

**RESOLUTION NO. 1822**

**A RESOLUTION OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM RESIDENTIAL ARGICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL-2 (PDR-2) TOGETHER WITH A STAGE I PRELIMINARY PLAN ON TAX LOT 201 OF SECTION 13, T3S-R1W, CLACKAMAS COUNTY, WILSONVILLE OREGON, MR. DOUG SEELY, APPLICANT.**

WHEREAS, Mr. Doug Seely has requested approval of a Zone Map Amendment and Stage I Master Plan of the property described in Zoning Order 02DB21, and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated January 27, 2003, wherein they reported that the request is consistent with and meets requirements for approval of Zone Map Amendment and Stage I Preliminary Plan and have recommended approval with no conditions, and

WHEREAS, the Development Review Board Panel 'B' held public hearings on these requests on January 27, 2003 and after taking testimony, gave full consideration to the matter and recommended approval of the requests on January 27, 2003, and

WHEREAS, the Wilsonville Planning Staff prepared a staff report to City Council dated March 10, 2003, attached hereto as Exhibit A, and

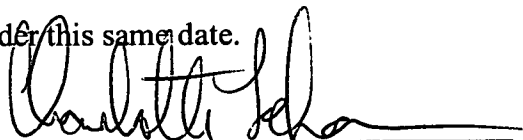
WHEREAS, the Wilsonville City Council on March 17, 2003, held a public hearing regarding the above described matter, took testimony and concluded that the proposed Zone Map Amendment and Stage I Preliminary Plan met the approval criteria as evidenced by the record of the Development Review Board action and staff report adopted January 27, 2003; and

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


1. The City Council adopts the above recitals as findings of fact and also adopts as findings the Planning Division staff report to the City Council dated March 10, 2003, attached hereto as Exhibit A.
2. The City Council adopted these additional Conditions of Approval for the project:

- a. The applicant shall extend the public sewer line located on the northern portion of the private drive to the south property line of Tax Lot 200 to enable Tax Lot 200 to connect to this public sewer system upon its future development.
  - b. The applicant shall extend Tract D between Lots 7 and 8 and connect to the private road pedestrian access. The Tract D extension shall not be less than 15 feet. There shall be a public pedestrian access easement over the subdivision's private street between Wilsonville Road and Tract D delineated on the plat.
  - c. Exits and entrances to the private street shall not be gated.
3. The official City of Wilsonville Zone Map for the subject 13.06-acres is hereby amended in Zoning Order 02DB21, attached hereto, from Residential Agriculture-Holding (RA-H) to Planned Development Residential-2 (PDR-2) on Tax Lot 201 of Section 13, T3S-R1W, Clackamas County, Wilsonville, Oregon.
  4. The Stage I Preliminary Plan approval is hereby granted.
  5. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 17<sup>th</sup> day of March, 2003, and filed with the Wilsonville City Recorder ~~this same date.~~

  
 CHARLOTTE LEHAN, MAYOR

ATTEST:

  
 Sandra C. King, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of )  
**Mr. Doug Seely,** )  
for a rezoning of land and amendment of )  
the City of Wilsonville Zoning Map )  
incorporated in Section 4.102 of the )  
Wilsonville Code. )

**ZONING ORDER 02DB21**

The above-entitled matter is before the Council to consider the application of Mr. Doug Seely, for a Zone Map Amendment and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code,

It appears to the Council that the property, which is the subject of this application, is described as follows:

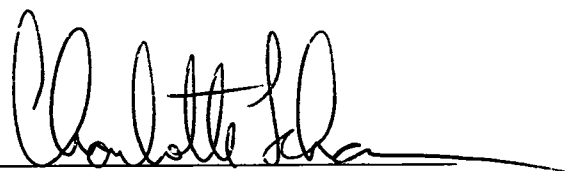
Tax Lot 201 of Section 13, T3S-R1W, Clackamas County, Oregon, and such property has heretofore appeared on the official Zoning Map as *Residential Agriculture – Holding (RA-H)*.

The Council has heard and considered all matters relevant to the application, including the Staff Report to the City Council (Exhibit A) dated March 17, 2003.


Therefore, based on the testimony and evidence presented, THE CITY COUNCIL ORDERS as follows:

1. Tax Lot 201 of Section 13, T3S-R1W, Clackamas County, Oregon, is rezoned to Planned Development Residential – 2 (PDR-2).
  
2. The Council further finds that the application shall be approved, and such rezoning be Planned Development Residential (PDR-2) and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102WC) and shall appear as such from and after entry of this Order.

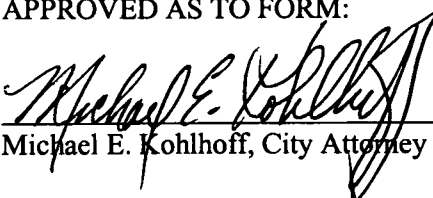
Dated: This 19<sup>th</sup> day of March 2003.

