:**

- B1. Land Use application in large binder notebook and on compact disk date received April 22, 2013 including; Code compliance/findings, introduction/project narrative, compliance reports to requests A through E, DKS Traffic Report, plan sheets, stormwater report, building elevations, letter, arborist's report. (*Distributed Separately*)
- B2. Full Size Drawings/Plan Sheets, B&W and Color (*Distributed Separately*):

#### Sheet Number Sheet title

- P1.0: Cover Sheet
  - P2.0: Existing Conditions Overall (April 2013)
  - P2.1 Existing Conditions Aerial Map
  - P3.0: Revised Stage I Preliminary Development Plan
  - P3.1: Preliminary Site Plan, North
  - P4.0: Approved Tentative Partition Plat and Subdivision
  - P4.0: Preliminary Grading Plan
  - P4.1: Tentative Subdivision Plat North
  - P5.0: Composite Grading Plan North
  - P5.0: Preliminary Utility Plan
  - P6.0: Composite Utility Plan North
  - E4.0: Site Lighting Plan
  - E4.1: Site Lighting Plan
  - ESL4.0: Site Lighting Photometric Calculation
  - ESL4.1: Site Lighting Photometric Calculation
  - L1.0: Preliminary Tree Preservation Plan & Details
  - L2.1: Preliminary Planting Plan
  - L2.2: Preliminary Planting Plan
  - A1: First Floor Plan
  - A2: Second Floor Plan
  - A3: Third Floor Plan
  - A4: Fourth Floor Plan
  - A5: Exterior Elevations
  - A6: Exterior Elevations
  - A7: Exterior Elevations
  - A8: Exterior Elevations
  - A9: Shadow Study
  - A10: Carport Plans
- B3. Color materials board and renderings showing the new exterior building color schemes, *to be presented at the public hearing.*
  - B4. Memo supporting the application dated May 16, 2013
  - B5. URBEK market report.

- B6.** E-mail dated May 20, 2013 from Brenner Daniels, Holland Residential Re: Affordability of Active Adult Project.
- B7.** *Revised Memo prepared by Brenner Daniels of Holland Development dated May 29, 2013.*
- B8.** *E-mail from Brenner Daniels with attached letter from Bruce and Barbars Heuer dated may 29, 2013.*
- B9.** *Printed copy of the Applicant's PowerPoint presentation submitted at the public hearing.*

**Development Review Team**

- C1.** Engineering Division Conditions, Dated May 17, 2013. Included in this staff report in the Conditions of Approval.
- C2.** Natural Resources Program Director Conditions, Dated May 20 2013. Included in this staff report in the Conditions of Approval.
- C3.** Building Division Conditions, Dated May 16, 2013. Included in this staff report in the Conditions of Approval.
- C4.** TVFR Conditions, Dated May 16, 2013. Included in this staff report in the Conditions of Approval.
- C5.** Public Works Department comments, e-mail Dated May 16, 2013.

**Public Testimony:**

Letters (neither for nor Against):

Letters (In Favor): *Exhibit B8.*

Letters (Opposed): ~~None submitted~~

**D.** *Letter, Doris Wehler dated May 30, 2013.*

## **FINDINGS OF FACT**

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### **1. Existing Site Conditions:**

Proposed is a modification to the Stage I Preliminary Plan for Brenchley Estates – North and South which comprises Tax Lots 100, 102, 103, 104, 105 and 200. The applicant has provided a full project description in Section I of Exhibit B1. The subject northerly property proposed for the site of the Active Adults at the Grove Multi-Family is currently zoned PDR-4 and PDR-5.

**Surrounding Development:** The adjacent land uses are as follows:

<b>Compass Direction</b>	<b>Existing Use(s)</b>
North	PGE substation and Artistic Auto Body, zoned PDI.
East	Ash Meadows condos and vacant industrial land owned by Mentor Graphics.
South	Jory Trail at the Grove
West	Interstate-5

**Natural Characteristics:** Brenchley Estates - North and Jory Trail at the Grove contains 59.96 acres of approximately 7.79 acres of forested open space designated in the Significant Resource Overlay Zone (SROZ) including a drainage-way. A significant number and variety of trees are scattered throughout the properties.

**Streets:** The subject Active Adults at the Grove Multi-Family site is surrounded by SW Ash Meadows and 'C' Street next to the Terrene Apartments.

### **Previous Planning Applications Relevant to the Subject Property:**

2. Ordinance No. 509 that revised Wilsonville's Development Code included a citywide change from PDR zone to a range of PDR -1 through PDR-7.

73RZ04: PDR Zone

81PC26: Stage II Final Plan – Addition of 21 units/spaces.

82DR04: Final Site Plan- 12 additional units

Ordinance No. 270 and Resolution 84PC01: Amendment to the Comprehensive Plan Map from Primary Open Space to Secondary Open Space to allow tree removal. Added - 8 mobile home sites.

DB11-0006 Stage I Preliminary Plan – Brenchley Estates - South

DB11-0007 Three Waivers – Parcel 1

DB11-0010 Stage II Final Plan – Parcel 1

DB11-0011 Site Design Review – Parcel 1

DB11-0009 Type 'C' Tree Plan – Parcel 1

DR11-0005 Tentative Partition Plat

SI11-0001 SROZ Map and SRIR – Parcel 1

DB11-0029 Stage II Final Plan – Phase II, Brenchley Estates South  
 DB11-0032 Stage II Waivers – Phase II  
 DB11-0030 Site Design Review – Phase II  
 DB11-0033 Type ‘C’ Tree Plan – Phase II  
 DB11-0031 Tentative Subdivision Plat – Phase II  
 SI11-0002 – SROZ Map Verification and SRIR - Phase II  
 01AR02 Partition Plat.  
 Resolution No. 226:  
 DB12-0012 Zone Map Amendment  
 DB12-0013 Revised Stage I Preliminary Plan  
 DB12-0014 Waivers  
 DB12-0015 Stage II Final Plan – Lot 1  
 DB12-0016 Site Design Review - Lot 1  
 DB12-0017 Type ‘C’ Tree Plan – Lot 1  
 DB12-0018 5 - Lot Tentative Sub. Plat and waiver to block size standards.  
 Ordinance No.. 703

3. The Applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.
4. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building Division, Engineering Division, and the Natural Resources Program Manager were received and are incorporated into this staff report.
5. The statutory 120-day time limit applies to this application. The application was initially received on April 8, 2013. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the applicant by letter on April 12, 2013, of missing items. On April 22, 2013, the applicant submitted additional materials intended to complete the application. On May 13, 2013 the application was deemed complete. The City must render a final decision for the request, including any appeals, by September 10, 2013.



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## CONCLUSIONARY FINDINGS

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**The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Section II, Exhibit B1 and are hereby incorporated into this staff report as findings for approval.**

**REQUEST A**  
**DB13-0008: REVISED STAGE 1 PRELIMINARY PLAN**

The Applicant has provided compliance findings to the applicable criteria (See Section III in Exhibit B1). Staff concurs with these findings except where otherwise noted.

- A1.** The Applicant is requesting approval to revise the Stage I Preliminary Plan (Master Plan) depicted on Plan Sheet P3.0 of the application notebook (Exhibit B1). The overall master planned area of approximately 59.96 acres abuts SW Boeckman Road, SW Parkway Avenue, Interstate-5 and is north of Wilsonville Town Center. (See the Vicinity Map in the introductory section of this staff report). The proposed Active Adults at the Grove Multi-Family would be developed on the north/central area of the master plan. Approved is Brenchley Estates - North including a 5-lot development plan. The proposed revised Stage I Preliminary Plan is being submitted concurrently with applications for a Stage II Final Plan for the Active Adults at the Grove Multi Family on Lot 3, Site Design Review on Lot 3 and Type C Tree Plan on Lot 3. In particular, see the Stage II compliance (Section III), Site Design Review (Section III) and Type 'C' Tree Plan (Section IV) of Exhibit B1. The elements of the proposed revised Stage I Preliminary Plan can be made to meet all applicable development standards through required conditions of approval.
- A2.** The consolidated applications include the supporting Stormwater Report (Section III-D), and the revised Traffic Impact Analysis prepared by DKS and Associates (Section II-D) of Exhibit B1 meeting code.

**Proposed Revised Stage I Preliminary Development Plan:**

- A3.** The proposed revised Stage I Preliminary Plan is comprised of 112 multi-family units. Approved are 715 residential units for Brenchley Estates South and North. City Council Ordinance No. 703 approved a Zone Map Amendment from RA-H to PDR-4 for property in Brenchley Estates - North. Regarding the proposed Active Adults at the Grove application the applicant is seeking to gain back 39 multi-family units that were reduced in Ordinance No. 703 and to add 27 units for a total of 66 more units through Implementation Measure 4.1.4.v for meeting special needs for the elderly; *"Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped)."*

The application materials indicates that the proposed 112 multi-family units will be age restricted for occupants 55 years or over and rented or leased at market rate rents to moderate income levels. The Applicant also intends to meet other special housing needs by providing ADA units to exceed the 2010 Oregon Structural Specialty Code. The City

Council in Ordinance No. 703 allowed higher density based on PDR-4 and PDR-5 zoning up to 715 units for Jory Trail at the Grove and Brenchley Estates North.

More specifically the applicant is seeking to modify the sixth and seventh recitals, and Section 1. Findings in Ordinance No. 703:

Deletions are [bracketed], additions are underlined

“WHEREAS, [during testimony at the May 7, 2012 public hearing, the Applicant, having heard concerns expressed concerning the proposed density of the Applicant’s project during the April 16<sup>th</sup> public hearing, testified that he would voluntarily agree to reduce the number of proposed dwelling units by 39 units and that the applicant would voluntarily age restrict forty six (46) units (the type of housing yet to be determined) to be contained in the next phase the Applicant’s development, which is included in this application, to people age 50 and older, excluding 25 market rate single family homes which will not be age restricted; and] the applicant proposes that 112 of the units in this application be restricted to occupants 55 years and over.”

“WHEREAS the City Council concluded that the proposed Zone Map Amendment, with [the reduction of 39 dwelling units and] the above described age restrictions proposed by the Applicant meets the applicable approval criteria under the City's land development code.”

“**Section 1. Findings.** The City Council adopts as findings and conclusions the forgoing recitals, including the Applicant’s voluntary [reduction in density and] imposition of the age restriction on certain yet to be built and designed units, as described above and as placed on the record, along with the staff reports in this matter, labeled Exhibits B and D, as amended by the Applicant’s voluntary [density reduction and] age restriction imposition, all of which are incorporated herein as if fully set forth.”

As stated on page 8 of this report the Applicant asserts that the proposed project will help meet the unmet demand for rental units for occupants 55 years or over and may fill a gap between independent and assisted living in the market. The additional 66 units will be accommodated by adding an additional story to one of the apartment complex buildings. The addition of the one story will also allow the applicant to install an elevator, which the Applicant has represented would not be financially feasible if the building had less units and one less story. The addition of the extra story will require the DRB Panel to approve a height waiver, as more particularly detailed in the staff report below.

The Applicant proposes to make the entire building where the extra 66 units will be located (a total of 112 units) age restricted to 55 years of age and older. The Applicant also proposes to increase the number of specially equipped Type “A” American National Standards Institute (ANSI) units from the required 3 units to 12 units which would provide for meeting the “special needs” of disabled residents. The 12 units equates to approximately 10% of the total unit count. Rent will be at market rates.

**Approved – Jory Trail at the Grove:**

**32.06 acres**

**Parcel 1:** 21.25 net acres, 324 apartment units in 14 buildings, community center/swimming pool. 4.66 acres SROZ.

**Parcel 2 – Brenchley Estates Subdivision:** 3.73 net acres. 30 single-family, detached houses.

Tract A: 54,398 sq. ft. and 19,277 sq. ft. SROZ; Tract B: 39,991 sq. ft., and 89,270 sq. ft. SROZ.

**Parcel 3:** North of a natural drainage-way was folded into Brenchley Estates – North.

**Proposed Revised Brenchley Estates North - Site Analysis:****27.9 gross acres.**

See pages 12 through 15 of Section I, Exhibit B1 for detailed site analysis of Brenchley Estates - North. In general project comprises:

**Phase 1, Lot 1:** 14.32 acres - 288 apartment units in 13 buildings, community center/swimming pool and Tract E (private park) at 46,440 Sq. ft. 148,506 sq. ft. in PDR-5, 20,407 in the SROZ overlay and 454,811 sq. ft. in PDR-4.

**Lot 2:** Southerly parking lot for Active Adults at the Grove Apartments and – lot single family residential subdivision.

**Lot 3:** Proposed Active Adults at the Grove Apartments comprising 112 units on 3.41 acres. Lot 3 includes 106,129 sq. ft. of PDR-4 zone area; 24,440 sq. ft. of PDR-5 zoned area. No SROZ is included in Lot 3.

**Future Development, Lots 4 and 5:** No use is proposed at this time.

- A4.** The subject site for the Active Adults at the Gove Multi-Family is not identified in an “Area of Special Concern” on the Comprehensive Plan Map.
- A5.** The proposed project is intended to maximize multi-family density for occupants 55 years or over for market rate rental housing. The Applicant’s submittal document indicates intent to develop the project shortly after final land use approvals are obtained from the City. The Applicant indicates that construction is planned in the spring or early summer of 2013.

**Significant Resource Overlay Zone (SROZ):**

- A6.** The area designated Significant Resource Overlay Zone (SROZ) (i.e., southerly area of the Brenchley Estates - North site) is the south tributary to Coffee Lake Creek (Site ID Number 2.13S). The subject site would not impact the SROZ that is shown next to nine (9) lots for a future single family detached subdivision.

**Section 4.140. Planned Development Regulations.****(.01) Purpose.**

- A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.**
- A7.** Staff finds the proposed revised Stage I Preliminary Plan is consistent with the stated purpose in this section of the Planned Development Regulations.
- B. It is the further purpose of the following Section:**
- 1. To take advantage of advances in technology, architectural design, and functional land use design:**
- A8.** The Applicant's compliance findings in Section II-A of the Compliance Report more than adequately addresses this criterion. The project is not designed to be LEED certified but will meet the energy code for building construction and kitchens will have energy efficient appliances meeting this criterion.
- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;**
- A9.** The Applicant's compliance finding in Section II-A of the Compliance Report more than adequately addresses this criterion.
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.**
- A10.** The integrated design and recreational amenities for the proposed revised Stage I Preliminary Development Plan assures an overall cohesive character and will result in a comprehensive development that is equal to or better than that resulting from individual lot land use development.
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;**
- A11.** The proposed revised Stage I Preliminary Plan is responsive to site characteristics such as topography, access and visibility and natural resources. The Stage I layout conforms to a natural drainageway which is found between the 30 lot subdivision and Brenchley

estates - North. Problems of flood hazard, severe soil limitations, or other hazards are not characteristics of the property.

5. **To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.**

**A12.** Approved Brenchley Estates - North is a 5-Lot tentative subdivision plat. Approved are six (6) waivers to the development standards of the Code for Brenchley Estates – North. See Request B for the detailed discussion of the proposed waivers.

6. **To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.**

**A13.** The proposed development will not place unusual demands on public water, sanitary sewer, storm sewer facilities and streets. All public facilities and services are either available to the site or will be extended in compliance with City of Wilsonville standards. The City Engineering Division has reviewed the revised Stage I Preliminary Plan and has determined that adequate services and facilities are available or will become available with scheduled City facilities development projects.

7. **To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.**

**A14.** See findings A15 through A19.

8. **To allow flexibility and innovation in adapting to changes in the economic and technological climate.**

**A15.** The Applicant's compliance findings in Section II-A adequately addresses this criterion. The proposed revised Stage I Preliminary Plan responds to the economic changes by creating multi-family units and small single-family detached houses in the City.

**(.02) Lot Qualification.**

- A. **Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.**
- B. **Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code.**

**A16.** With proposed conditions of approval the project can be made consistent with the purposes and objectives of Section 4.140. The proposed revised Stage I Preliminary Plan comprising 59.96 acres is at the same area of the current plan and is designated on the Comprehensive Plan Map as 'Residential' and is zoned PDR-5 and PDR-4.

**(.03) Ownership.**

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.**
- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.**

**A17.** The subject property is currently owned by Holland Partner Group/Brenchley Estates Partners, LP and CRP & Holland Brenchley Estates II LP who have authority to make land use and development applications meeting code.

**(.04) Professional Design.**

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

**A18.** All of the professional disciplines as required by (.04) above were used to prepare the plans and narrative for the consolidated land use applications. Individual firms are listed on the inside cover of the application and represent the following disciplines:

- Licensed architect (LRS Architects)
- Registered landscape architect (OTAK, Inc.)
- Land use planner with AICP certification (Jerry Offer, OTAK, Inc.)
- Registered engineers (OTAK, Inc.)

- Arborist, Teragan and Associates
- Lighting consultant, MFIA, Inc.

OTAK, Inc. has taken a lead role in conferring with staff with respect to the concept and details of the plans.

**(.05) Planned Development Permit Process.**

- A. All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:**
- 1. Be zoned for planned development;**
  - 2. Obtain a planned development permit; and**
  - 3. Obtain Development Review Board, or, on appeal, City Council approval.**

**A19.** The site for the subject apartment building encompasses 3.41 acres, more than 2 acres in area. The subject property within the Stage I and Stage II boundaries is designated 'Residential' on the Wilsonville Comprehensive Plan Map. Stage II Final Plan approval for Active Adults at the Grove Multi-Family as well as Site Design Review are also being sought in the Applicant's consolidated application.

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

**A20.** A formal pre-application conference was held on January 10, 2013. Additionally, the applicant's project team has met with staff on a regular basis to refine components of the overall design. The Applicant has elected to combine numerous separate land use applications as allowed by the Wilsonville Code.

**A21.** The Stage II Final Plan application outlines the improvements included in the more detailed Site Design plans addressed in Section III of the consolidated application.

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

**A22.** The proposed residential uses contemplated with this request are consistent with the PDR-4 and PDR-5 zoning and with the Comprehensive Plan Map designation of Residential.

**(.07) Preliminary Approval (Stage One):****A. Applications for preliminary approval for planned developments shall:**

- 1. Be made by the owner of all affected property or the owner's authorized agent; and**

**A23.** As described in the findings addressing (.03) Ownership, the Stage I application was authorized by the property owners.

- 2. Be filed on a form prescribed by the City Planning Department and filed with said Department.**

**A24.** On April 8, 2013, the applicant submitted the required application forms and the required fees were received by the City.

- 3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above.**

**A25.** The professional design team is described in Finding A18 addressing (.04) above.

- 4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.**

**A26.** The application introduction and the revised Stage I Preliminary Plan application describe and illustrate the land uses (apartment building and single-family houses), the amount of land area devoted to each use, and their location. See Section I of the submittal notebook for the complete site analysis.