  
CHARLOTTE LEHAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
Sandra C. King, CMC, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael E. Kohlhoff, City Attorney

**PLANNING DIVISION  
STAFF REPORT**

**MR. DOUG SEELY  
PROPOSED 'CEDAR POINTE' SUBDIVISION**

**02DB21**

**AMENDED, ADOPTED, AND RECOMMENDED BY THE DEVELOPMENT REVIEW  
BOARD ON JANUARY 27, 2003  
FOR  
THE ZONE MAP AMENDMENT AND STAGE I PRELIMINARY PLAN**

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**TO:** Mayor Lehan and City Council

**DATE:** March 10, 2003 for the March 17, 2003 public hearing

**PREPARED BY:** Blaise Edmonds, Manager of Current Planning and Paul Cathcart AICP,  
Associate Planner

**APPLICANT:** Mr. Doug Seely

**PROPERTY OWNER:** Mr. Doug Seely

**ZONING:** Residential Agricultural Holding (RA-H).

**NOTE:** The statutory 120-day time limit applies to this application. The applicant was sent two letters of incomplete application on July 19, 2002 and August 29, 2002. An additional 30 days has been added to the 120-day time limit for each notice of incompleteness. The applicant signed an acknowledgement form stating his intention to provide the Planning Division with information to make the application complete on July 22, 2002 and August 29. The application was deemed complete on January 8, 2003. The City must render a final decision, including appeals, prior to May 8, 2003.

**REQUEST:** (A) Approval of Proposed Zone Map Amendment and;  
(B) Stage I Preliminary Plan

**LOCATION:** Approximately 13.06 acre site located near Wilsonville Road and south of Wilsonville High School, Wilsonville, OR 97070 further described as Tax Lot 201, Section 13, T3S-RIW, Clackamas County, Oregon.

**EXHIBITS**  
**02DB21**

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The following Exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted.

- A. Findings and Conditions of Approval
- B. Chapter 4 of the Wilsonville Code
- C. Applicant's submittal documents \*
- D. Applicant's Response Findings:
- E. Figure A: Proposed Monument Sign
- F. Exhibit 1: Authorization from Richard and Rosalie Ramsey to make application for land approval
- G. Exhibit 2: Example Conservation Easement
- H. Exhibit 3: Declaration of Covenants and Restrictions for Cedar Pointe Homeowners' Association
- I. Exhibit 4(A): Letter from Doug Seely to Gene Birchill DFM re. Cedar Pointe Subdivision dated May 31, 2003
- J. Exhibit 4(B): Letter from Doug Seely to Gene Birchill DFM re. Cedar Pointe Subdivision dated June 27, 2002
- K. Exhibit 5: Cedar Point Tree Maintenance & Protection Plan dated June 23, 2002
- L. Applicant's submittal plans date stamped December 9, 2002
- M. Title Sheet
- N. Existing Conditions Plan
- O. Existing Conditions – Aerial Photograph
- P. Preliminary Plat and Street Plan
- Q. Preliminary Grading and Tree Preservation Plan
- R. Preliminary Utility Plan
- S. Offsite Sanitary Sewer Plan
- T. Preliminary Street Profiles and Cross Sections
- U. Letter from Doug Seely to Paul Cathcart re. CEDAR POINT SUBDIVISION (proposed) dated March 25, 2002
- V. Letter from Doug Seely to Kerry Rappold re. SROZ Map - Cedar Pointe Subdivision dated April 5, 2002
- W. Letter from Doug Seely to Randy McCourt re. Street/sidewalk issues dated May 22, 2002
- X. Letter from Doug Seely to Blaise Edmonds, Chris Neamtzu, Kerry Rappold re. Buildable portions of site dated May 22, 2002
- Y. Letter from Doug Seely to Gene Birchill DFM re. Fire department issues dated May 31, 2002
- Z. Transportation Impact Study dated June 1, 2002
- AA. Letter from Doug Seely to Blaise Edmonds re. Cedar Pointe density dated June 3, 2002
- BB. City of Wilsonville Site Development Application form for Zone Map Amendment, Stage I Preliminary Plan, Tentative Subdivision Plat, Stage II Final Plan, Site and Design Plans, Type 'C' Tree Permit, Signage Plan dated June 21, 2002
- CC. Landscape plans and findings. Plans dated 6/20/02 and date stamped June 25, 2002
- DD. Letter from Doug Seely to Gene Birchill DFM re. Fire department issues dated June 27, 2002