**B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:**

**A27.** A checklist that provides cross-references to the information required by Section 4.035 (Site Development Permits) is included in Exhibit B1 and is included by reference herein. Staff has reviewed the application and has determined that it includes conceptual and quantitatively accurate representations of the entire Stage I Preliminary Plan sufficient to judge the scope, size, and impact of the development on the community.

- 1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.**

**A28.** The applicant has provided a boundary survey representing Brenchley Estates - North within the Stage I Preliminary Plan area. This requirement is met.

- 2. Topographic information as set forth in Section 4.035**



- A29.** Topographic information is shown on the Grading, Drainage, and Erosion Control Plans of Section III (Exhibit B1) of the consolidated application (Plan Sheet P5.0). One (1)-foot contours are shown as required for sites with slopes up to 5%. This requirement is met.
- 3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.**
- A30.** The Comprehensive Plan and Development Code work together to encourage flexibility in the application of regulations to planned Developments. For example, Implementation Measure 4.1.4.v of the Comprehensive Plan notes that densities may be increased through the Planned Development process, and the Planned Development regulations permit the waiver of development standards such as minimum lot area, lot width and frontage; waivers that result in increased density. (Section 4.118(.03).4)
- A31.** Jory Trail at the Grove is zoned Planned Development Residential -5 (PDR-5). The southerly area of Brenchely Estates - North is also zoned Planned Development Residential - 5 (PDR-5) (southerly portions of Tax Lots 103, 105 and 200) and the balance was rezoned in 2012 to Planned Development Residential - 4 (PDR-4).
- A32.** The PDR-5 zoning on Tax Lot 105 happened in 2000 when the City of Wilsonville conducted a major overhaul of the City's Development Code. (Ordinance No. 509).
- A33.** In Section I of Exhibit B1 the Applicant has provided detailed analysis for housing density. The following tables prepared by Staff were based upon the applicant's analysis approved in the current Stage I approval. The allowed housing density was based upon the PDR-4 and PDR-5 Zones:

## Approved Housing Units under Sections 4.124.4 and 4.124.5:

<b>Table 1: Approved Jory Trail at the Grove - Zoned PDR-5 324 Apartments, 32 Single-Family Houses</b>			
<b>Size (Gross Acres)</b>	<b>Net Acres minus Road ROW and SROZ</b>	<b>Total Housing 356 Units</b>	<b><u>PDR-5</u> 2,500 SF, Maximum Units 4,000 SF, Minimum Units</b>
<b>32.07 acres (1,396,969 SF), gross site area</b>	<b>22.48 net acres</b>		
<b>7.2 acres (311,469 SF) SROZ land</b>			<b>50% SROZ Density Transfer Credit: 7.2 acres x .50 = 3.6 acres or 155,735 SF/2,500 SF = 62 transferable units</b>
<b>2.44 acres (106,070 SF) of public ROW.</b>	<b>22.48 acres or 979,421 SF @ 15.8 du per net acre</b>		<b>979,421 SF/2500 = 392 units + 62 transferable units SROZ = 454 - 356 = 98 units below maximum density 979,431 SF/4000 = 245 units 356 - 245 = 111 units above minimum density</b>
			<b>392 + 62 = <u>454</u> Max. Units <u>245</u> Min. Units</b>

<b>Table 2: Approved Brenchley Estates - North - Zoned PDR-4 and PDR-5                      288 Apartments, 46 Age Restricted Units and 25 Single-Family Houses</b>			
Size (Acres)	Net Acres minus Road ROW and SROZ	Total Housing 359 Units	<u>PDR-4</u> 4,000 SF, Maximum Units 6,000 SF, Minimum Units <u>PDR-5</u> 2,500 SF, Maximum Units 4,000 SF, Minimum Units
27.9 acres (1,215,190 SF) gross site area.	23.1 net acres		
.63 acres (27,740 SF) SROZ land			PDR-5: 50% SROZ Density Transfer Credit: 27,740 acres x .50 = 13,870 SF/2,500 SF = 5.5 transferable units.
3.73 acres (162,539 SF) of public road ROW.	<u>PDR-4</u> 16.5 acres or 718,721 SF  <u>PDR-5</u> 6.6 acres or 288,513 SF		<u>PDR-4</u> 718,721 SF/4000 = 179.7 Units 718,721 SF/6000 = 119.8 Units <u>PDR-5</u> 288,513 SF/2500 = 115.4 Units 288,513 SF/4000 = 72.12 Units
	@ 17.23 du per net acre		<u>PDR-4</u> 179.7 Max. Units 119.8 Min. Units <u>PDR-5</u> 115.4 Max. Units + 5.5 SROZ units = 120.9 units 72.12 Min. Units

<b>Table 3: Approved Combined Brenchley Estates - North and Jory Trail - Zoned PDR-4                      and PDR-5                      658 Apartments, 55 Single-Family Houses</b>			
59.96 Total Gross Acres	45.56 Net Acres	715 Total Housing Units	<u>Jory Trail</u> 391.8 + 62.3 SROZ = 454 maximum dwelling units <u>Brenchley Estates - N</u> 179.7 + 115.4 + 5.5 = 300.6 or 301 maximum units 454 + 301 = 755 Total Maximum Units

<b>Table 4: Jory Trail, Terrene Apartments and proposed Adult Active Multi-Family - Zoned PDR-4 and PDR-5</b>			
<b>59.96 Total Gross Acres</b>	<b>45.56 Net Acres</b>	<b>781 Total Housing Units</b>	<b>Jory Trail</b> $391.8 + 62.3 \text{ SROZ} = 454$ <b>maximum dwelling units</b> <b>Brenchley Estates - N</b> $179.7 + 115.4 + 5.5 = 300.6$ or <b>301 maximum units</b> $454 + 301 = 755$ <b>Total</b> <b>Maximum Units</b> $781 - 755 = 26$ <b>units overage</b>

<b>Table 5: Jory Trail and Brenchley Estates North Comprehensive Plan Density</b>			
<b>59.96 Total Gross Acres</b> <b>Maximum Comp. Plan density</b> <b>@ 7 units per gross acre</b>	<b>Jory Trail @</b> <b>32.07 acres</b>	<b>Brenchley North @</b> <b>27.89 acres</b>	<b>59.96 x 7 = 419.72 Maximum Units</b>

The proposed revised Stage I Preliminary Plan in this application is 781 units exceeding the 7 dwelling units per acre maximum Comprehensive Plan density (59.96 acres x 7 = 419.72 units. Proposed 781 units – 419 = **362** units overage). It is **66** units above the 715 total units approved by the City Council within the PDR-4 and PDR-5 zones (Proposed at 781 units – 715 = **66** units overage). The Applicant asserts that the proposed project will help meet the unmet demand for occupants 55 years or over and bridge the gap between market rate apartments and independent or assisted living in the market.

**A34.** The southern boundary of the master planned area benefits from natural resource protections afforded by the Significant Resource Overlay Zone (SROZ) area. The provisions of Section 4.139.11(.02) 50% density transfer credit supplemented the preliminary project density calculated above, when applicable review criteria are satisfied. City Council Ordinance 703 allowed the density transfer credit from the SROZ pursuant to the provisions of Section 4.139.11(.02).

**A35.** Multi-family and single-family residential development is proposed. The "Parking Summary" on pages 41. 42 and 43 Section II, Exhibit B1 for Lot 3 provides the detailed analysis.

- 4.** A stage development schedule demonstrating that the developer intends to receive Stage II approval within two (2) years of receiving Stage I approval, and to commence construction within two (2) years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.

**A36.** In Request C, the applicant is seeking approval of a Stage II Final Plan for a 4 story apartment building which is development concurrently with the request for proposed

revised Stage I Preliminary Plan. Section 1 project introduction of the consolidated application indicates construction of the 112 apartments in the summer of 2013. A 5 lot development plan schedule was approved by DRB. The applicant intends to proceed diligently to completion of the improvements identified in the Stage II Final Plan and Site Design Plan for Lot 3.

5. **A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.**

**A37.** Capital improvements were initiated in the construction of SW Parkway Avenue, the extension of Ash Meadows Road. The Engineering Division is requiring the appropriate bonds to complete the street improvements in the form of public facility conditions meeting code.

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

**A38.** Final development plans will be executed in 5 stages for proposed Brenchley Estates – North/Active Adults at the Grove Apartments meeting code.

7. **Statement of anticipated waivers from any of the applicable site development standards.**

**A39.** In Resolution No. 226 the DRB approved several waivers. The inventory for the waivers is found in Request B of this staff report.

**4. Land area within the Significant Resource Overlay Zone may be used to satisfy the requirements for outdoor recreation/open space area consistent with the provisions found in Section 4.113 of the Planning and Land Development Ordinance.**

**A40.** See Findings A41 and A42. The proposed outdoor living space exceeds the minimum 300 sq. ft. per dwelling unit requirement proposed at 320 sq. ft. per unit, and exceeds the 15% minimum landscape coverage. In the professional opinion of staff the Applicant's evidence meets Subsection 4.139.10(A).

**A41.** The project site is outside the Boeckman Creek corridor - SROZ area and it is not within an identified natural hazard, or on an identified geologic hazard. The proposed Active Adults at the Grove Multi-Family will not impact the SROZ.

**Section 4.113. 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.**

**A42.** Jory Trail at the Grove (324 units): Approved is 4,103 sq. ft. within two playground areas; 9,573 sq. ft. of pool and pool deck area; 57,726 sq. ft. of larger mostly-lawn areas (i.e. larger than 2,500 sq. ft.) for unstructured recreation; and 36,033 sq. ft. of preserved and enhanced wooded area and walkways to the southeast of apartment building #6, 8,200 sq. ft. This totals approximately 107,435 sq. ft. of outdoor recreational area, or over 331 sq. ft. of outdoor recreation area per each of the 324 dwelling units - in excess of applicable minimum 300 sq. ft. per unit requirement. The area for the community center building was not included in the 'usable recreation' area by the applicant.

Brenchley Estates - North (Terrene Apartments - 288 units): Approved is 5,919 sq. ft. of pool and pool deck area; 54,597 sq. ft. of larger mostly-lawn areas (i.e. larger than 15,000 sq. ft.) for unstructured recreation; over 45,000 sq. ft. of scattered smaller lawn areas and landscaped beds. In addition, 25,844 sq. ft. of preserved trees and developed recreation area within private park (Tract E). This totals approximately 86,400 sq. ft. of outdoor recreational area, or 300 sq. ft. of outdoor recreation area per each of the 288 dwelling units - in excess of applicable Code minimum 300 sq. ft. per unit requirement.

Active Adults at the Grove Multi-Family: See Findings A43 through A45. The approved overall Brenchley Estates - North area totals 157,000 sq. ft. of shared recreation area or slightly over 25 percent of the 14.3 acre site for the project required by Code.

**A43.** The future apartment residents' access to recreational resources is the adjacent private park (Tract E). On-site open spaces together with other recreational amenities more than fulfill the intent and purpose of the requirement for outdoor recreational area meeting code.

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

- A. In all residential subdivisions including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, 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  $\frac{1}{4}$  acre of usable park area for 50 or less lots,  $\frac{1}{2}$  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  $\frac{1}{4}$  acre of usable park area for a development of less than 100 lots, and  $\frac{1}{2}$  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]

- A44. The approved combined Stage I Preliminary Plan for Brenchley Estates - North and Jory Trail at the Grove (combined master planned areas) added 288 multiple-family units, 46 units yet to be determined but for occupants 55 years or over and 25 single-family houses. The 288-unit multi-family portion includes 5,919 square feet of pool and pool deck area; 54,597 square feet of larger, mostly lawn areas (i.e., larger than 15,000 square feet) for unstructured recreation (includes adjacent walkways); over 45,000 square feet of scattered smaller lawn areas and landscape beds adjacent to and including walkways; and 26,298 square feet of preserved open space in the SROZ area on the southern portion of the lots south of Building 13. In addition, 25,884 square feet of preserved trees and developed recreation area within a private park Tract E across Ash Meadows Road from the project was counted towards the Terrene Apartments can be a shared recreation and open space area. This totals 157,000 square feet of shared recreation area, or slightly over 25 percent of the 14.3 acre site – in excess of the minimum recreation area for this project required by this standard. In addition, substantial other planting areas were included that have not been included as open space area since they are not located close to walkways; are steep or isolated; or are relatively small planting beds.

**Applicant's Response:** "The 112-unit multi-family residential unit project will include 17,600 square feet of larger areas for outdoor recreation (i.e., areas larger than 900 square feet with no dimension less than 20 feet) for unstructured recreation. These areas are

mostly lawn, with some planting bed areas included. All of these areas are located adjacent to sidewalks so that they provide for passive recreational opportunities as well as areas for more active recreation. Each of the 112 units will be provided with an exterior deck or patio. The total area of decks and patios will be 8,328 square feet. Together, the on-site decks and lawn/landscape outdoor recreation area will total 25,928 square feet or over 231 square feet per unit – which is less than the 300 square foot per unit standard. However, the project is part of the Brenchley Estates planned development. Therefore, the residents of the Active Adult at the Grove project will also have access to other outdoor recreation areas elsewhere within the larger planned development including the 1.07-acre park directly adjacent to the proposed building; the trails and open areas on the Jory Trail at the Grove site (which exceeded the required outdoor recreation per unit standard for that development by over 10,000 sq. ft.); the bridge across the drainageway and wetlands to the south; the trails through the upland woods SROZ are at Jory Trail; and the rest of the privately owned open areas within the planned development (other than the pools and related facilities at the Jory Trail and Terrene apartments). Adding just the 10,000 square feet of excess outdoor recreation area at the Jory Trail apartments to the 25,928 square feet of on-site outdoor recreation area at the Active Adults at the Grove project provides for a total of 35,928 square feet, which would be over 320 square feet of outdoor recreation area per each of the 112 proposed units thereby satisfying the 300 square feet per unit standard for the Active Adults at the Grove Multi-Family without needing to consider the other shared outdoor recreation spaces within Brenchley Estates listed above.”

“Also, as noted above, the Active Adults at the Grove Multi-Family will be located adjacent to the preserved trees and active recreation facilities (playground, picnic areas) within the private park to the north of the project site and is well located with respect to City of Wilsonville parks, trails, and bicycle paths and with respect to private recreation facilities including the nearby theater, bowling alley, the commercial fun center, shopping opportunities, and restaurants. These additional facilities add to the outdoor recreational facilities which will be available to the residents of the Active Adults at the Grove project.”

**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.**

**A45.** The open space/landscape and indoor recreation facilities provided for the Active Adults at the Grove Multi-Family is intended to be owned and maintained by the property owners/management.

**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 is the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.**

**A46.** See Finding 45. An appropriate maintenance mechanism will be provided for review by the City Attorney prior to recordation.

**(.03) Building Setbacks (for Fence Setbacks, see subsection .08)**

**A47.** The front yard setback of the underlying PDR-4 and PDR-5 zones is 20 feet, measured from property line for lots greater than 10,000 square feet which is the case here.

**A48. Special Setback:** An examination of the proposed revised Stage I Preliminary Plan indicates that the site for the proposed apartment building would not have special setbacks from collector or arterial streets.

**A49. Waiver:** See Findings B1 through B12 for detailed analysis of the proposed waiver. The applicant's compliance findings found on page 19 of Section II of Exhibit B1 provide the supportive evidence to approve the proposed waiver.

**(.04) Height Guidelines: The Development Review Board may regulate heights as follows:**

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.**
- B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.**
- C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.**

**A50.** TVFR has reviewed the proposed plans and can provide fire protection and emergency services to the project. The project has been designed to comply with these criteria. The proposed 4-story apartment building is designed to be generously set back from Ash Meadows Road and 'C' Street with intervening landscaping, trees and open space to buffer the building. The proposed building will not be in the scenic vistas of Mt. Hood.

**A51.** Properties in PDR-4 and PDR-5 zones are subject to a maximum 35 foot height limit. Proposed is a 4-story apartment building at approximately 47 feet in height. The proposed building height is driven by the need to make the project financially feasible and to create more open space and parking. See Request B for the detailed analysis for the proposed height waiver.

**(.05) Residential uses for treatment or training.**

**A52.** A residential treatment facility or residential home, as defined in Section 4.001.238 of the Wilsonville Development Code, is not proposed as a part of this master plan. This section is not applicable.

**(.06) Off Street Parking: Off-street parking shall be provided as specified in Section 4.155.**

**A53.** Parking for the residential units is provided at grade next to the proposed apartment building. (See Request C for the detailed parking analysis). Also see Section III of Exhibit B1.

**(.07) Signs: Signs shall be governed by the provisions of Section 4.156.**

**A54.** The Applicant will be submitting separate applications for signs which is not part of this review.

**(.08) Fences:**

**A55.** The Applicant has constructed a 16 foot high concrete sound wall along the west side of Brenchley Estates - North that connects with the sound wall built at Brenchley Estates (Jory Trail at the Grove) facing Interstate-5. This wall together with the Terrene Apartment at 3 stories will provide additional sound buffering for the Active Adults at the Grove Multi-Family.

**(.09) Corner Vision: Vision clearance shall be provided as specified in Section 4.177, or such additional requirements as specified by the City Engineer.**

**A56.** The proposed apartment building is set back 21.5' to 26' from SW Ash Meadows Road and even greater from the proposed driveways sufficient to allow appropriate vision clearance at the existing driveways meeting code. Future single family houses have approved setback waivers as described in Request B.

**(.10) Prohibited Uses:**

**A57.** Prohibited uses are not proposed.

**(.11) Accessory Dwelling Units.**

**A58.** Accessory dwelling units are not proposed but may be included in the preliminary subdivision plat for the future single family house lots in a separate application.

**(.12) Reduced Setback Agreements.**

**A59.** Subsection .09 provides an allowance for zero setbacks at the discretion of the neighboring landowner which is not being requested.

**(.13) Bed and Breakfasts.**

**A60.** A Bed and Breakfast is not proposed as a part of this development.

**(.14) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on**

**the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type. However, consideration of these factors shall not prevent the Board or Planning Director from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.**

- A61.** This section provides procedural guidance to the Planning Director and Development Review Board, for which no finding of compliance is necessary at this time.

**Subsection 4.140 (.07)B.: The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:**

- A62.** The Applicant has submitted a boundary survey including topographic information completed by a licensed surveyor meeting code.
- A63.** The Applicant has submitted a tabulation of the proposed land use (See Section II, Exhibit B1). A more detailed analysis of the proposed development will occur as a part of the Stage II Final Plan (Request C) application. The Applicant is proposing multi-family and single-family residential uses which are allowed in the PDR-4 and PDR-5 Zones.
- A64.** The Applicant is seeking Stage II Final Plan approval for the Active Adults at the Grove Multi-Family concurrent with the request for a Stage I Preliminary Plan meeting code meeting code.

**Section 4.118. Standards applying to all Planned Development Zones:**

**(.01) Height Guidelines: In “S” overlay zones...**

**The project site is not within an “S” overlay zone; therefore, this provision does not apply.**

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

- A65.** Public Utilities were installed as part of SW Parkway Avenue development and the extension of Ash Meadows Road. Thus, the applicant proposes to utilize existing utilities within the street. None of the proposed utilities will be located above ground.

**(.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140 and based on findings of fact supported by the record may:**

- A. Waive the following typical development standards:**
- 3. Height and yard requirements;**

**A66.** The proposal includes a request for a waiver to the building height requirements to allow 47 foot high apartment building. Refer to Request B for the waiver analysis.

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

**A67.** The site has been designed to comply with the regulations of Section 4.140. Open space and landscaping and screening are designed to respect lot lines.

**Section 4.167. General Regulations - Access, Ingress and Egress.**

**A68.** Approved for Brenchley Estates North is one vehicular access drive at SW Parkway Avenue and southerly access to Ash Meadows Road. The access for Brenchely Estates - North is full turning movement at SW Parkway Avenue meeting code.

**Section 4.171. General Regulations – Protection of Natural Features and Other Resources.**

**A69.** All grading, filling and excavating on the project site will be done in accordance with the Uniform Building Code.

**A70.** A Tree Report was prepared by Teragan and Associates for impacted by development, addressing existing trees within the proposed project site for the apartment building. The City is particularly concerned about retaining mature trees wherever possible. Existing trees 6” DBH or larger 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 Preliminary Tree Removal/Preservation Plan in Exhibit B1 for the proposed development of 112 apartments designates up to 38 regulated trees for removal. Three of those trees may be preserved during construction. Tree mitigation is proposed in the form of Sheet L2.1 and L2.2 – Preliminary Landscape and Planting Plans.

<b>REQUEST B</b> <b>DB13-0009: WAIVER</b>
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The Applicant has provided compliance findings to the applicable criteria (See Section II in Exhibit B1). Staff concurs with these findings except where otherwise noted.

**Section 4.118.03 - The Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may approve waivers. The code requires that all waivers be specified at the time of Stage 1 Master Plan and Preliminary Plat approval.**

**Waivers - Subsection 4.118.03(B) as applicable to the proposed project: (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:**

**A. Waive the following typical development standards:**

- 1. minimum lot area;**
- 2. lot width and frontage;**
- 3. height and yard requirements;**
- 5. lot depth;**
- 8. height of buildings other than signs;**

**Section 4.140. Planned Development Regulations.**

**(.01) Purpose.**

**A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.**

**B. It is the further purpose of the following Section:**

- 1. To take advantage of advances in technology, architectural design, and functional land use design;**
- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;**
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.**
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;**

**5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.**

**Section 4.140. Planned Development Regulations.**

**6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.**

**7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.**

**8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.**

**Standards for Residential Development In Any Zone.** According to Section 4.113.03 the front and rear yard setback limitation are:

**A.1. Minimum front yard setback: Twenty (20) feet.**

**A.6. Minimum rear yard setback: Twenty (20) feet.**

**Section 4.116.10(E). Standards Applying to Commercial Development, Commercial Developments Generally “Maximum Building Height: Thirty-five (35) feet, unless taller building are specifically allowed in the zone.”**

**B1. Approved Waivers:** The following waivers were approved in DRB Resolution 226: Two waivers which applied to the lots created for detached single-family homes in Brenchley Estates (Jory Trail at the Grove). These waivers were extended and approved to also cover Brenchley Estates – North.

1. A waiver to allow 4 - foot side yard setbacks for the detached single-family lots whereas Code Section 4.113(.03)(B)(2) requires 5-foot minimum side yard setbacks for one-story buildings and 7-foot setbacks for two story or taller buildings.
2. A waiver to allow 8-foot side yard setbacks for corner lots, whereas Code Section 4.113(.03)(B)(2) typically requires 10-foot corner side yard setbacks.

Additional waivers approved for lots created for detached single-family homes in Brenchley Estates:

1. A waiver to the 20-foot front yard setback for buildings on lots larger than 10,000 square feet to allow several multi-family residential buildings and a community building on proposed Lot 1 to be located as close as 15 feet to the front property line.
2. A waiver to the 5,000 square foot average for lot size and 4,000 square foot minimum lot size standards of the PDR-4 Zone so that all lots in the split zoned Brenchley Estates - North would instead be subject to the PDR-5 standards of a minimum lot size of 2,500 square feet, as long as overall density standards for the subdivision are satisfied. Waivers to the 5,000 square foot average lot size and 4,000 square foot minimum lot size standards of the PDR-4 zone so that all lots in the split-zoned Brenchley Estates North would instead be subject to the PDR-5 standards of a minimum lot size of 2,500 square feet and an average area per unit size of 3,000 square feet, as long as overall density standards for the subdivision are satisfied. The justification for these waivers for the lots

within Brenchley Estates North will be provided when Stage II Planned Development and Subdivision Tentative Plat approval are requested for the single-family lots in Brenchley Estates – North.

**Proposed Waiver:** Waive the maximum 35foot building height of the PDR-4 zoning district to allow a multi-family building of four stories and up to 47 feet

- B2.** The Applicant’s compliance findings found on pages 18 through 21 of Section III of Exhibit B1 provide the supportive evidence to approve the proposed waiver.
- B3.** The proposed apartment building is on property zoned PDR-4. Property zoned PDR-4 is subject to a maximum 35 foot height limit. Proposed is 47 foot building height for at 4-stories. The proposed building height is driven by the need to make the project financially feasible and to create more open space and to obtain the maximum number of affordable housing.
- B4.** Staff finds that the proposed waiver to reduce the 300 square foot of outdoor recreation area per unit is not necessary. Outdoor recreation is satisfied through the Stage I Preliminary Plan area for Brenchley Estates – North and South totaling of 35,928 square feet, which is over 320 square feet of outdoor recreation area per each of the 112 proposed units thereby satisfying the 300 square feet per unit standard. However the residents in the Active Adults at the Grove Multi-Family would not be able to use the two community centers because those centers are dedicated to the residents of Jory Trail at the Grove and the Terrene Apartments.

**Section 4.140.05(C) states: Development Review Board approval is governed by Sections 4.400 to 4.450. Particularly Section 4.400.02 (A through J).** In this case as it relates to the decision criteria for reviewing waivers.

**Section 4.140(.04) B. It is the further purpose of the following Section:**

- 1. To take advantage of advances in technology, architectural design, and functional land use design:**
- B5.** The scarcity of land for development has necessitated the intensification of the use of available land to accommodate future housing needs. Compact development has become an attractive approach, especially in cities where services and transportation are most available. While the applicant has sought to take advantage of advances in functional land use design, the Applicant must balance the requirements of the Development Code, e.g. yard setback requirements and building height. In order to provide a residential component that is both walk-able and functional, the applicant has sought to increase the building heights from 35 feet to 47 feet for the proposed Active Adults at the Grove Multi-Family is therefore necessary. This request is in order to accommodate the building, open space, parking and drives thereby necessitating the request for the height waiver.

- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;**
- B6.** In supplying apartment-style housing the applicant must not exceed the minimum yard setbacks for residential development in the PDR-4 and PDR-5 zoning. The Applicant is requesting relief to provide greater density with multi story housing. This will free up property to provide adequate parking and open space.
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.**
- B7.** PDR-4 and PDR-5 zoning allows for non-traditional land use development. Planned developments also allow for traditional zoning rules to be waived in order to promote innovation and coordinated development. Rather than approaching development on a lot-by-lot basis, as typically occurs under traditional zoning, the entire parcel is planned in a comprehensive and integrated fashion. In this case it is being developed for apartments and for future single family houses. The top of the coping of the proposed apartment building would be approximately 9 feet higher than the roof ridgelines of the adjacent Terrene Apartments. Thus the proposed apartment building would not over power the adjacent Terrene apartments.
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;**
- B8.** The very purpose of the Planned Development Regulations is to permit flexibility of site design. Staff finds that the proposed waiver to allow the applicant the flexibility to utilize the site more efficiently meeting code.
- 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.**
- B9.** Residential development has been an integral part of the land use for the subject property since the City's first Comprehensive Plan was adopted in 1971. In keeping with the Comprehensive Plan the Applicant is proposing to construct 112 apartment units and identifies a future 25 lot single family house subdivision. The proposed increased building height would accommodate a 4 story apartment building which is driven by the need to build the anticipated number of residential units to make the project financially feasible, and to fulfill the applicant's desire of providing senior housing. Increasing the building height enables the applicant to integrate parking and drives, open space as well as the residential building, thus maintaining a ratio of site area to dwelling units. Staff



concurs with the applicant's findings that a waiver to the building height permits flexibility to construct such a development.

**6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.**

**B10.** Adequate facilities exist; therefore, this provision is satisfied regardless of building setbacks.

**1. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.**

**B11.** As previously stated, residential development has been an integral part of the land use for the subject property since the City's first Comprehensive Plan was adopted in 1971. In keeping with that vision, the applicant is proposing to construct an apartment building.

**Standards for Residential Development In Any Zone. According to Section 4.113.04 the building height limitation is:**

**“Height Guidelines: The Development Review Board may regulate heights as follows:**

**A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.**

**B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.”**

**B12.** TVFR has indicated that building design for the apartment building is consistent with adequate provision of fire protection and fire-fighting apparatus height limitations meeting this criterion.

**REQUEST C**  
**DB13-0010: STAGE II FINAL PLAN – Lot 3**  
**Active Adults at the Grove Multi-Family**

The Applicant has provided compliance findings to the applicable criteria (See Section III in Exhibit B1). Staff concurs with these findings except where otherwise noted.

<b>Proposed Apartment Building</b>			
<b>Area: 148,347 sq. ft.</b>	<b>Size (Sq. Ft.)</b>	<b>Size (Acres)</b>	<b>% of Total Site</b>
Building Footprints Apartments, garages, rec. building and accessory buildings.	44,970 SF	1.03 Ac	30%
Paving Coverage	54,485 SF	1.25 Ac	37%
Landscape area	41,353 SF	.95 Ac	28%
Landscape Sidewalks	7,539	.17 AC	5%
	<b>148,347 SF</b>	<b>3.41</b>	<b>100%</b>

The relevant Stage II Final Plan review standards are the following:

**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.**

**Subsection 4.140.09(J) – Stage II 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.**

**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.**

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

**C1.** The Applicant's submittal documents provide sufficient detail to satisfy the requirements of Section 4.140.09(C) & (D). These criteria are met.

**Comprehensive Plan and Zoning: Planned Development Residential zone**

**C2.** The subject property is in in two zoning districts – PDR-4 and PDR-5. The Comprehensive Plan identifies the subject property as Residential 6-7 dwelling units per acre.

**Subsection 4.118.03(B): Waivers.**

**C3.** DRB approved six (6) waivers to the Planned Development Regulations for Brenchley Estates North. The Applicant is proposing waiver to increase the building height within the PDR-4 and PDR-5 zoning. See Request B for the detailed analysis for each waiver.

**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.**

- C4.** The Stage II Final Plan for the proposed Active Adults at the Grove Multi-Family will provide the requisite ‘usable’ open space necessary to satisfy the minimum acreage requirement for a project of this size. See findings A47.
- C5.** There will be Covenants, Conditions, and Restrictions of a Homeowner’s Association provided to the City when the future single-family subdivision is developed.

**Subsection 4.113(.07) – Fences**

- C6.** No fences are proposed with this application.

**Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.**

**(.02) General Provisions:**

- G.** **The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.**
- C7.** The proposed parking areas are located within one hundred (100) from the proposed apartment building, thus this code criterion is satisfied.
- J.** **Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.**
- C8.** The submitted plans indicate that concrete curbing will be provided. The Applicant is proposing seven (7) foot wide sidewalks where cars will project over the curb which will provide adequate walkways for pedestrians.
- K.** **All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as "grasscrete" in lightly-used areas, that is found by the City Engineer to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City Engineer, shall be provided.**
- C9.** Asphalt/concrete surface is proposed for parking and drives. This code criterion is satisfied.
- L.** **Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.**
- C10.** The City passed an outdoor lighting ordinance (Dark Sky), Ordinance #649, which implemented Section 4.199.50 into the Development Code. A more in depth discussion regarding Section 4.199.50 can be found in Request D.
- N.** **Compact car spaces.**
- C11.** Compact parking spaces are not proposed.

- 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.**
- C12. Preliminary Landscape Plan Sheets L2.1 and L2.2 show the proposed planting areas are at least seven (7) feet in depth. This provision is therefore satisfied. In addition, consistent with Section 4.155(.02)J.

**(.03) Minimum and Maximum Off-Street Parking Requirements:**

- A. **Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:**
  - C13. Vehicle access to the site are at Ash Meadows Road and at a proposed public street. On-site circulation within the site was reviewed by the City's Traffic Consultant DKS & Associates is recommending that the southwesterly driveway align with the driveway at the Terrene apartments on Ash Meadows Road. Staff further finds the site plan is designed with access and maneuvering areas adequate to serve the functional needs of the site.
  - C14. Pedestrian access to the site will be taken from sidewalks and paths within Brenchley Estates and sidewalks at Ash Meadows Road and a public street connecting to SW Parkway Avenue meeting code.
- B. **Parking and loading or delivery areas landscaping requirements**
  - C15. **Parking Lot Landscaping as a Percentage:** Proposed is 10% of the parking lot will be landscaped meeting code.
  - C16. **Parking Areas Visible from the Right-of-Way:** The proposed landscape treatment will provide adequate screening of parking areas at Ash Meadows Road and a new public street meeting code.
  - C17. **Parking Areas Visible from Adjacent Properties:** The proposed parking areas would be visible from the Terrene Apartments. The Applicant has provided Preliminary Landscape Plans L2.1 and L2.2 demonstrating landscaping will be provided around the perimeter of the project site with low to medium shrubs consistent with that standard.
  - C18. **Landscape Tree Planting Areas:** The Applicant has provided Preliminary Landscape Plans L2.1 and 2.2 demonstrating that most of the proposed planting areas are a minimum of eight (8) feet in width. The code further requires that the Applicant provide one (1) tree per (8) parking spaces. The Applicant is proposing 152 surface parking spaces, which at one tree per eight spaces would require nineteen (19) trees. According to the submitted plans, the applicant is proposing approximately twenty one (21) trees, which in the aggregate meeting the required minimum.

**Subsection 4.155.(03)B.4 Parking for ADA**

**C19.** The applicant is proposing to install 158 on-site and 15 on street parking spaces for the proposed apartment building. The Building Division regulates required ADA parking. Preliminary Site Plan P3.0 indicates 6 surface and 2 carport and three (3) carport ADA compliant parking spaces.

**Subsection 4.155.(03)B.5.: Connection of Parking Areas**

**C20.** The proposed apartment building is not envisioned for shared parking with the adjacent Terrene Apartments. Thus, the Applicant is providing all of the needed parking on-site and at adjacent public streets. This provision will be satisfied subject to the DRB approving the proposed parking plan. Furthermore, Subsection 4.155.(03)B.7 allows: “On-street parking spaces, directly adjoining and on the same side of the street as the subject property, may be counted towards meeting off-street parking standards.” Twelve spaces are proposed on ‘C’ Street adjacent to the project site meeting code.

**Subsection 4.155.(03)B.6-8 and Table 5: Parking Standards.**

**C21.** Section II in Exhibit B1 the Applicant has provided compliance findings relative to this provision.

Proposed Bedrooms Count:

- 29 one-bedroom units
- 83 two bedroom units
- 0 three bedroom units
- 112 total units; 195 total bedrooms

**Vehicular Parking:** The Applicant has submitted summary findings with regard to parking. Based upon the requirement of this section, the Applicant is required to provide a **minimum of 161 parking spaces**. The Applicant is proposing to **provide 173 spaces**, which is **12 spaces above the parking minimum meeting code**. This is approximately **1.54 parking spaces per unit**.

<b>Subsection 4.155.(03)B.6-8 and Table 5: Parking Standards.</b>	<b>OFF - STREET PARKING REQUIREMENT</b>	<b>Code minimum:</b> Apartments of ten (10) or more units.
<b>Parking Required Per MF Unit</b>	<b># of units</b>	<b>Parking Spaces Required</b>
<b>1.25 spaces/1 BDR MF Unit</b>	<b>29</b>	<b>36.25</b>
<b>1.5 spaces/2 BDR MF Unit</b>	<b>83</b>	<b>124.5</b>
No 3 BDR		
<b>TOTAL</b>	<b>112</b>	<b>160.75 or 161</b>

**Parking Maximum: No limit**

The adjacent Terrene Apartments provide 481 parking spaces for 288 apartments units, which is 72 parking spaces above the parking minimum. This is 1.67 parking spaces per unit.

<b>OFF/ON STREET PARKING PROPOSED:</b>	
<b>SURFACE STANDARD</b>	<b>122</b>
<b>SURFACE PARALLEL</b>	<b>0</b>
<b>SURFACE COMPACT</b>	<b>0</b>
<b>SURFACE ADA</b>	<b>6</b>
<b>CARPORT ADA</b>	<b>2</b>
<b>CARPORT STANDARD</b>	<b>28</b>
<b>On-street</b>	<b>15</b>
<b>TOTAL</b>	<b>173</b>

Jory Trail at the Grove provides 530 parking spaces for 324 apartment units, which is 59 parking spaces above the parking minimum. ~~This is 1.64 parking spaces per unit.~~ This is approximately 1.64 parking spaces per unit which is comparable to 1.5 to 1.75 spaces per unit for other apartment complexes within the city.

**C22. Bicycle Parking:** Based upon the requirement of this section, the project is required to provide a minimum of 112 bicycle parking spaces, one per residential unit. The Preliminary Site Plan, Plan Sheet P3.0, illustrates three bike racks – at least one at each of the three primary building entrances for total 24 bikes. Proposed are 7 bicycle rooms dispersed on each floor of the apartment building for 90 bikes, totaling **114 bike spaces** exceeding code.

#### **Subsection 4.171. General Regulations – Protection of Natural Features and Other Resources**

##### **(.02) General Terrain Preparation:**

**C23.** There are no environmental features (natural forest and drainage-way in SROZ) on the project site of the Active Adult Campus Multi-Family building so the project will not impact the SROZ. All terrain preparation will be done in accordance with the Uniform Building Code. These provisions will be further guaranteed through the review of the Grading and Erosion Control Permits meeting code.

##### **(.03) Hillsides:**

**C24.** The project-development site does not contain slopes greater than 25%; therefore, this provision is not applicable.

##### **(.04) Trees and Wooded Areas.**

**C25.** The Applicant has provided a tree inventory in Section IV of Exhibit B1 and has evaluated the project's impact upon tree removal, and proposed tree mitigation. The DRB may approve the Type 'C' Tree Removal Plan based upon this inventory.



**(.05) High Voltage Power Line Easements and Rights of Way and Petroleum Pipeline Easements:**

- C26.** The subject site is not encumbered by high voltage power line easements and right-of-way or petroleum pipeline easement; therefore, this provision is not applicable.

**(.06) Hazards to Safety:**

- C27.** The project site is not located within a soil or geological hazard area. Review of the building plans and public works permit will ensure that best engineering practices are maintained.