- EE. Letter from Doug Seely to Paul Cathcart re. upcoming meeting dated July 10, 2002
- FF. Letter from Doug Seely to Kerry Rappold re. Tree Canopy dated July 12, 2002
- GG. Letter from Doug Seely to Dee Staten re. Storm water system dated July 12, 2002
- HH. Letter from Cynthia and Mark Kresge to Dee Staten re. Proposed Cedar Pointe Subdivision dated July 15, 2002
- II. Letter from Doug Seely to Mark and Cynthia Kresge re. storm water system dated July 15, 2002
- JJ. Letter from Doug Seely to Paul Cathcart re. lot sizes dated July 16, 2002
- KK. Faxed Copy of Signed Acknowledgement Form from Doug Seely dated July 22, 2002
- LL. Letter from Steven Allen to Doug Seely re. Bus stops dated July 25, 2002
- MM. Letter from Doug Seely to Paul Cathcart re. Grading Details dated July 30, 2002
- NN. Photograph catalog received August 20, 2002
- OO. Letter and Preliminary Grading and Tree Preservation Plan from Doug Seely to Paul Cathcart dated August 22, 2002
- PP. Revised 2nd Notice from Paul Cathcart to Doug Seely re. Incomplete Application dated August 29, 2002
- QQ. Acknowledgement Form signed by Doug Seely dated August 29, 2002
- RR. Fax from Paul Cathcart to Doug Seely re. E-mail from Sonya Kazen of ODOT dated September 4, 2002
- SS. Letter from James Harris to Doug Seely re. Cross-Sections dated September 9, 2002
- TT. Letter from Walter Knapp re. Grading and Tree Preservation dated September 9, 2002
- UU. Reduced version of revised plans dated December 6, 2002
- VV. Letter from Doug Seely to Paul Cathcart re. Revised set of plans dated December 9, 2002
- WW. Report from Schott and Associates: Wetland Determination and Delineation dated December 9, 2002
- XX. Revised DLCD Notice of Proposed Amendment dated December 19, 2002
- YY. Letter from Kenneth F. Mayer to City Planning Division re. File No. 02DB21 dated January 15, 2003
- ZZ. Letter with attachments from Cynthia and Mark Kresge to Mayor Charlotte Lehan and City Planning Commission re. Proposed Cedar Pointe Subdivision and Water Runoff at 6625 SW Montgomery Way dated January 17, 2003
- AAA. Letter from Lori and Pat Wolfram to City of Wilsonville Planning Department re. Application 02 21 DB Cedar Pointe Subdivision dated January 17, 2003
- BBB. City Building Official's Report
- CCC. City Engineer's Report
- DDD. Natural Resource Manager's Report
- EEE. Letter from Paul Cathcart to Doug Seely re. Notice that Application is Deemed Complete dated January 15, 2003
- FFF. Letter dated 1/22/2003 from James W. Gillies and Judy L. Gillies
- GGG. Staff response to applicant's requests dated 1/27/2003
- HHH. Proposed road extension to western extent of property over Noble property
- III. Photos of other subdivisions in the City with stub streets and no sidewalks submitted by applicant
- JJJ. Memorandum dated 1/27/2003 from applicant requesting changes to the conditions of approval
- KKK. Letter dated 1/27/2003 from Leo B. Henry

LLL. Large foam board showing Preliminary Plat and Street Plan  
MMM Large foam board showing Existing Conditions Aerial Photograph with site highlighted  
in green

## SUMMARY

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The applicant is seeking approval of Zone Map Amendment from Residential Agricultural-Holding (RA-H) to Planned Development Residential 2 (PDR-2) for the subject property, as well as Stage I Master Plan to allow for the creation of 15 single-family home lots. The applicant also sought and was given approval of a Preliminary Subdivision Plat, Stage II Final Plan, Tree Removal Plan, Site and Design Plan, and a monument sign for the common elements of the proposed subdivision as evidenced by the Development Review Board (DRB) record. The Comprehensive Plan Map designation is 2-3 dwelling units per acre. No change is being sought to this designation. The Zone Map designation would change from Residential Agricultural – Holding (RA-H) to Planned Development Residential – 2 (PDR-2).

The project, as proposed, would replace the existing house and barn on the subject property with 15 single-family home lots.

The Significant Resource Overlay Zone (SROZ) maps the northerly and southerly areas (9.08 acres) of the subject property next to the proposed project. The applicant proposes to place the entirety of the SROZ in a conservation easement dedicated to the City. In addition, the applicant is proposing a rock retaining wall to demarcate the SROZ boundary in proposed lots 8-11. This wall must be placed on the north side of the SROZ boundary. Proposed lot 5 will require an SRIR prior to the issuance of a grading permit for the lot.

Residential development standards require that 25% of the site be set aside for outdoor living area. This requirement is met through the preservation of the SROZ within Tract D (53%) and the SROZ contained in the lots (16%), which preserves approximately 69% of the site, well in excess of the 25% requirement of the code.