**Subsection 4.177 (.01)A-B. Street Improvement Standards.**

- C28.** The project site abuts the newly constructed Ash Meadows Road meeting code.
- C29.** The project site is near SW Parkway which is identified in the Transportation System Plan (TSP) as a Minor Arterial with no on-street parking. The Applicant's submittal includes plans for a future 25 lot subdivision. Any additional dedication of the SW Parkway Avenue right-of-way will occur with the recordation of the final plat.
- C30. Bicycle Network:** Pre-existing SW Parkway Avenue fronting the subject property did not have on-street bike lanes or dedicated and separated pedestrian/bicycle paths. The Jory Trail at the Grove development installed dedicated and separated 10 foot wide pedestrian/bicycle path and a 5 foot wide bike lane along SW Parkway Avenue. This facility was also constructed along the frontage of the Terrene Apartments but it did not bridge the gap along SW Parkway in front of the old barn property between the two projects. Currently there is a 5 foot wide sidewalk. Thus, it is the opinion of staff, there is a public need to construct the planned ten (10) foot wide pedestrian/bicycle sidewalk to connect to the 10' wide sidewalks at Brenchley Estates subdivision and at the Terrene Apartments with an approval of the Active Adults at the Grove Multi-Family.
- C31.** SW Parkway Avenue fronting the master planned property has on-street bike lanes or dedicated and separated pedestrian/bicycle paths. In the approval of Jory Trail at the Grove and the Terrene Apartments the applicant was conditioned to construct a 10 foot wide pedestrian/bicycle path along the west side of SW Parkway. This facility is built

**Subsection 4.177.01(E): Access drives and lanes.**

- C32.** Ash Meadows Road and the existing access at SW Parkway serving the Terrene Apartments meet City's access management guidelines and will serve the project site.

**Subsection 4.177.03(.01)I: Corner or clear vision area.**

- C33.** Clear vision areas and vertical clearance will be reviewed by the City Engineering Division to assure compliance with the Section 4.177.

#### **Section 4.175: Public Safety and Crime Prevention**

- C34.** The Clackamas County Sheriff Department and Tualatin Valley Fire and Rescue provide emergency services for the City. Proposed housing is positioned for easy on-site surveillance and next to Ash Meadows Road providing opportunity for clear on/off-site security views. Proposed parking lots can be easily viewed by patrolling law enforcement vehicles. On site lighting will be provided. The proposed apartment building will be sprinkled. Curbs must be painted and/or signs installed for no parking near the hydrants. This provision is therefore satisfied.
- C35.** The proposed building lighting is sufficient to discourage on-site criminal activity after dark. This code criterion is met. A detailed review of site lighting can be found in Request D.

#### **TRAFFIC**

- C36.** Except for Ash Meadows Road and ‘C’ Street, proposed are private drives and pedestrian ways to access the apartment building.

**Subsection 4.140(.09)(J)(2): Traffic Concurrency.** “That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.”

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.”

- C37.** At the request of Staff, DKS Associates completed a Transportation Impact Study dated April 5, 2013 that is included in Exhibit B1. The proposed 112 Active Adults at the Grove Active Adults at the Grove Multi-Family and the 288 Terrene Apartments project is hereby limited to no more than the following impacts:

**Estimated PM Peak Hour Trips: Before 267 Revised 207**

This is 60 trips less than what was used to determine traffic impacts in the original *Brenchley Estates Phase II Transportation Impact Study*.

- C38.** The DKS traffic report estimated that the PM peak hour trips to and from this project would use the I-5/Wilsonville Road interchange (Wilsonville Road between SW Boones Ferry Road and Town Center Loop West).
- C39.** The location, design, size and residential use are such that traffic generated by the proposed project 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. Thus, there is adequate traffic capacity to serve the project and it will maintain LOS 'D', which complies with Subsection 4.140.09(J)(2).

**Subsection 4.177.01(B): Sidewalk Requirements**

- C40.** The proposed pedestrian circulation plan is found on the Preliminary Site Plan Sheet P3.0 in Section IV of Exhibit B1 meeting this criterion.
- C41.** The proposed pedestrian paths and linkage are consistent with the City's pedestrian-friendly policies. The City recently stripped 5 foot wide bike lane along the east side SW Parkway Avenue. Consistent with the City TSP and Bicycle and Pedestrian Master Plan, the long term build out of SW Parkway Avenue envisions a multi-modal transportation corridor accommodating bicycles and pedestrians as well as vehicles. Long term, both additional ROW as well as construction of additional facilities is needed. Conditions PFC32 and PFC34 in DRB Resolution 226 required ten (10) foot wide bicycle/pedestrian sidewalk along the west side of SW Parkway Avenue:

**PFC32.** "Parkway Avenue adjacent to the proposed site is classified in the City TSP as a Minor Arterial, with a required Right of Way of 71' to 77', yielding a required half - ROW adjacent to the project of 35.5' to 38.5'. The current half - ROW is 30', thereby requiring additional ROW dedication from the project. Staff has evaluated the long term needs for Parkway Avenue, and has determined a future 77' ROW is needed, therefore, the additional ROW dedication from the project is calculated as 38.5' - 30' existing = 8.5'. See also PFC 27 for required Public Utility Easement requirements."

**PFC34.** "Consistent with the City TSP and Bicycle and Pedestrian Master Plan, the long term build out of Parkway Avenue envisions a multi modal transportation

corridor accommodating bicycles and pedestrians as well as vehicles. The current constructed section of Parkway includes curb and 5' of sidewalk, but does not include bike lanes. Long term, both additional ROW as well as construction of additional facilities is needed. ROW issues are addressed in PFC 32 above. To accommodate current bicycle and pedestrian needs and avoid demolition of existing sidewalk, curb and street, the following plan has been discussed with the developer's representatives, and is acceptable to the City: Developer shall construct a minimum of five additional feet of sidewalk along the Brenchley Estates frontage onto Parkway Avenue. Where possible, the new sidewalk shall abut the existing sidewalk creating a 10 foot wide pathway within the Parkway Avenue Right of Way for both bikes and pedestrians. If needed, portions of the new pathway may meander away from the existing curb-tight sidewalk to avoid removal of trees or other obstructions, and pass beyond the ROW line, so long as suitable public easements are granted for the path. Where a meander is necessary or desired, the minimum new pathway width shall be 8 feet. If necessary, a wall shall be constructed from the back of walk to the finished grade. In conjunction with the new pathway construction, Parkway Avenue between Town Center Loop and Boeckman Avenue shall be re-striped to create a continuous on-street bike lane on the east side of Parkway Avenue. Lane striping shall create 2- 12' travel lanes, a 13' turn lane, and a 5' bike lane within the current 42' paved section. Left turn pockets shall also be striped at Street D as shown in the Preliminary Site Development Plans."

"To accommodate current bicycle and pedestrian needs and avoid demolition of existing sidewalk, curb and street, the following plan has been discussed with the applicant's representatives in the approval of Brenchley Estates - South, and is acceptable to the City for Brenchley Estates - North: Applicant must construct a minimum of five additional feet of sidewalk along the Brenchley Estates frontage onto Parkway Avenue. Where possible, the new sidewalk must be next to the existing sidewalk creating a 10 foot wide pathway within the Parkway Avenue Right of Way for both bikes and pedestrians. If needed, portions of the new pathway may meander away from the existing curb-tight sidewalk to avoid removal of trees or other obstructions, and pass beyond the ROW line, so long as suitable public easements are granted for the path. Where a meander is necessary or desired, the minimum new pathway width would be 8 feet. In conjunction with the new pathway construction, SW Parkway Avenue between Town Center Loop and SW Boeckman Road shall be re-striped to create a continuous on-street bike lane on the east side of SW Parkway Avenue. Lane striping shall create 2- 12' travel lanes, a 13' turn lane, and a 5' bike lane within the current 42' paved section."

Condition PFC34 of Resolution No. 226 will ensure that this facility will be constructed.

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

**C42.** The proposed project has available to it, or will be required to make available to it, adequate facilities to serve the project.

## Sanitary Sewer

- C43.** The subject property is served by a private sanitary sewer system connected to the City's 8" public system in SW Parkway Avenue. All sanitary sewer and storm sewer pipelines and appurtenances located within City ROW (specifically Ash Meadows Road and Parkway Avenue as applicable), including laterals and service lines to the edge of the ROW, will be owned and maintained by the City. All laterals and service lines beyond the ROW line must remain the ownership and maintenance responsibility of the development. All proposed water quality features must be owned and maintained by the development.

## Water

- C44.** The pre-existing Thunder Bird Mobile Club (TMC) development was served by a private water system connected to the City's 12" public system in SW Parkway Avenue. Condition PFC52 in DRB Resolution 226 requires:

**PFC52.** "The plans indicate that the public water system will connect to Parkway Avenue at Street D, as well as with the line in Ash Meadows constructed during Brenchley Phase 1, which connects to Parkway Avenue. To provide redundancy of operations, the public water system shall also connect to the water line along Boeckman Road at the northwestern corner of the site."

"The water system will receive the benefit of redundancy at any location along Boeckman Road, and is not necessary to be located at the northeast corner of the property. Waterline identified on sheet P5.0 of Stage 1 dated December 23, 2011 that is identified as public shall be public."

- C45. Stormwater:** The pre-existing Thunder Bird Mobile Club (TMC) development was served by a private storm water system connected to the City's 12"-15" public system in SW Parkway Avenue and ODOT drainage at I-5. Three (3) massive below ground concrete vault detention facilities were installed together with rainwater/stormwater pre-treatment components in Jory Trail at the Grove. The stormwater quality facility (planter) located north of Ash Meadows Road provides treatment for stormwater originating on a public street inside the development. This facility was constructed by the development in Phase 1 of Jory Trail and will be covered by a specific easement from the owner of Parcel 2 (30 lots, Jory Trail), an access easement to the City and an ownership and maintenance agreement.

Low Impact Development (LID) approaches are proposed and approved in DRB Resolution 232 for treatment of stormwater from buildings, pavements, and sidewalks. Jory Trail at the Grove used LID approaches. As required for Wilsonville Business Center and Old Town Square (including Fred Meyers) the maintenance of the water quality swales within public right-of-ways would be maintained by the City once or twice a year. The applicant has the responsibility to fund and install all necessary stormwater

facilities to meet the requirements of the City's Storm Water Master Plan. The final design and installation of stormwater facilities will require a public works permit from the City's Engineering Division.

### **Public Services**

- C46.** Staff has requested comment with public service providers (e.g., Sheriff, Tualatin Valley Fire & Rescue, South Metro Area Rapid Transit (SMART), etc.) within the City about the potential of providing service to the subject project. Any comments received from those agencies will be embodied in the conditions of approval.

### **Semi-Public Utilities**

- C47.** The Applicant 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.
- C48. Schools:** In the previous review for the Terrene Apartments, the applicant contacted the West Linn – Wilsonville School District about the project. Staff provided the school district numbers of residential dwelling units that will be built from the entire project. Within Wilsonville and the West Linn/Wilsonville School District there are two primary schools; Boones Ferry and Boeckman Primary; Inza Wood Middle school and Wilsonville High School. The new Lowrie Primary School in Villebois opened in the fall of 2012. The school district created a new boundary to divide the primary school attendance between Jory Trail and Brenchley Estates – North. The Applicant contends and staff agrees that the proposed Active Adults at the Grove Multi-Family will be for occupants 55 years or over with fewer school children attending West Linn/Wilsonville schools.
- C49.** Prior to the issuance of building permits by the City, the Applicant will 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.
- C50.** Because of the large number residential units being developed in Brenchley Estates-North and Jory Trail at the Grove, SMART transit agency requested a bus turnout along SW Parkway Avenue. The Applicant has indicated the general location of a bus turnout from SW Parkway Avenue south of proposed Street D onto the property frontage. Conditions of Approval TR1 and TR2 of the current land use approvals for Brenchley Estates - North including the Terrene Apartments requires the installation of a bus turnout and bus shelter for property fronting SW Parkway Avenue prior to or at final occupancy of the last apartment building in Phase 1 of Lot 1. The proposed Active Adults at the Grove Multi-Family will have mostly elderly residents needing public transportation and a safe route to the bus stop and to town center. Thus, it is the opinion of staff there is a public need to construct the planned ten (10) foot wide pedestrian/bicycle sidewalk to connect to the 10' wide sidewalks at Brenchley Estates Subdivision and at Terrene Apartments. Currently there is a 5 foot wide sidewalk.

DRB Resolution 226, Exhibit C6, conditions TR1 and TR2 requires the following:

- TR1.** “Applicant shall provide an easement or additional right-of-way along the frontage of SW Parkway Avenue, south of the proposed Street ‘D’, sufficient to allow for the construction of a 10 foot by 100 foot bus pull-out, to the satisfaction of the City Engineer. If needed, based on road geometry, additional right-of-way or easement shall be provided for a covered bus shelter per City Public Works Standards.”
- TR2.** “Applicant shall be responsible for the construction of the bus pull-out and bus shelter noted in Condition #1, above, to City Public Works Standards. The bus pull-out and bus shelter shall be constructed prior to or at final occupancy of the last apartment building in Phase 1 of Lot 1”.

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

- C51.** Approval of the Stage II Final Plan 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.

**REQUEST D**  
**DB13-0011: SITE DESIGN REVIEW**  
**Active Adults at the Grove Multi-Family**

**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.**

The applicant has provided compliance findings to the applicable criteria (See Section III in Exhibit B1). Staff concurs with these findings except where otherwise noted. Two types of buildings are proposed:

1. 1 - 4 – story apartment building
2. Carports

See Section III for color plans, building elevations, photos of similar projects.

**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.**

**D1.** See Request E for the detailed analysis of the Tree Preservation and Removal Plan. The Tree Report/Survey was provided by Terrence Flanagan, ISA Cert #PN-0120BMT. The Tree Report 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 survey that was provided by the arborist lists tree species, size, condition and recommended treatment. The recommended treatments were based on tree characteristics as well as location within the site. The report divides the inventoried trees into three categories: 1) those to be removed, 2) those to be preserved, and 3) those trees “likely to be retained” but disposition is uncertain pending further assessment. The applicant has worked with the City to avoid and minimize impacts to the areas natural resources.

**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.**

**D2.** The purpose of this Site Design Plan is to provide more detailed architectural and landscaping information. This proposal also includes the review of landscaping and open space.

**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.

**D3.** The proposed project is large enough to provide an internal circulation system for transportation options (automobiles, bicyclists and pedestrians) meeting code.

#### **Parking Analysis:**

**D4.** See findings D20 through D23.

**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.

#### **Section 4.176: Landscaping, Screening, and Buffering**

##### **(.01) Purpose**

**D5.** See the Applicant's compliance response in Section III. The response indicates approximately 28% of the site is set aside for landscaping. The plan provides a diversified planting theme for the project site. The plan has also been designed to be aesthetically pleasing and functional. The proposed landscaping plan satisfies the purpose criteria of the landscaping section.

##### **(.02) Landscaping and Screening Standards**

###### **C. General Landscaping Standard.**

###### **1. Intent**

**D6.** The General Landscaping Standard is also intended to be utilized in areas that are generally open at the parking lot. The Applicant is proposing a mix of ground cover, evergreen and deciduous shrubs, and coniferous and deciduous trees. For those portions of the Ash Meadows Road frontage that do not include building and or circulation the applicant is proposing plantings consistent with the Low Screen Landscaping Standard.

###### **2. Required Materials**

- a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.**

**D7.** The proposal includes plans for linear planting strips along the all edges of the parking lots.

- b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.**

**D8:** The subject site does not contain planting areas 30 feet deep or greater; therefore, this provision does not apply.

**D. Low Screen Landscaping Standard**

**D9.** The intent of the Low Screen Landscaping Standard is to provide a landscape treatment that uses a combination of distance and screening to separate uses or developments. This standard is intended to be applied in situations where low screening is adequate to soften the impact of one use or development on another, or where visibility between areas is more important than a total visual screen. The Low Screen Landscaping Standard is usually applied along street lot lines or in the area separating parking lots from street rights-of way. The applicant is proposing to utilize low lying bushes, new and existing trees along Ash Meadows Road and 'C' Street. The Low Screen Landscaping Standard requires sufficient low shrubs to form a continuous screen three (3) feet high and 95% opaque, year-round which is proposed. In addition, one tree is required for every 30 linear feet or closer of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area, which is proposed with street trees along SW Ash Meadows Road, Little Leaf Linden at 2" caliper d.b.h., and Red oak at 2" caliper d.b.h. along 'C' Street. Staff finds that the proposed plantings meet these requirements.

**F. High Wall Standard.**

**D10.** The intent of the Low Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required. The project is for multi-family residential that is adjacent to the Terrene Apartments that do not require visual separation as they are similar developments. The proposal includes plans for the refuse storage/trash compactor to be inside the apartment building. Staff finds that the High Wall Standard is not applicable to this request.

**4.176(.03) Landscape Area**

**D11.** This section requires that not less than 15% of the total lot area be landscaped with plants. The Applicant has provided a tabulation of land area devoted to specific uses (See extrapolation below). According to the information submitted the proposal calls for 28% landscaping, thereby exceeding this requirement.

**(.04) Buffering and Screening**

**D12.** The Buffering and Screening section requires that all intensive developments be screened and buffered from less intensive developments and that roof and ground mounted HVAC equipment and outdoor storage areas be adequately screened from off-site view. The Applicant did not indicate if the proposed apartment building will have central air conditioning so there is the possibility that residents may install window mounted units unless property management restricts them. To further ensure that the HVAC system is properly screened, Condition PDD1 requires that any roof top HVAC equipment.

**(.06) Plant Materials.**

**D13.** Shrubs – 4.176(.06)(1): This code section specify the size of plant material required for new development as well as standards related to species selection, and growth rate. Shrubs are required to be equal or better than two-gallon containers, and shall have a 10"-12" spread. In order to provide safe sight distance of pedestrians in crosswalks and vehicles plantings within street vision clearances must be 24" or lower in height. With proposed condition PDD6 this can be accomplished.

**D14.** Ground cover - Ground covers in one gallon containers are to be planted on 4' centers minimum, 4" pots are to be spaced at 2' centers, 2 ¼" pots are to be spaced at 18" centers. All ground covers are to be planted at a density so as to cover 80% of the planting area within 3-years of planting. Plan Sheets L2.1 and L2.2 provides a summary of proposed plants.

**Trees are required to be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:**

- 1. Primary trees which define, outline or enclose major spaces, shall be a minimum of 2" caliper.**
- 2. Secondary trees which define, outline or enclose interior areas shall be a minimum of 1-3/4" to 2" caliper.**
- 3. Accent trees which, are used to add color, variation and accent to architectural features, shall be 1-3/4" minimum caliper. 4. Large conifer trees shall be installed at a minimum height of eight feet.**
- 5. Medium-sized conifers shall be installed at a minimum height of five to six feet.**

**D15.** See finding D10, meeting code.

**(.07) Installation and Maintenance.**

**D16.** Plant materials, once approved by the DRB, shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires,

etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless the City approves appropriate substitute species. Failure to maintain landscaping as required in this subsection shall constitute a violation of the City Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.

**(.08) Landscaping on Corner Lots**

**D17.** The subject site is a “corner lot”. Landscaping on this parcel will be required to meet the vision clearance requirements of Section 4.177. The Engineering Division, however, will examine vision clearance issues in more detail in the Public Works Permit.

**(.10) Completion of Landscaping.**

**D18.** The Applicant will be required to post a bond or other security acceptable to the Community Development Director for the installation of the approved landscaping, should the approved landscaping not be installed at the time of final occupancy of the proposed building.

**Subsection 4.176(.07)(C)(1-3): Irrigation**

**D19.** Staff is recommending a condition of approval requiring a permanent, built-in, irrigation system with an automatic controller located at the maintenance building. Either a spray or drip irrigation system, or a combination of the two, may be specified. Proposed is seeded lawn or other ground cover within the drip line of retained. The applicant must not plant seeded grass or ground cover within the drip line of retained trees. The project arborist must advise the applicant and the City of the appropriate irrigation design so as to not over irrigate and kill trees. The planting of native plants and the use of some type of breathable fabric with bark mulch is encouraged to keep the weeds down. Otherwise, staff finds that proposed ground covers meet the code requirement. See proposed condition PDD2.

**Section 4.199 Outdoor Lighting**

**Section 4.199.40: Lighting Systems Standards for Approval**

**(.01) Non-Residential Uses and Common Residential Areas.**

**A. All outdoor lighting shall comply with either the Prescriptive Option or the Performance Option below.**

**D20.** The proposal is for a 4 – story apartment building. The applicant has provided drawings (Plan Sheets E4.1 and ESL4.1 and lighting cut sheets in Section III). See the compliance findings in Section III using the Prescriptive Option for Lighting Zone LZ-2.

**D21.** Pursuant to the Lighting Overlay Zone Map the subject site is within Lighting Overlay Zone LZ-2. The applicant is proposing vertical pole mounted parking area lights intended for interior street lighting or parking areas and wall sconces intended for walkways. The cut sheets identify the proposed lighting as “full cutoff” and are found in Section 3 of the applicant’s submittal notebook.

**D22.** Pursuant to Table 3 of Section 4.199, the maximum pole or mounting height for lighting for private roads, driveways, parking, bus stops and other transit facilities is 40 feet and the maximum mounting height for lighting for walkways, bikeways, plazas and other pedestrian areas is 18 feet (See excerpt of Table 3, below).

<b>Table 3: Maximum Lighting Mounting Height In Feet (Excerpt)</b>			
<b>Lighting Zone</b>	<b>Lighting for private roads, driveways, parking, bus stops and other transit facilities</b>	<b>Lighting for walkways, bikeways, plazas and other pedestrian areas</b>	<b>All other lighting</b>
LZ 2	40	18	8

**D23.** The subject site is in the LZ-2 Zone and is adjacent to Ash Creek Condominiums and Interstate-5 so therefore, no special setback is required.

**D. Curfew. All prescriptive or performance based exterior lighting systems shall be controlled by automatic device(s) or system(s) that:**

- a) Initiate operation at dusk and either extinguish lighting one hour after close or at the curfew times according to Table 5; or**
- b) Reduce lighting intensity one hour after close or at the curfew time to not more than 50% of the requirements set forth in Table 2 unless waived by the DRB due to special circumstances; and**
- c) Extinguish or reduce lighting consistent with a) and b) above on Holidays.**

**The following are exceptions to curfew:**

- i. Exception 1: Building Code required lighting.**
- ii. Exception 2: Lighting for pedestrian ramps, steps and stairs.**
- iii. Exception 3: Businesses that operate continuously or periodically after curfew.**

**D24.** The photometric lighting plan is shown on Plan Sheet ESL4.1 and the lighting cut sheets are found in Exhibit B1. The mountings will be in a downward position with the majority of the light fixtures will be recessed under soffits. Pursuant to Table 5 of Section 4.199, the curfew for the LZ-2 zone is 10 P.M. The lighting plan utilizes the prescriptive option. All site lighting is intended to operate from dusk to dawn either via photocell or a lighting control panel (type of control has yet to be decided). Because the property is proposed for multi-family use where tenants may come and go at all hours and, therefore, be in the lighted parking areas and walkways at any time, no curfew is proposed – consistent with Exception 3 above.” These criteria are satisfied.

**Section 4.421. Criteria and Application of Design Standards.**

- (.01) **The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)**

**A. Preservation of Landscape.**

- D25.** The Applicant has provided findings to demonstrate that any soils removal will be kept to a minimal and there are numerous existing trees on this site. There are no major grade changes that will affect the neighboring sites. Plan Sheet P4.0 – Preliminary Grading Plan demonstrate that grading will be limited to preparation of the building pad and development of parking and drives.

**B. Relation of Proposed Buildings to Environment.**

- D26.** The project site for the apartment building is not within a Significant Resource Overlay Zone (SROZ). Project development will not impact SROZ.

**C. Drives, Parking and Circulation.**

- D27.** Section III of Exhibit B1 provides compliance findings regarding drives, parking and circulation. The Preliminary Development Plan further illustrates on-site and off-site pedestrian circulation paths meeting code.

**D. Surface Water Drainage.**

- D28.** The Applicant has the responsibility to fund and install all necessary stormwater facilities to meet the requirements of the City's Storm Water Master Plan. The final design and installation of storm water facilities will require a public works permit from the City's Engineering Division.

**E. Utility Service.**

- D29.** Any utilities added to this site will to be underground. Engineering review of construction documents will ensure compliance with this provision.

**F. Advertising Features.**

- D30.** The Applicant is not proposing signs but signs will be submitted separate applications.

**G. Special Features.**

**D31.** See Finding C45. The proposal includes the use of flow-through planter type stormwater facilities for pre-treatment of all stormwater.

**(.02) The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.**

**D32.** The Applicant is proposing Twenty-nine (29) carports shown on the Preliminary Site Plan Sheet P3.0 of Section III.

**Section 4.430. Location, Design and Access Standards for mixed Solid Waste and Recycling Areas**

**(.01) The following locations, design and access standards for mixed solid waste and recycling storage areas shall be applicable to the requirements of Section 4.179 of the Wilsonville City Code.**

**(.02) Location Standards:**

**D33.** Staff finds that the locations for combined solid waste and recycling centers that are proposed within the apartment building have been designed in accordance with standards established by the Wilsonville Development Code. Republic is the city franchised solid waste hauler.

**(.03) Design Standards.**

**D34.** Staff finds that the proposed trash collection centers within the apartment building meets the design standards of this subsection.

**(.04) Access Standards.**

**A. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day and to collect service personnel on the day and approximate time they are scheduled to provide collection service.**

**D35.** Trash collection will be accessible to the residents within the proposed apartment building at all 4 stories with trash chutes to the 1<sup>st</sup> floor to a trash compactor. Its location is readily accessible to users

**B. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of ten (10) feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered.**

**D36.** The proposed trash collection areas meet the minimum 8 foot vertical clearance meeting code.

### **Section 4.179 Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings.**

#### **(.06) Specific Requirements for Storage Areas**

**D37.** As stated in Finding D33 the site is designed with a solid waste and recycling collection area to serve the proposed apartment building. These are fully enclosed trash/recycling facilities/rooms within the proposed apartment building.

**(.07)** **The applicant shall work with the City’s franchised garbage hauler to ensure that site plans provide adequate access for the hauler’s equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section.**

#### **Architectural Review**

**D38.** The Applicant has provided compliance findings to the applicable criteria (See Section III in Exhibit B1). Staff concurs with these findings except where otherwise noted. Two types of buildings are proposed:

1. 1, 4- story-apartment building
2. Carports

The proposed exterior elevations incorporate design features such as offsets, projections, reveals, balconies at each unit, and/or similar elements to preclude large expanses of uninterrupted building surfaces meeting Subsection 4.400.029(C).

#### **The Active Adults at the Grove Apartments**

**D39.** The proposed 4 story apartment building is designed to have an urban appearance with a flat roof and parapet walls. Proposed are brick masonry veneer on selected exterior wall sections at the 1<sup>st</sup> and 2<sup>nd</sup> floors, horizontal cement board siding, cement board panels with battens at the 4<sup>th</sup> floor, painted in earth tone colors. The window sashes and frames are white. For longer durability railings will be anodized aluminum. See condition PDD5.

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

**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.



**D40.** The proposed apartment building would occupy most of the site and would it would face Terrene Apartments at the west, north and northeast sides. The site has relatively flat slopes. It is the professional opinion of staff, the proposed apartment building has been designed to interface with the adjacent Terrene Apartments as both projects were designed by the same architect and has similar multi-family residential use.

**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.**

**D41.** See Findings A1 and A70. The Stage I Preliminary Plan in Request A is designed to provide a safe and efficient circulation system for a variety of transportation options including automobiles, bicyclists and pedestrians.

**REQUEST E**  
**DB13-0012: TYPE 'C' TREE PLAN**

The applicant has provided compliance findings to the applicable criteria (See Section IV in Exhibit B1). Staff concurs with these findings except where otherwise noted.

**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**

- E1.** The application for a Type 'C' Tree Removal Plan for the subject property is in compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00. The applicant has provided a tree inventory in Section IV of Exhibit B1 of the submittal documents and has evaluated the project's impact upon tree removal, and proposed tree mitigation.
- E2.** A revised Tree Report/Survey was provided by Terrence Flanagan, ISA Cert #PN-0120BMT. The revised Tree Report 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 survey that was provided by the arborist lists tree species, size, condition and recommended treatment. The recommended treatments were based on tree characteristics as well as location within the site. The report divides the inventoried trees into three categories: 1) those to be removed, 2) those to be preserved, and 3) those trees "likely to be retained" but disposition is uncertain pending further assessment. The applicant will be working with the City to avoid and minimize impacts to the areas natural resources.
- E3.** The approved Tree Removal/Preservation Plan for the Active Adults at the Grove Apartments designates up to 41 regulated trees for removal. Three (3) of those trees may be retained including two Oregon white oaks located just to the north entrance to the proposed apartment building and one Japanese maple which is noted to be removed and may be relocated on the site. Tree mitigation is proposed in the form of Sheet L2.1 – L2.2 Preliminary Landscape Plans.

**Subsection 4.620.00: Tree Relocation, Mitigation, or Replacement**

- E4.** The City requires mitigation planting when live trees are removed. Up to 41 trees measuring at least 2-inches in diameter must be planted as mitigation for tree removal. The landscaping plan (Plan Sheets L2.1 and L2.2) shows replacement trees intended to mitigate the loss of existing trees.

**Tree Protection During Construction:** Tree protection specifications are proposed and are included in the Tree Report meeting code.

- E5.** The proposed Preliminary Tree Removal 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.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 254**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY DEVELOPMENT PLAN FOR BRENCHLEY ESTATES, APPROVING A WAIVER TO THE MAXIMUM BUILDING HEIGHT, STAGE II FINAL PLAN, SITE DESIGN PLAN, TYPE 'C' TREE PLAN FOR THE ACTIVE ADULTS AT THE GROVE MULTI-FAMILY. THE SUBJECT PROPERTY IS LOCATED ON TAX LOTS 100, 103, 104, 105 AND 200 OF SECTION 14A, T3S, R1W, CLACKAMAS COUNTY, OREGON, HOLLAND PARTNER GROUP/BRENCHLEY ESTATES PARTNERS, L.P, APPLICANT.**

**RECITALS**

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

WHEREAS, the Planning Staff has prepared a staff report on the above-captioned subject dated May 17, 2013, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meeting conducted on May 30, 2013, 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, the Development Review Board recognizing that it does not have the authority to approve the additional density being requested by the Applicant, which approval must be obtained from the Wilsonville City Council, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board Panel B of the City of Wilsonville, recognizing that City Council approval is required for the additional density contemplated, and recommending that the additional density be approved, approves the Applicants' request for a revised Stage I Preliminary Plan, waiver to the maximum building height, Stage II Final Plan, Site Design Review and Type 'C' Tree Plan, subject to City Council approval of the applicant's increased density, as presented to the Development Review Board and does hereby adopt the staff report, attached hereto as Exhibit A1, with modified findings, recommendations and conditions

placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

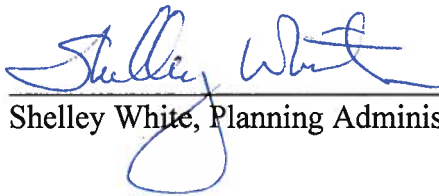
- DB13-0008 Revised Stage I Preliminary Plan
- DB13-0009 Waiver to the maximum building height. – Lot 3
- DB13-0010 Stage II Final Plan – Lot 3
- DB13-0011 Site Design Review – Lot 3
- DB13-0012 Type 'C' Tree Plan – Lot 3

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 30th day of May 2013 and filed with the Planning Administrative Assistant on June 3, 2013. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.



Andrew Karr, Chair  
Development Review Board, Panel B

Attest:



Shelley White, Planning Administrative Assistant

**Wilsonville City Hall  
29799 SW Town Center Loop E  
Wilsonville, Oregon 97070**

DRAFT

**Development Review Board – Panel B  
Minutes–May 30, 2013 6:30 PM**

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**I. Call to Order:**

Chair Andrew Karr called the Development Review Board (DRB) Panel B meeting to order at 6:30 p.m.

**II. Chairman’s Remarks:**

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

**III. Roll Call:**

Present for roll call were: Andrew Karr, Dianne Knight, Cheryl Dorman, Jhuma Chaudhuri, Aaron Woods, and City Council Liaison Susie Stevens.

Staff present were: Blaise Edmonds, Barbara Jacobson, Daniel Pauly, and Amanda Hoffman.

**IV. Citizens’ Input:** This is an opportunity for visitors to address the DRB on items not on the agenda. There was none.

**V. City Council Liaison Report:**

**Councilor Stevens** reported that City Council:

- Held their retreat and adopted the goals Council would be working toward over the next 24 months and several goals would involve the Development Review Boards, including Advance Road, the Frog Pond residential development and the industrial work at Coffee Creek and Basalt Creek.
- Another goal was to do a feasibility study for a recreation/aquatic center, which would also involve the DRBs should the facility come to fruition.
- Would hold first reading on the Transportation Systems Plan (TSP) Updates at the Council meeting this coming Monday. The Planning Department and Planning Commission did a great job updating the 2003 TSP. She encouraged everyone to review the TSP, which could be found on the City’s website.
- She appreciated the editorial in *The Spokesman* that commended elected officials for the work they had done. She thanked those on the City’s appointed boards, such as the DRB, for also doing a fantastic job volunteering their time to serve the City.

**VI. Consent Agenda:**

- A. Approval of minutes of April 22, 2013 meeting

**Chair Karr moved to approve the Consent Agenda. Aaron Woods seconded the motion, which passed 4 to 0 to 1 with Jhuma Chaudhuri abstaining.**

**VII. Public Hearing:**

- A. **Resolution No. 245. Les Bois Row Homes: Polygon Northwest Company – applicant.**  
The applicant is requesting approval of Final Development Plan (FDP) for PDP - 1 Central (Les Bois Row Homes) for detached row houses and duplexes. The site includes Tax Lots 14300 – 14400 and 14600 – 15200 in Section 15DB, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds

Case File: DB12-0083 – Final Development Plan

*This item was continued to this date and time certain at the April 22, 2013 DRB Panel B meeting.*

**Chair Karr** called the public hearing to order at 6:37 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

**Cheryl Dorman** declared that she had been approached by a family friend about the application when they found out she was a DRB member. (Her name had been called at Roll Call at a previous meeting when she was not in attendance.) She told the friend it was something she could not discuss, therefore no conflict should arise.

Dianne Knight and Jhuma Chaudhuri both declared they lived in Villebois.

**Blaise Edmonds, Manager of Current Planning** stated that the approval criteria applicable to the application were read into the record at the February 25, 2013 hearing, which was entered into the record.

**Mr. Edmonds** noted the application had been continued several times by the Applicant, who was now prepared to present the revised architectural elevations, which had been DRB's primary concern at the February 25<sup>th</sup> meeting. He presented the Staff report via PowerPoint with the following key comments:

- Given the length of time since the last meeting, he reviewed the project's location, background, surrounding structures, and key site elements, noting City Council had approved allowing the two banks of row houses to be detached.
- The Applicant did not intend to change the footprint or width of the houses, which matched the original footprints approved for the project.
- As the proposed row houses are built next to the existing houses, the proposed landscaping must blend in to match what exists so there would be a continuum of the same design with no interruption of landscaping and fencing.
  - Most of the landscaping was proposed along Barber St with street trees and some rainwater quality swales at the back corner of the houses. The homes would be alley-loaded and each house would have a two-car garage, although the minimum parking requirement in Villebois was one car per house. Parking would also be allowed along Barber St.
- He briefly reviewed the architectural rendering that were presented in February, noting the DRB did not seem to have any concerns with the proposed duplexes, which had a French design. The concern was that the smaller homes did not match the existing structures with regard to architecture and massing.
  - The Applicant had returned with a new design. The top of Slide 11 illustrated the design originally proposed by Rudy Kadlub with Polygon's new proposal shown below, which was very similar. Polygon's proposed houses would be American-style houses that appeared to be three-stories high and would be a very good match to the existing homes.
- He reviewed the front elevations of two proposed home styles, noting that a condition of approval required the porch to be 2-ft above grade as required by the Architectural Pattern Design Book which mandated certain design elements along the Barber St. Porches also had to be a certain dimension and windows must be placed in an orderly fashion to maintain uniformity.
  - An overtone of the New Orleans/French style was expressed with the second-story balcony on one proposed elevation. The previous design did not have balconies on the second floor.
- The elevation of the proposed French-styled Le Bois duplex was also highlighted, which featured French-style shutters that complimented homes farther up Barber St with regards to building massing and good design.

- Staff believed the Applicant's new design fit successfully with the existing styles on Barber St and recommended approval of the resolution.

**Jhuma Chaudhuri** asked if the side-yard easement was the small square between the lots. From the diagram, it appeared that Lot 10 would have a side yard and also a yard it could not access, while Lot 3 had no access.

**Mr. Edmonds** replied each side yard was required to have access. If it did not, the Applicant would need to provide gate access.

**Ms. Chaudhuri** confirmed there were two different diagrams, which caused the confusion.

**Chair Karr** indicated the access points on Sheet L1.0, but noted the larger version of Sheet L1.0 showed the access points on the opposite or east side of the house.

**Mr. Edmonds** noted a letter of testimony was received regarding the issue of whether or not there would be access to the adjacent lots. Stacey Connery, Pacific Community Design, had responded for the Applicant via letter, stating that each side yard would have a gate access. If there was no access, the Applicant would be directed to provide that access to the side yards, so they would not be fenced in with no access.

**Ms. Chaudhuri** clarified she was also concerned that one diagram showed the existing home on Lot 3 would have no yard and no access to a yard.

**Chair Karr** noted that Condition PD12 stated, "The active side yards should be located on the east side of each house"; however, the subject drawing showed access on the west side of the house.

**Mr. Edmonds** corrected that was not where the access should be, all the active yard would be the east side except for a couple lots. In the past, access had been on the on the west side of the house. Another concern raised in February was whether windows would look down on the active side yard of the neighboring house. Subsequently, clear story windows would be in place to ensure privacy on the active side.

**Chair Karr** asked how the proposed homes would look next to the existing homes, given the colors indicated in Slide 11. He understood two yellow houses would be next to each other.

**Mr. Edmonds** agreed having a different color scheme was preferable if there was an existing yellow house, and asked if an alternate color was preferred.

**Ms. Knight** suggested swapping the yellow and blue.

**Chair Karr** asked if that was a decision the Board could make.

**Mr. Edmonds** replied the Board was making their comment on the record before the Applicant and audience.

**Chair Karr** noted the color differences between two existing detached row houses and confirmed that a green house would be built next to a blue house. He noted that color matching or having complementary colors had been a concern raised at the initial hearing.

**Chair Karr** called for the Applicant's presentation.



**Fred Gast, Polygon Northwest, 109 E 13th St, Vancouver, WA, 98660**, thanked the DRB and Staff for working on the applications. Regrettably, he was unable to attend the last hearing and was not able to hear the comments firsthand; however, his team had listened to many of the comments that were made. He believed listening to constructive comments resulted in a better home, neighborhood and ultimately a better result for the Applicant and community. As described, the principal issue had been the elevations. The initial proposal was to create a more diverse streetscape but instead, the Applicant needed to create something that fit into the context of the existing homes, in terms of style, height and color. He believed Polygon had achieved the objectives DRB had commented on. He confirmed there would not be two yellow houses beside each other.

**Ms. Dorman** inquired about the CC&Rs residents would have to abide by and the possibility of someone purchasing the home and then repainting it; the house color could change.

**Mr. Gast** responded that was always a risk. There were certain design requirements that everyone in Villebois was required to follow, but in reality, it was very difficult to enforce. A homeowners association (HOA) was present, however color was difficult to describe and hold people accountable to. He confirmed with regard to the side yard issue that the asterisk had been on the wrong side of the house in the Site Plan.

**Ms. Knight** noted this particular section of Villebois had a much more vibrant color scheme compared to the rest of the neighborhood and suggested consulting with the City to ensure the proposed colors fit within that context, not simply falling back on the color of the majority of homes.

**Mr. Gast** agreed.

**Chair Karr** called for public testimony in favor of, opposed, and neutral to the application.

**Jim Lange, Pacific Community Design, 12564 SW Main St, Tigard, OR**, stated he was present in support of Polygon. He had expected to provide comment about the side yards, but had nothing to add beyond what was stated.

**Chair Karr** confirmed there were no further questions by the Board and closed the public hearing at 7:00 p.m.

**Mr. Edmonds** noted corrections to the Staff report amending Conditions PD7 and PD8 to reflect the minimum distances of the porch elevation and fencing, respectively.

**Chair Karr moved to accept the Staff report with the following modifications:**

*[Note: added language in bold, italicized text]*

- Amend Condition PD7 to state, “The ground floor and porch elevation shall be ***at least*** two (2) feet about the front grade...”
- Amend the second sentence of Condition PD8 to state, “The fencing shall be set back ***at least*** two (2) feet from the front building line.”

**Cheryl Dorman seconded the motion, which passed unanimously.**

**Chair Karr moved to adopt Resolution No. 245. The motion was seconded by Dianne Knight and passed unanimously.**

**Chair Karr** read the rules of appeal into the record. [stated between the motions]

The Board took a brief recess and the meeting was reconvened at 7:09 p.m.

- B. Resolution 254. Active Adult at the Grove Apartments: Brenchley Estates Partners, LP and CRP & Holland Brenchley Estates II LP – applicants/owners.** The applicant is requesting approval of a Revised Stage I Preliminary Development Plan for Brenchley Estates, approving a Waiver to the maximum building height, Stage II Final Plan, Site Design Plan, Type ‘C’ Tree Plan for the Active Adult at the Grove Apartments. The subject property is located on Tax Lots 100, 103, 104, 105 and 200 of Section 14A, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds

Case Files: DB13-0008 – Revised Stage I Preliminary Plan  
 DB13-0009 – Waiver to maximum building height  
 DB13-0010 – Stage II Final Plan, lot 3  
 DB13-0011 – Site Design Review, lot 3  
 DB13-0012 – Type ‘C’ Tree Plan, lot 3

**Chair Karr** called the public hearing to order at 7:10 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

**Blaise Edmonds, Manager of Current Planning** announced that the criteria applicable to the application were stated on page 4 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

**Mr. Edmonds** entered the following exhibits, which were distributed to the Board, into the record:

- Exhibit B7: Revised memorandum from Brenner Daniels, Holland Development, and Jerry Offer, Otak, dated May 29, 2013 providing additional support for requested revisions to Ordinance No. 703.
- Exhibit B8: Email from Brenner Daniels noting the receipt of a letter of support from Bruce and Barbara Heuer, which was printed on the backside.
- Exhibit D: Letter of opposition from Doris Wehler. Mr. Edmonds read Ms. Wehler’s letter into the record.

**Mr. Edmonds** presented the Staff report via PowerPoint, reviewing the five application requests as well as the site’s location and surrounding streets and features. His key additional comments were as follows:

- Revised Stage I Preliminary Plan. He noted the number of single-family and multi-family units approved for Brenchley Estates, some of which were completed while others were still under or proposed for construction. The proposed project had 112 multi-family units. Jory Trail was approved for 324 units in 2011 and was approximately 70 percent occupied.
  - He described Ordinance No. 703 (Slide 7) and the proposed changes to the Master Plan that would increase the total units by 66 units. The Applicant’s request for additional housing was based on Comprehensive Plan Implementation Measure 4.1.4.v which allows increased density in the Planned Development process to provide for meeting special needs, such as low/moderate income, elderly, or handicapped residents.
  - Exhibit D referenced the percentage of mobile family units. He noted that when he first began working in Wilsonville in 1986, approximately 12 percent of the density had been in mobile homes/parks. Removing the 270-plus homes of the Thunderbird Mobile Home Club dropped the percentage of mobiles homes/parks tremendously.
- Considering the architecture and requested waiver to allow a maximum building height of 47 ft, exceeding the 35 ft building height maximum, was the Board’s primary role with regard to the resolution.
  - He presented an illustration comparing the building height of the proposed apartments to the Terrene Apartments building height, which was 38 feet, 5 inches at the peak.

- He noted that the proposed building was not out of scale to the adjacent apartments to the north and the west. It was not a standalone building and it blended given the proposed colors and materials. The color materials board was circulated around the room. The building was more urban-looking given the proportion of the windows and flat roof with coping. It was designed to look different from the other buildings but still blend in architecturally in terms of similar materials and colors.
- Stage II Final Plan, lot 3.
  - Reviewing the Preliminary Landscape Plan, he noted the open space provided for the Terrene Apartments and private park proposed for residents of the Active Adult at the Grove. Yellow lines indicated the pedestrian circulation throughout the project. There would be more sidewalks along Ash Meadows Rd that would connect the proposed building to the adjacent parks and parking lots.
    - The proposed building was square, but shaped somewhat like a capital I with lots of angles and different elevations to give it architectural interest and break up the building so it would not be one large rectangular building.
    - The developer was concerned about senior residents of the building having good pedestrian access. The Applicant was conditioned to build a bus turnout and bus shelter off Parkway Ave providing convenient transit access to all parts of Wilsonville. The development was in walking distance to Wilsonville Town Center; ideally located for a multi-family apartment building in terms of providing the livability expected by senior citizens.
  - The Preliminary Site Plan, Sheet P3.0, showed how the project overlapped the PDR-4 and PDR-5 zones. Shaded areas indicated covered carports on the development.
    - The proposed building would have three elevators, internal trash compactors at the base floor with trash chutes and internal bicycle lockers on each floor.
    - At one time, the building was to have a mix of one-, two-, and three-bedroom units, but now only one- and two-bedroom units were proposed.
    - The building was set back away from the Terrene Apartments with the parking lot and open space parks providing good separation.
  - He briefly reviewed the Applicant's summary with regard to parking (Slide 13), noting each unit would have approximately 1.54 parking spaces.
    - Evidence provided by the Applicant suggested the average age of the residents would likely be age 60 or 65, an age at which there would usually no longer be two people working. A traffic report indicated these types of facilities generate less traffic. No school-aged kids were expected to live in the building, although a few high school or college age kids living there might be possible.
- Site Design Review, lot 3. He noted Sheet A5 inaccurately portrayed the I-shaped building as a monolithic building; however, it did show the proportion of windows, doors, colors and textures. Sheet A1 indicated the three elevator shafts, trash enclosures, bicycle storage rooms and the basic footprints of the one- and two-bedroom units.
  - Sheet A9, the Shadow Study, illustrated the shading resulting on the property from the four-story building at various times of the year. Some shading of the half-round park at the north end of the property would occur; however, the building would not shade or take away solar access from any adjacent apartments to the north or west.
- Type 'C' Tree Plan, lot 3. Due to the size of the building, parking lots, drives and utilities, only three 3 out of the 38 significant trees would remain. All 38 trees would be replaced through mitigation either in the form of street trees or parking lot trees, which must be 2-in caliper.
- Staff believed it was the DRB's role to review the architecture and height waiver of the building. If the proposed building was approved, City Council would decide whether they agree with the Applicant's proposal about modifying Ordinance No. 703 to allow for the 66-unit density increase in light of the special needs provision. The Board could choose to not make a recommendation to Council about the density and act on the pure site design criteria and other applications. From his

years of experience working at the City, he believed Council would like a recommendation from the DRB about whether the Board agreed that the Applicant met the special needs test for housing of low/moderate income, elderly and handicapped and disabled people to increase the project by 66 units. Council would make the final policy decision on that issue.

- Typically, City Council would be asked for the density increase first, but in this case, the Applicant wanted to have a site plan or design to show and convince the Council. The developer also wanted to start construction this summer and was concerned that having to go back and forth between City Council and the DRB would cause them to miss the construction window.

**Chair Karr** asked if the significant amount of shading from the building on the park would impact the landscaping.

**Mr. Edmonds** responded there were existing oak trees, which was why the park was created. He believed the trees would survive the shading from the proposed apartment building. There would not be much landscaping underneath the trees to avoid over irrigating and drowning the trees. There would probably be native landscaping, such as ferns or something that could survive shady conditions. He confirmed they were the original grove of trees and a water tower was also at that location.

**Cheryl Dorman** asked what constituted a private park and would it be fenced.

**Mr. Edmonds** replied the park would be fenced and open to the residents of the Brenchley Estates. There would be no gates or locks. The park would be privately maintained by a property manager. The facility would be managed through a property management company, not homeowners association (HOA). Maintenance of the park would be paid for by residents' lease or rent payments. The single-family lots would have a HOA.

**Dianne Knight** asked if there were any other four-story apartment buildings in Wilsonville similar in height to the proposed building.

**Mr. Edmonds** replied the peak of the three-story Jory Trail Apartments was comparable to the coping of the proposed building. Some apartments appear to be four-story because they sat on a slope, such as those at the top of Canyon Creek Rd. However, this would be the first four-story apartment building. The Holiday Inn was about five stories, or 70-ft high. Some industrial and commercial office buildings were taller, but no residential buildings.

**Jhuma Chaudhuri** asked what the maximum distance was between a unit and an elevator.

**Mr. Edmonds** deferred to the Applicant, but recalled from the floor plan that the elevators were strategically placed throughout the building.

**Ms. Chaudhuri** asked about the age and size of the 38 trees that would be removed.

**Mr. Edmonds** stated that the Thunderbird Mobile Home Club was built in 1967 and the original slide showed hardly any trees. A wide variety of trees had been planted by homeowners over the years. The Applicant had selected and saved some really nice specimen trees, such as maple trees and Japanese maple trees. During landscape planting, trees that had been dug up would be replanted to give a more mature landscaping appearance. Some oaks would be removed because they were dead center of where the building was proposed. He clarified that the Tree Mitigation Plan was based on the Wilsonville Tree Code, which stated that for every tree over 6 inches in diameter, a mitigation tree of at least a 2-in caliper tree was required.

**Aaron Woods** noted the Applicant proposed 173 parking spaces and asked if visitor parking had been considered.

**Mr. Edmonds** deferred to the Applicant, but believed standard parking spaces were proposed. The stalls would be 19 ft by 18 ft and some might overhang the sidewalk. The Applicant chose to have a generous parking plan to provide ease of parking for the senior citizens. He believed the Applicant might have dropped the three-bedroom unit from their plan because those units required more parking.

**Don Hanson, OTAK**, stated that the Applicant agreed with the Staff report language, including the attached findings. The Applicant's intent was to have the DRB approve their design concept and lend support on Ordinance No. 703 as they advanced to City Council. He reviewed a colored version of the Site Plan with these key comments:

- In the original plan, Ms. Dorman commented on how close the four-story building was to Parkway Ave, so the Applicant shifted the use to the center of the site and now the building was 330 ft from Parkway Ave. He made no apologies about the building's height. The Applicant believed the height was very appropriate, the building was about half the height of the oak trees.
- He acknowledged the Applicant had been responsive because it was a five-story building originally, and now it was a four-story building.
- The building was now adjacent to the park, which was perfect for Active Adult residents.

**Clyde Holland, CEO and Chairman, Holland Partner Group, 1111 Main St, Vancouver, WA** presented the Active Adult at the Grove via PowerPoint with these comments:

- When originally conceiving the master plan for The Grove, the Applicant had a whole series of guidelines and goals to accomplish.
  - One objective was to be respectful of nature and the special nature of the project and site. One element of that was increasing the setbacks in most areas along Parkway Ave from the required 20 ft to 60 ft to 65 ft, particularly along Jory Trail, because the Applicant was able to capture and preserve all of the existing fir trees. Additionally, there were no encroachments into any of the Significant Resource Overlay Zones (SROZs).
    - While they would be removing many of the trees, every tree on the entire site that was a quality specimen that could be saved were dug up and put into an on-site nursery that was created. Once construction was complete, those important landscaping elements would be replanted.
  - The second objective was transportation, which the Applicant completely supported. There was a bus stop at Jory Trail and they agreed to fund a bus stop for this project as well. The bus stop would provide access for families. Part of the Applicant's goal was to find sites that could leverage public transportation and allow families to have one car but still have the means to get two and from work. Providing for the use of public transportation could save families \$600 to \$700 per month in total car costs, including maintenance, insurance, and payments for the car.
    - The walkability to Town Center was another element the Applicant was excited about.
- As building Jory Trail and going through the Terrene project, the Applicant anticipated building the balance of the project as detached for sale. City Council had been thoughtful of wanting to have more for-sale aspects of the project.
  - Once Jory Trail was completed, the Applicant was surprised by the increased demand by mature or experienced renters. Almost 24% of the Jory Trail residents were age 50 or older and almost 15% were age 40 and older. As a project matures, the number of longer-term residents increases and the building was now 93% occupied. He reviewed the demographics provided on Slide 6. With almost 40% of the Jory Trail residents being in the 40 to 50 and older age range, the housing provided previously by the Thunderbird Mobile Home Club, which had also been for mature renters, was being replaced.

- When the project was originally studied with regard to traffic and other impacts, no deduction was taken for senior or age-restricted housing. In reality however, as the project matured and more longer-term renters moved in, the Applicant expected half the project to be mature renters over the next three to five years.
  - Such renters very limited impacts on city services. Emergency 911 calls in the community had been delightfully low. In fact, upon review of police reports, they would probably be one of the lowest impact projects in the city.
- Several focus groups were conducted because Holland wanted to listen and really understand. A number of residents wanted an elevator-served building where they could interact with others their age without having to pay the bundled meals/medical service costs found in most age-restricted projects. Active Adult at The Grove addressed age-restricted and mobility issues without bundling services, making it much less expensive.
- The original concept had been to build 30 single-family homes. However, building 112 age-restricted, accessible units instead would provide a desirable alternative to families and couples who owned homes in Wilsonville, but did not have an opportunity to sell and move into a desirable alternative. Without options, they were basically trapped in the house, which affects them from an income standpoint,
- Similar to the four-story building in Villebois, the Applicant believed the subject Master Plan deserved a building of quality stature.
  - The Applicant agreed with comments that having the five-story building against Parkway Ave was inappropriate from a scale standpoint. The building was lowered to four stories and moved into the heart of the community. It was respectful from both an age and accessibility standpoint and was located adjacent to the park. They were retaining all the beautiful, mature Oregon White Oak trees and activating the park and trail system.
  - A reciprocal easement would make the trails throughout the community available to all units within the Master Plan available to everyone. While the park was not publicly maintained, there would be no restrictions to anyone using the park, as long as it was respected.
- The proposed building would meet a significant unmet need in Wilsonville as the only age-restricted facility within unbundled services and it would be targeted at a level that would provide an opportunity for 112 homes to be sold to new families and allow 112 families to live in Active Adult Apartments and manage their retirement accounts and capital without having it invested in homes.
- He noted that the Master Plan included one, two, three and four-bedroom units. The four-bedroom rental product was in another phase of the development and was not available anywhere else in Wilsonville and was only the second location to provide four-bedroom rentals in the entire Portland metro area. The first location was a project that Holland Partner Group also developed in Tanasbourne called Palladia.
  - Holland Partner Group also had two phases of single-family homes. Polygon was working on the 30 lots south of the SROZ. After Active Adult was built, Holland hoped to build 27 for sale units in Brenchley Estates - North.
  - Active Adult Apartments would serve senior citizens who are nearly 6% of the Wilsonville population and is growing four times faster than other population groups within the City.

**Mr. Hanson, Mr. Holland and Brenner Daniels, Development Director, Holland Partner Group,**

continued the presentation the Active Adult At The Grove Project with these additional key comments:

- The Site Plan was displayed, showing the building positioned 330 ft back from Parkway Ave and the four access points. Parking was distributed evenly around the structure so residents would not have to walk very far to elevators or their cars.
- The shade study showed how the shade pattern followed the area to the north and west outside the existing grove of oak trees that was shown in lighter green. The building also shaded the sports court and playground, which was good because people would be exerting themselves.

- Four different shade studies were conducted because studies were done at the summer and winter solstices as well as the midpoints of the spring and fall. The winter solstice was the only time there would be any significant shading.
- The H or I shaped configuration of the building was very successful. Shorter walls would be closer to the street with the main body of the building set back from the public right-of-ways on all sides. This diminished the scale of the building. LRS Architects did a good job articulating the facades and blending different treatments to the perimeter skin of the building.
- Entries would be located in the front and back of the building. An entry to the south would also be used as a loading area, and another significant entry would go into the park. Common areas exist on every floor of the building with some feeding out into the park site as well.
- Only 15 of the 173 proposed parking spaces would be on-street parking, which would be located on the three sides that the building fronts the streets. Parking spaces on the other side of the streets had not been counted, although there would be good access to many of those spaces as well. The Applicant had a very ample parking proposal that would also accommodate visitors.
  - In meeting with neighbors early on, the Applicant was advised to take care of the parking on the site and not to overflow into their neighborhoods, which Holland had taken to heart on all its phases.
  - Jory Trail, which was now essentially stabilized, had significant distributed excess parking and a number of reserved spaces for visitors. Reserved spaces for visitors would be located at the main entry of Active Adult Apartments.
- The building had been notched out on the north end to save a white oak in an attempt to not intrude on the trees growth. This decreased the number of building units. Because the site sloped 12 ft from the northeast corner to the southwest corner and the way the building would be built and parked, quite a few trees needed to be removed from the main body of the property. However, they were trying to respect the northern edge against the park as much as possible.
  - Images were displayed showing the view from Parkway Ave and the relationship of the building's height and the trees, whose canopies were 10 ft to 20 ft higher than the building. From that standpoint, the building was in character with the trees that had been saved.
- An image showing the view from above project was displayed to show the H-shape of the building would scale down the building on all four sides. The canopy in the visitor loop at the front door was very generous and created an inviting entry.
- A rendering was displayed to compare the height of the proposed apartment building with the existing multi-family Terrene Apartments across the park. The proposed four-story building would be between 45-ft and 47-ft tall due to varying soffit heights.
  - The 47 ft height was to the top of the parapet, which were not consistent. The majority of the roofline would be between 2 ft and 3 ft shorter than the parapet. The building was 2 ft shorter than the peak of Jory Trail.
- From the beginning, the Applicant had always tried to provide diversity in the architecture, design and the type of demographics served in the City, which was influenced by City Staff. Every building should look slightly different and every phase should be slightly different. Also, having a broader demographic group was good for the project, and was a good fit in the city.
  - Holland Partner Group specialized in urban housing and diversity was their significant strength, which was evident in the secure, accessible building, the unbundling of services, and the age in place concept it provided.
  - Cities often ask how a developer's project would impact the cost of provided services versus revenue. Holland was not required to do any age-restricted housing; it was a voluntary effort because they believed they were meeting a need, which was a privilege. With respect to the Comprehensive Plan goals, the Applicant believed this was a win-win situation because no building like Active Adult Apartments existed in Wilsonville and it would be the center point of the site.

- The Applicant was striving to offer a diversity of product types within The Grove community. Both Jory Trail and Terrene were market rate apartments; 30 single-family homes would be for sale; and the proposed project would be age-restricted.
- Statistically, on the north phase, 25 units were originally approved and Holland did not use the density for two units in the area south of the SROZ. Upon review, removing two units seemed provide a better result, so those units were saved, explaining the difference between the 25 and 27 approved units. They had committed to going back to 46 age-restricted units. The difference between the 46 units and 112 units was the 66 units being considered. The proposed increased Age-Restricted Housing is the differences between Ordinance 703 and the current proposal)
- The Traffic Study was conducted for the 112 units, but on existing tenants. It lowered the expected trip count from 267 to 234 trips and did not account for the fact that almost 40% of the existing renters were over 40 years of age. The traffic impacts shown were significantly less than what had been studied. In addition, the actual people occupy the building would impact it much less than what was studied, both from a traffic and student standpoint.
- By allowing the project to move forward, the City would be able to collect additional impact fees of just over \$700,000. Because Active Adult was the center part of the Master Plan, all external connection points to City services had already been paid for, the sidewalks, services, access cuts, bus services; therefore, a majority of the impact fees would be available to meet other needs.
  - Upon review of the incremental tax benefit of the project over a 20-year period, Wilsonville would collect approximately \$5.8 million in additional property tax and more than \$10 million over a 30 year period. While the financial needs of its residents, Active Adult Apartments would also go far in meeting the needs of the City and the State from a tax collection standpoint.

**Mr. Edmonds** entered the Applicant's PowerPoint presentation into the record as Exhibit B9. He noted that other four-story apartment buildings in town included Creekside Woods, Villebois Village Center, and The Bell Tower Apartments at Old Town Square. Both Village Center and The Bell Tower Apartments had three residential stories over one floor of commercial or understructure parking.

**Aaron Woods** inquired about the meaning of "secure building."

**Mr. Holland** answered the building would have a security system and every resident would have a key fob. A primary concern for seniors was they did not want to encounter strangers or those who might not have their best interests in mind. They wanted to ensure their home was secure, particularly when traveling. There would also be a call box, which visitors could use to call the resident to be buzzed in.

**Cheryl Dorman** asked about the parameters regarding the age requirement of 55.

**Mr. Holland** stated they followed the federal guidelines, which stated one resident had to be age 55. Originally, they anticipated age-restricting the northern phase at age 50, but were advised that it would be better to move it to age 55 to abide by the federal guidelines than to create new criteria for age 50. Most senior communities require one resident to be age 55.

**Ms. Dorman** noted the paragraph on Page 10 discussing freeway noise read, "A 16-ft high concrete sound wall was installed along the entire length..." "ODOT has provided a letter that advised the Applicant about potential traffic noise levels that may exceed federal guidelines." The height variance of 45 to 47 ft would far exceed the 16 ft wall. The active adults in the proposed apartments would likely be retired and present all day, she believed the noise might be pretty excessive.

**Mr. Holland** quickly created a rough diagram showing how traffic noise from a vehicle's wheels would project off the freeway at about a 45 degree angle. The reason 16 ft was used was that the distance



between the travel lanes and sound wall was such that the sound would hit the sound wall and bounce up and back toward the freeway. The project was 330 ft from Parkway Ave.

The sound wall mitigates a lot of the road noise and the Terrene project was about 250 ft from the freeway. Then, there was a 65-foot section of Ash Meadows Rd for a total of 400 ft. So, there was the sound wall; garages behind the sound wall with gabled roofs extending above the 16 ft wall; the Terrene apartments with hipped roofs 40 ft high and then Active Adult Apartments were back another 65 ft or 70 ft and 45 ft to 47 ft high. Given the sound mechanics, the sound would be mitigated off the sound wall first, off the garage roofs second and then off the Terrene buildings. The Terrene buildings were organized with the long building access facing the freeway so freeway noise would only come through the gaps. The proposed apartment building was set back another 75 ft and had dual glazed windows, which would prevent any exterior noise from being heard when shut.

**Ms. Dorman** asked about any statistics of complaints concerning loud noise from Jory Trail residents.

**Mr. Holland** responded the four-bedroom building in the southwest corner was the closest to the freeway and was occupied first and there had not been any issues. The only sound issues he was concerned about was from the zip line when is installed.

**Ms. Dorman** said she was surprised to see an adult community being bought into the middle of a large community of 600 or 700 other dwellings. It seemed like it was a unique use with older residents in the middle of younger families and generations. She asked if any feedback from the focus groups indicated whether that would be welcome or if residents wanted a more serene setting.

**Mr. Holland** shared his own transition experience, from independent living to fully skilled care, with his own 81 year old father. As they went through the transition, they attempted to find somewhere located nearby. Feedback indicated that people really value community and that having a place that was part of the community but not necessarily on top of it provided a lot of diversity. With 23% of Jory Trail being over the age of 50, they were seeing tremendous connections occurring across the age spectrum, which was an important advantage. The ability of the senior population to interface with a broad age spectrum kept them active and young. The biggest complaint seniors expressed was that they did not want to live with old people.

**Mr. Hanson** shared his mother's experience living in a setting similar to Active Adult Apartments. She loved the diversity and activity of the neighborhood and she enjoyed being with the younger age groups. She had also lived in another facility with a Montessori school on site, which she enjoyed because she could interface with the children and help them read. He believed that type of environment helped his mother's morale.

**Mr. Holland** added the multigenerational housing opportunities had been something society had moved away from post-World War II. Holland was focused on reintegrating all the different housing needs and demands within their master plans and their communities, and this project did a good job of that.

**Dianne Knight** inquired about meeting the needs of the targeted demographic. A letter submitted by the Heuers listed internal amenities they wanted in the apartments. She asked for more information about the amenities that might support the needs of the demographic.

**Mr. Holland** responded mobility was one amenity, having elevators allowed residents who had challenges with stairs to have access to all floors, as opposed to only the bottom floor, which was the case at Jory Trail and Terrene. Security was another amenity. Cameras and key fobs would help deter some of the challenges and concerns that someone might have living alone. Professional management personnel would also be available during business hours as well as 24-hour on-call staff who live within 15 minutes

of the facility. The inside of the units were targeted to individuals with nice homes as far as the layouts, appliances, and size. For example, the master bedrooms would be equal to or larger than the size of those found in single-family homes and the living and dining rooms would accommodate their existing furniture.

**Mr. Hanson** added the Applicant was trying to have amenities and common areas on each floor. On the first floor, there would be a community room and bicycle storage, management offices and a greeter, a fitness center, trash rooms and a lobby. The second floor would have a lobby near the elevators, a business center, and storage. The third and fourth floors would have a lobby, trash rooms, and resident storage. The fourth floor could possibly have a larger lobby area. These things were still being reevaluated and refined but the emphasis was to have social spaces and gathering spaces on each floor.

**Mr. Holland** stated the notch overlooking the park was being considered as the gathering lobby on each floor to allow people to sit and enjoy being outside while not necessarily being part of the elements.

**Mr. Woods** asked if the units would be air-conditioned.

**Mr. Holland** responded air-conditioning would be offered as an option. A high CFM airflow fan would be installed in each unit with ceiling fans in each living area and bedroom, so that opening a window and turning on the fan would quickly cool the building[unit. This saves utilities and makes the units more affordable. Ports would be installed for residents who wanted air-conditioned units.

**Mr. Hanson** explained the air-conditioner units would not be the style that hung out the window. They would be internal portable systems that would hook up to the duct work. The common areas and corridors would be air-conditioned.

**Mr. Woods** inquired about laundry facilities.

**Mr. Holland** answered each unit would have its own laundry facility.

**Ms. Chaudhuri** requested further comment about one of the main reasons for the four-story building was to financially support elevators.

**Mr. Holland** replied they considered the distance of travel from parking to the building, where the elevators would be located upon entering the building, and then the distance to the unit from the elevator. It was also important to maximize the amount of green space. He referred to Staff's PowerPoint slide showing the pocket parks, indicating the three pocket parks directly across from the building. The building four-story significantly reduced the travel distance from parking to the units. If the building was spread out, more elevators would be necessary than appropriate and it would also be financially difficult due to the need for more foundation and more roof for the same number of units. The Applicant tried to maintain the appropriate scale, reduce travel distances for the seniors, and allow them to enjoy the parks. He noted that the territorial views from the four-story would be very attractive.

**Mr. Hanson** explained another added expense involved the amount of communal space provided compared to traditional multi-family project. Elevators, security and the cost of management were added expenses.

**Ms. Chaudhuri** asked what the maximum distance would be from an elevator to a unit.

**Mr. Hanson** believed the distance from an elevator to a unit would be 80 ft to 90 ft.

**Mr. Holland** reiterated they would like to begin construction this summer. One pressure was rising costs. The goal was to construct the building at costs low enough to provide housing in the affordable band to the community. While they were not trying to rush the process, it was more expensive and difficult to build in the winter than in the summer. Delaying the project another year would challenge the affordability, given the rate of cost increases. For example, the cost of lumber had doubled since the start of Jory Trail. Building sooner would give the Applicant the opportunity to create a building that would be thoughtful and appropriate for the center of the community. The single-family units would fill out the balance of the Master Plan.

**Chair Karr** asked what the distance was between the 27 future houses on Future Lot 2 and the proposed four-story building.

**Mr. Holland** answered the houses would essentially be on the other side of Ash Meadows Road and the required setbacks would be another 20 to 30 ft for a total of approximately 160 ft.

**Mr. Hanson** added there would be a 60 ft parking lot, a 60 ft space for roads and sidewalks and 10 to 15 ft of landscape perimeter. Homes would wrap from Lot 2 onto Lot 4 up to Lot 5, which was a nice step down from the building at the center of the site.

**Ms. Chaudhuri** asked if the Applicant had an idea how much the units would rent for.

**Mr. Holland** stated they were still trying to figure out how much they would cost. For certain, the cost of an assisted living building bundled between \$1200 and \$1500 per month, which this project would not have, so a \$15,000 to \$18,000 a year delta existed between renting a proposed unit versus an assisted-living facility unit. In addition to the costs, bundled assisted living facilities tended to be small one- and two-bedroom units, while these units were designed with more space. He clarified that the Terrene Apartments had four-bedroom units, not the Active Adult Apartments.

**Mr. Hanson** stated the largest units in the Active Adult Apartments would be two-bedroom units with a den with about 1,350 sq ft. The two-bedrooms in Terrene were average-sized, at about 1150 sq ft; the one-bedroom dens were about 950 sq ft and the one-bedrooms were about 850 sq ft. The Active Adult Apartment units were generous as far as square footage to accommodate people moving out of houses.

**Chair Karr** asked if there was a specified time for park hours.

**Mr. Holland** answered no. The Applicant would be as flexible as people were respectful. If people began playing basketball late into the evening, there would be restricted signs. There would be a security service for the entire master plan. Respect was a big part of the community guidelines so such issues would be addressed. He noted that mature, experienced renters tended to be very vocal and direct and the Applicant appreciated their feedback. Holland's customer service was high because they listen.

**Mr. Hanson** added the public road around the park would be lit, but no night lighting was proposed in the park. There might be some lighting off the building that faced the park or from the surrounding street.

**Mr. Holland** added the Dark Sky Ordinance was something the Applicant also respected.

**Chair Karr** asked if they anticipated that the age 50 and older residents from Jory Trail would move to Active Adult.

**Mr. Holland** replied the Applicant had received a lot of requests for elevators. Jory Trail residents would have the option of moving, but not an obligation. If the project was approved, the Applicant would begin

a sign-up sheet for those residents who wanted to sign up would get the first pick of the units. Given the level of clear feedback received, he expected to have people on that sign-up list very shortly.

**Chair Karr** asked about the residents of the Active Adult Apartments not having access to the community centers in the community.

**Mr. Holland** explained the reason for that language was that each project was financed independently and one requirement of the financing was that the facility could not rely on each other's areas. He noted the Applicant had no issue with sharing community centers as long as the residents were respectful. All trails, sidewalks and access points in the whole community, as well as the park, would be open to everyone. Active Adult would be one of the most open and active Holland Partner Group communities. The best thing for security was to have lots of activity and lots of eyes on all the public areas.

**Chair Karr** called for a brief recess. He reconvened the meeting at 8:45 p.m. and called for public testimony in favor of, opposed and neutral to the application.

**Ken Woods, 8540 SW Ash Meadows Rd, Apt 118, Wilsonville, OR**, spoke in support of the project. He was a builder by trade. Having had the opportunity to live in a Holland project, the quality of everything he had seen was excellent. There were 10,000 people retiring each day and he believed the concept the Applicant was proposing was a good one because it would not have the bundling, which appealed to him. He had sat in on some of the other meetings and the Applicant was sincere in what they intended to do with the project and the contribution they would make to the community. He encouraged the DRB to approve the proposal on an expedited basis, if possible.

**Grant Emigh, Charbonneau, 7560 SW Fairway Drive, Wilsonville, OR**, stated this project was what they had been looking for, but was hard to find in Wilsonville. He believed the project was timely, appropriate and beneficial for the community.

**Barbara Heuer, 8710 Ash Meadows Rd, Apt 1115, Wilsonville, OR**, appreciated that seniors could voice their opinions and express their needs. They had come to Wilsonville from Arizona to be with their family in their golden years and were unable to find a place to live when they first arrived. They decided assisted living communities were not for them and ended up in the Jory Trail Apartments, where they had to live on the first floor because they could not use stairs. She encouraged the Board to hurry; they needed the elevators, the height and the concept and all that the Active Adult Apartments had to offer.

**Bruce Heuer, 8710 Ash Meadows Rd, Apt 1115, Wilsonville, OR**, noted that the boomers were coming. He and his wife had been retired for a long time and had lived in similar projects in Milwaukee, WI. He believed the elevators and convenience of living with their peers was nice. They were not opposed to children, unless they were upstairs. He understood Doris Wehler opposed the building height but not everyone could live on the first floor. Wilsonville was a senior-friendly place and seniors are good neighbors. Seniors did not normally travel during peak times or as much, and the travel close; everything they wanted was right here. He hoped the Board would hurry the process along so he could add his name to the sign-up sheet.

**Chair Karr** said the maximum distance from an elevator to a room would be 80 ft. He asked if Mr. Heuer would request a room close to the elevator or was 80 ft reasonable.

**Mr. Heuer** responded everyone would want to be close to the elevator, however views come into play. Better views would be out and on the corners, which he believed would alleviate the distance or make it less critical. Where he and his wife had lived before, there had been at least a 90-ft maximum from the elevator to the units, which was not objectionable since they were in a nice warm building.

**William Arnold, 25748 Canyon Creek Rd, Apt 8304, Wilsonville, OR**, said he was a graphic designer and lived in the Summit Apartments, which were four stories considering the garages underneath. He had been leery when he saw the Jory Trail construction start, however, when the first phase of Jory Trail was completed, he was astounded. The aesthetics were beautiful, the colors were gorgeous, the landscaping was amazing and he was impressed by the placement of the playground and sidewalks. The project was a good approval from the City's planners. Jory Trail was the high quality he expected in Wilsonville, which was why he loved the city. He loved how Wilsonville was planned and the care that went into it. He loved the way the building looked. When he saw the new phase, he was blown away again. He was all about aesthetics and wanted to see something beautiful, creative, and interesting—not an institution. He liked that the building would be set off the road a little ways and plenty of trees would provide some variance and even hide the building a bit. The project was beautiful to look at and fascinating. He searched for months before his parents arrived to find something that even marginally met their needs, but he could not find anything within quite a distance. Seeing this project come to Wilsonville was awesome. The height was nothing compared to other buildings around town, and with the trees, it was great compared to the other building.

**Ms. Dorman** asked if, as a visitor, he thought the noise level was an issue. She still had concern with the building being so close to the freeway.

**Mr. Arnold** responded there was so much green space in that entire area. He encouraged her to walk around the development. The traffic could not be heard with so much foliage and trees between the highway and apartment complex. He did not think his parents would hear anything.

**Peter Hurley, 28357 SW Morningside, Wilsonville, OR**, stated he was a two-term DRB member and current Planning Commissioner. He wanted to read a couple things the Commission was currently going through on Goal 10, the statewide housing study the City had to do every ten years, because it related to density. The Board's one decision was whether or not to grant the height variance. He viewed the Board members as judges. Some things to take into consideration, as judges, was some of the information being imparted to another commission for the City.

- He quoted the April 10, 2013 Planning Commission minutes, stating: "Wilsonville still looked considerably different compared to other broader jurisdictions that used the same data sources. Wilsonville has some very significant differences in housing stock, the characteristics of people and how they choose housing in Wilsonville community compared to the counties in the metro region." Basically, Wilsonville was different and it was not necessarily a positive thing, considering the fact that Wilsonville had almost 60% multi-family units. It was not about this specific project, whether the DRB liked the park's location or the color of the building. He did not realize that the baby boomers were now special needs.
- The Board needed to realize that Wilsonville was an ex-urb, a city beyond the suburbs, therefore, using urban comparisons as Mr. Holland did when he referred to this development as an urban development, was incorrect. The next thing after the end of the urban growth boundary (UGB) was farmland.
- He quoted again from April 10, 2013 Planning Commission minutes, stating: "The consultants were trying to pull and compare key data points, such as comparing Wilsonville to urban areas in the Metro." The Applicant was trying to compare an ex-surb to an urban area, yet Wilsonville still had the highest number of multi-family housing in the entire Metro area, more than Beaverton or Gresham. "We have a very interesting anomaly," say the consultants, "We have a high percentage of renter-occupied units."
- He continued reading from the minutes, stating, "Wilsonville differs from other places in the Metro region. The highest percentage of renters in the region. A more diverse housing stock due to having

more multi-family units than any other jurisdiction and a high percentage of renters in apartment buildings with five or more units."

- The last section he noted from the minutes read, "While there was no perfect correlation between housing types and tenure in Wilsonville, that correlation was starker than many other communities."
- He was not trying to say whether or not they needed a special needs for over 50, but he wanted the Board to consider whether they thought, in the best of Wilsonville, they should grant a height waiver to add more density to a community that already had 58% multi-family housing.
  - Originally, the Comprehensive Plan wanted 40% multi-family. Now, Wilsonville had almost done a complete flip, and the 40% multi-family had also been removed from the Comprehensive Plan.
- He encouraged the Board to remember the saying, "Everything in moderation." Wilsonville did not have that moderation any more.
- He noted that the question about elevators and costs was never answered by Mr. Holland. This was all about development and money and one could not be a good neighbor when they were an out-of-state developer. He noted that the best land use attorney firm in the state was seated in the audience, which meant a lot of money was at stake.
- He reiterated that the Board had to decide if granting a waiver on height, specifically for more multi-family housing, was in the best long term interest for the city of Wilsonville.

**Doris Wehler** noted her testimony had been read into the record as Exhibit D.

**Chair Karr** called for the Applicant's rebuttal.

**Mr. Holland** stated in 1972, Oregon had adopted a UGB to preserve the elements outside the UGB to be rural. Wilsonville was a job-rich regional center with approximately 12,000 jobs and between 2,500 and 2,700 housing units, resulting in one housing unit for every four jobs. Approximately 10% of the people who work in Wilsonville actually live in Wilsonville. Wilsonville sits at a confluence between Salem and Portland, so there were regional aspects of the city's location. Wilsonville also has concentrated retail centers with Town Center, which the proposed project would abut, and the new Fred Meyer development.

- Being able to provide housing close to jobs and close to services was probably the most important thing they could do in the city because it would keep people off of the road. Many of Holland's residents were walking to Mentor Graphics, one of Wilsonville's largest employers and to Oregon Institute of Technology. Many people were also using public transportation, which was a perfect opportunity to allow, particularly seniors in this building, access to all the services and mobility as close to the center of town as possible.
- The objection to the height of the Active Adult Apartments building did not seem to regard the height, but was an element to try and say, "We don't want of more of those people in our town." Twenty to 25 years ago, 75% of households in the United States were married with children. Today, only 25% of households had children. The needs of single parent, individual, and retirement households had broadened significantly and the Applicant believed Goal 10 meant that the desire was to provide housing for all of the various individuals or ownership groups. The Applicant provided ownership housing and renter housing, but particularly with this project, the ability to provide seniors an option that did not exist at all within the community.

**Chair Karr** asked how many applicants the Applicant had before Jory Trail was completed.

**Mr. Holland** stated about 50 individuals participated in focus groups. Six to ten experienced renters had wanted to move in but needed an elevator, and that element has been echoed and broadened. The more they listened and research, they discovered how unmet the need was for this type of housing in town. The project had to be profitable in order to be built, but growth was a two-sided deal. The new building would

be good for the City and seniors, but had to be good for financial partners as well in order for them to finance it.

**Ms. Dorman** asked if there was a commitment to provide elevators at three stories if Council did not approve the waiver or rezoning for the four stories and elevators.

**Mr. Holland** responded they could not make it work financially. The financial partners had wanted 125 units minimum and the Applicant wanted 100, so they split the difference and proposed 112 units. Given the struggle between the increased cost of what was happening in the marketplace and the dynamics of the cost of the elevators, it would be more profitable financially to build 30 homes. The impacts on the City would be higher and the revenue for the City long term would be lower. Additionally, the Applicant would not be able to meet the senior needs that they had, [which were much more widely available in town](#).

**Mr. Dorman** asked if any consideration was given for omitting the density in other unfinished projects, Future Lots 2, 4 and 5, to offset the proposed project.

**Mr. Holland** replied the 27 lots were larger and the living space and master bedroom would be available on the ground floor, because while they were single-family homes, seniors could not transition stairs. The Applicant did not anticipate having anything other than the 27 units, which were relatively low density compared to other master planning communities like Villebois. In Villebois there were a significant number of attached townhomes. A number of seniors had said they wanted to live up in a condominium type environment or independently and not in an attached format.

**Mr. Hanson** noted the building site was 3.4 acres with 112 units. If the park was included, everything inside of the roadway would be 4.5 acres, which was not that dense.

**Mr. Holland** stated the City had been great to work with and all the feedback that had been received throughout the process was greatly appreciated.

**Ms. Chaudhuri** sought clarification about Wilsonville's current percentages in terms of single-family and multi-family housing.

**Mr. Edmonds** replied the figures he used were based upon the Engineering Staff's bimonthly or tri-monthly report of building permits from the Building Division. The Planning Commission's percentages were based on the periodic review of the last ten years, not the entire city, so it was a slightly different percentage. The consultants were not required to reach back into the history of the city due to cost. His numbers were overall citywide, which was a slightly different. He recalled the percentages were 56% for multi-family, 43% for single-family and 1% for mobile homes, which was fairly close to the City's numbers for their needed housing study. The City goal was done away with in 2000, but used to be 40% for apartments, 50% for single family and 10% for mobile home/manufactured parks. The goal was eliminated because new Metro housing standards had been adopted. However, the City goal was still used as a yardstick as far as the desired balance of housing in the city. The original Comprehensive Plan had been careful to distribute the multi-family and single-family, so it was not all in one geographical area, which would be very problematic. The proposed project was a medium density range to the Comprehensive Plan. Nowhere in the city actually had high density zone; the city was mostly PDR-5 or below. The City was starting to come back a bit with all the single-family construction in Villebois. The tremendous number of houses had begun to lower the multi-family residential percentage a bit and bring it more into balance.

**Ms. Dorman** asked what impact the proposed development, if approved, would have on the density.

**Mr. Edmonds** described the calculation, stating the 3.4 acre site would come out to 99 units at PDR-7. He did not calculate the density for the entire 59 acres. The zoning for the property was PDR-4 for the north end and PDR-5 at the south end. The density of 754 units for PDR-4 and PDR-5 was based on the zoning criteria, not the Comprehensive Plan criteria. Council chose to drop it down to 715 units, and the Applicant proposed 112 units, bringing it up to 781 units. The Applicant's position was that it did not look dense given the verticality of the building and because it was all in a tighter building footprint, which created more open-space parking.

**Chair Karr** asked how many units over the recommended PDR-4 and PDR-5 density was being requested.

**Mr. Edmonds** responded 66 units.

**Chair Karr** added if Ordinance No. 703 was not in place, how much over it would be.

**Mr. Edmonds** answered the difference between 754 and 781, or 27 units.

**Ms. Chaudhuri** confirmed the ordinance waiver would only be applicable to this development project and nothing else on the property.

**Mr. Holland** clarified Mr. Edmonds had only addressed the site, he had not included the park. The entire area was 4.3 acres divided by 1500 sq ft per unit would be 127 units, which would be the density. If PDR-7 was applied to the entire 60 acres, it would be 1773 or 1774, depending on how it was rounded and the development was not even half of that.

**Chair Karr** closed the public hearing at 9:19 p.m.

**Barbara Jacobson, Assistant City Attorney** noted the order of this hearing was a bit unusual. She advised how to incorporate the exhibits procedurally, and noted that the question before DRB was the approval of the application, which included the waiver. The DRB was not making any finding on density. The Board could only make a decision based on the current regulations; only City Council could increase the density and that proposal would come before them on July 15. The hearing was slightly out of order due to timing and the way that the Applicant wanted to present. If City Council did not approve the density, the Applicant would probably return before DRB with a different plan because they had testified it would then not be feasible to do the four-story building. Therefore, the DRB would be approving the waiver essentially assuming the density increase would be approved. However, City Council does value the opinion of the DRB, so if the Board desired to make a recommendation, they were encouraged to do so. She believed it would be easiest to go through the decision to elect to approve the application, which would only address the waiver and presume the density. Lastly, she suggested making a motion to support, oppose or be neutral with regard to the recommendation. A separate motion on the recommendation would result in a cleaner decision and make the most sense.

**Chair Karr moved to amend the Staff report to include Exhibits B7, B8, D and B9.**

The following exhibits were entered into the record:

- Exhibit B7: Revised memorandum from Brenner Daniels, Holland Development, and Jerry Offer, Otak, dated May 29, 2013 providing additional support for requested revisions to Ordinance No. 703.
- Exhibit B8: Email from Brenner Daniels noting the receipt of a letter of support from Bruce and Barbara Heuer, which was printed on the backside.
- Exhibit D: Letter of opposition from Doris Wehler. Mr. Edmonds read Ms. Wehler's letter into the record.
- Exhibit B9: The Applicant's PowerPoint presentation.



**Jhuma Chaudhuri seconded the motion, which passed unanimously.**

**Chair Karr moved to approve Resolution No. 254 including Case Files DB13-0008, DB13-0009, DB13-0010, DB13-0011, and DB13-0012. The motion was seconded by Jhuma Chaudhuri.**

**Dianne Knight** believed the siting of the building was great because it was not a huge mass and would fit with the surroundings. The testimony that was heard indicated a need for it in the city. She did not see a difference between the three and four stories with regard to density. She was concerned the DRB would be setting a precedent with the project if it was approved.

**Ms. Chaudhuri** reminded she had asked if the approving waiver for Ordinance No. 703 would affect any other project and the answer was clear that the waiver was only applicable to this application.

**Ms. Knight** stated that in the future someone could use the approval of the waiver for this project as a point of reference. She wanted the DRB to be cognizant of the fact they were starting down a path, not that it was a bad thing.

**Ms. Dorman** understood they were voting on the height, but she was concerned about density for all the reasons that were heard. The compelling stories on the other side of it included the need for buildings with elevators. The Board saw that the height was pretty compatible; there were no extreme variances, which was compelling. There was a lot of green space and the density requirements were not that extreme. There was enough park space, the parking lot and single-family dwellings, which was also compelling. However, she did share Ms. Knight's concerns about the precedents they would be setting. She did not like that Wilsonville was so high in multi-family residents compared to single family residents, which had always been a great part of Wilsonville.

**Ms. Knight** believed Wilsonville had such a high number of multi-family homes because it was an affordable option. More people could afford to rent versus purchasing a home. During testimony, the Board heard that more housing developments were coming, so long term, she believed the types of homes might balance out. The City had just been so focused on this type of product.

**Chair Karr** added the percentage of multi-family homes was dropping and that did not account for Future Lots 2, 4 and 5, which had not been included in the numbers. There would still be drop in the percentage of multi-family homes based on the fact that additional houses were being added in this development. One compelling argument was that although they were looking at an individual component of a larger complex, a resident of the building would not look at it as an individual component but as their neighborhood. The 60 acres did not feel like it would be overly dense, unlike downtown Portland, where there were ten-story buildings with 500 apartments. Wilsonville still had a suburban feel and he did not believe the Active Adult Apartments building would encroach on that.

**Ms. Knight** agreed.

**Mr. Woods** agreed considering the entire structure and the area surrounding the project's location. He believed they needed to think about the future. Considering how Wilsonville was growing, the demographics, etc., this type of building was appropriate for the community. Good information had been presented about density. He had been concerned about the noise but the explanation provided about how the sound would bounce off the wall resonated with him, as a technical person. As far as the construction of the building, he had also been concerned about the elevators. If Council did not approve the density and the building had to be made three stories, that would be a whole new situation, particularly since there would be no elevators and that was the number one component of the project.

**Chair Karr** believed moving the building 330 ft from Parkway Ave was also a compelling argument because it mitigated the height difference. Standing on the site, one would not be able to visually notice the difference between the Terrene Apartments and the Active Adult Apartments building because there would be no clean line of sight.

**Mr. Woods** noted a lot of green space was apparent in the Site Plan. The layout was not congested, but was campus-like. He believed the Applicant did a good job with the layout and that it fit very well into Wilsonville overall.

**Ms. Chaudhuri** agreed with everyone's statements. She believed the building had a nice design and would meet a demographic need.

**Chair Karr** restated the motion and called for the question.

**The motion passed unanimously.**

**Chair Karr moved that the Development Review Board-Panel B recommend that City Council modify Ordinance 703 to allow for this additional density. Cheryl Dorman seconded the motion.**

**Chair Karr** asked if the Board was concerned about recommending how the Council should vote and would that affect the Board's decision to vote of this particular motion, being that they would now be putting forth an opinion to City Council that they supported the height variance, but believed Council should vote a certain way.

**Ms. Chaudhuri** believed so, being that the Board had heard several hours of presentation and testimony that led them to their initial decision and it was valid to put that opinion forward.

**Ms. Dorman** hoped Council would have and read the minutes regarding the discussion to understand the Board's concerns about density for the City of Wilsonville. It was important that Council was aware of those concerns.

**Mr. Woods** said density and height went hand in hand; there could not be one without the other based on the testimony hear regarding this project due to financial reasons.

**Chair Karr** noted the building needed to be four-stories with 112 units to be fiscally viable, even though 125 units were initially desired.

**Ms. Knight** stated it was a unique project and building for the city. She believed it deserved a lot of attention and questioning.

**Chair Karr** said the City went through the effort of building the Creekside Apartments to address the same demographic as the Thunderbird Mobile Home Club. The proposed project targeted the same people. He hoped some of the Thunderbird residents would return to the area. He liked that the community would be age 55 and older to re-attract those residents that were there originally.

**Mr. Wood** reiterated that the baby boomer population was growing and he believed having this kind of complex would set Wilsonville apart from other cities in a unique and positive way.

**Chair Karr** restated the motion and called for the question.

**The motion passed unanimously.**

**Chair Karr** read the rules of appeal into the record.

**VIII. Board Member Concerns and Communications**

**A.** Results of the May 13, 2013 DRB Panel A meeting

**Mr. Edmonds** briefly reviewed the approvals by DRB Panel A.

**IX. Staff Communications**

There was none.

**X. Adjournment**

The meeting adjourned at 9:41 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription for  
Shelley White, Planning Administrative Assistant

**ORDINANCE NO. 703**

**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 19.962 - ACRES COMPRISING THE NORTHERLY PORTIONS OF TAX LOTS 103, 105 AND 200 OF SECTION 14A, T3S, R1W, CLACKAMAS COUNTY, OREGON. HOLLAND PARTNER GROUP, APPLICANT.**

WHEREAS, HOLLAND PARTNER GROUP has made certain development application requests, among which it has requested a Zone Map Amendment of certain property described in Attachments 1 and 2 of this Ordinance; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated March 19, 2012, 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 'B' held a public hearing on this request on March 26, 2012, and after taking testimony, gave full consideration to the matter and recommended approval of the request to the City Council which has final approval authority over Zone Map Amendments; and

WHEREAS, on April 16, 2012, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and the staff report, took testimony, and, upon deliberation, continued the hearing until May 7, 2012, leaving the record open for additional evidence and testimony;

WHEREAS, on May 7, 2012, the City Council reconvened the public hearing and took additional testimony from staff and the applicant and accepted additional evidence and written testimony into the record; and



WHEREAS, during testimony at the May 7, 2012 public hearing, the Applicant, having heard concerns expressed concerning the proposed density of the Applicant's project during the April 16 public hearing, testified that he would voluntarily agree to reduce the number of proposed dwelling units by 39 units and that the Applicant would voluntarily age restrict forty six (46) units (the type of housing yet to be determined) to be contained in the next phase the Applicant's development, which is included in this application, to people age 50 and older, excluding 25 market rate single family homes which will not be age restricted; and

WHEREAS the City Council concluded that the proposed Zone Map Amendment, with the reduction of 39 dwelling units and the above described age restrictions proposed by the Applicant 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, including the Applicant's voluntary reduction in density and imposition of the age restriction on certain yet to be built and designed units, as described above and as placed on the record, along with the staff reports in this matter, labeled Exhibits B and D, as amended by the Applicant's voluntary density reduction and age restriction imposition, all of which are incorporated herein as if fully set forth.

**Section 2. Order.** The official City of Wilsonville Zone Map is hereby amended in Zoning Order DB12-0012 attached hereto as Exhibit A, from Residential Agricultural - Holding (RA-H) Zone to Planned Development Residential - 4 (PDR-4) Zone on the upper portions of Tax Lots 103, 105 and 200 Section 14A, T3S-R1W, Clackamas County, Oregon, depicted in the attached Legal Description (Zoning Order, Attachment 2), Clackamas County, Wilsonville, Oregon.

**SUBMITTED** to the Wilsonville City Council by first reading on April 16, 2012, with continuation of the public hearing until May 7, 2012 for additional evidence and second reading thereof at the City Council meeting held on May 7, 2012. At the May 7,

2012 continued public hearing additional evidence testimony and exhibits were received from the Applicant. There was no opposition testimony provided at the either the April 16, 2012 or May 7, 2012 hearings. The hearing on May 7, 2012 was then closed. The City Council voted to approve the application with conditions and with the proviso that the decision would be reopened in the event of the receipt by the City Council of any rebuttal testimony and/or rebuttal evidence to the new evidence presented at the May 7, 2012, within a period of seven (7) days from the date of the May 7, 2012 decision.

**ENACTED** by the City Council on the 7th day of May, 2012, by the following votes:

**Yes:-5- No: -0-**

  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 10<sup>th</sup> day of May, 2012.

  
Tim Knapp, MAYOR

#### SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Núñez	Yes
Councilor Hurst	Yes
Councilor Starr	Yes
Councilor Goddard	Yes

#### Attachments:

Exhibit A - Zoning Order DB12-0012

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description

Exhibit B - Planning Division Staff Report, Zone Change findings, and Recommendation to City Council, April 16, 2012

Exhibit C - DRB Panel B Notice of Decision and Resolution No. 226.

Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), March 26, 2012 and Brenchley Estates application dated February 24, 2012 on compact disk.