The project shows a single access drive onto Wilsonville Road. This access drive must meet the specifications of the Public Works Standards.

The arborist report assessed 27 trees likely to be impacted by the proposed development. The applicant proposes to remove 9 trees. These include three Hemlocks, one Cherry, and one Western Red Cedar. Tree mitigation is proposed in the form of 23 Cedar along the northern side of the cul-de-sac.

Existing public facilities are or can be made available and are of adequate size to serve the proposed subdivision.

## RECOMMENDATION

The Development Review Board recommends approval to the City Council of the Zone Map amendment, and the Stage I Preliminary Plan. The Development Review Board approved the



Tentative Subdivision Plat, Stage II Final Plan, and Site and Design Plans, Tree Removal Plan, and the proposed monument sign with conditions of approval.

02DB21

Mr. Doug Seely  
'Cedar Pointe' Subdivision

**Zone Map Amendment and Stage I Preliminary Plan.**

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**Applicable Review Criteria:**

**Zoning:**

**Planning and Land Development Ordinance:** Section 4.008: Application Procedures in General; Section 4.012: Public Hearing Notices; Section 4.013: Hearing Procedures; Section 4.023: Expiration of Development Approvals; Section 4.029: Zoning to be Consistent with Comprehensive Plan; Section 4.031: Authority of the Development Review Board; Section 4.033: Authority of City Council; Section 4.034: Application Requirements; Section 4.035: Site Development Permits; Section 4.113: Standards Applying to Residential Developments in Any Zone; Section 4.118: Standards Applying to All Planned Development Zones; Section 4.124: Standards Applying to All Planned Development Residential Zones; Section 4.124.2: PDR-2; Subsection 4.139.00 through 4.139.10: Significant Resource Overlay Zone (SROZ) Ordinance; Section 4.140: Planned Development Regulations; Subsection 4.140.07: Stage I Preliminary Plan; Section 4.197: Zone Changes and Amendments. **Ordinance 536: Ordinance 538:** Minor Edits to Chapter 4 (Development Code); **City of Wilsonville Transportation Master Plan; City of Wilsonville Bicycle and Pedestrian Master Plan.**

**City of Wilsonville Comprehensive Plan:** Implementation Measures 3.1.6.f, 3.1.6.o, 3.1.6.y: Roads and Transportation; Implementation Measures 3.1.7.c, 3.1.7.d, 3.1.7.i, 3.1.7.l: Storm Drainage Plan; Implementation Measure 3.1.11.p: Open Space Requirements; Implementation Measures 4.1.4.b, 4.1.4.p, 4.1.4.s, 4.1.4.z: Residential Development.

**Metro Urban Growth Management Functional Plan:** Title 8, Section 3.07.830; Title 1: Housing and Employment Accommodation.

Submittal Date: June 21, 2002

Application was deemed complete: January 8, 2003.

Incomplete Application: 30 days added to 120-day time limit

120-Day Limit May 8, 2003

## FINDINGS OF FACT

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### **Design Team:**

**Project Designer:** Harris-McMonagle Associates

**Landscape Architect:** 4J Designers Inc.

**Arborist:** Walter H. Knapp

**Legal:** John Gibbon

**Pre-Construction Consultant:** Brian Clopton Excavating, Inc.

**The findings and conclusions found in Exhibit D are hereby incorporated into this report as findings for approval.**

### **Vicinity Information:**

The subject property is located along the East Side of the older segment of Wilsonville Road and south of Wilsonville High School. The subject property is more particularly identified as Tax Lot 201 of Section 13, Township 3 South, Range 1 W, Wilsonville, Clackamas County Oregon.

### **Property Description:**

The northerly part of the subject property is a steep forested drainage way and the southern portion of the property is open grassy terrain with some forested low-land areas. These areas are identified as Significant Resource Overlay Zone (9.08 acres of the subject site) on the City's Zoning Map, which wrap around the proposed project.

### **Proposal:**

The applicant is requesting approval of the following for the subject property:

- A. Change of the Zoning Map from Residential Agricultural-Holding (RA-H) to Planned Development Residential – 2 (PDR-2)
- B. Stage I Master Plan
- C. Stage II Final Plan. Approved by the DRB on January 27, 2003
- D. Tentative subdivision plat for 15 lots. Approved by the DRB on January 27, 2003
- E. Site and Design Plans. Approved by the DRB on January 27, 2003
- F. Tree Removal Plan. Approved by the DRB on January 27, 2003
- G. Monument sign. Approved by the DRB on January 27, 2003

## (A) ZONE MAP AMENDMENT

The subject property is currently zoned (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the WC. The proposed Zone Map Amendment would change the zoning from RA-H to Planned Development Residential-2 (PDR-2). Section 4.197 of the Development Code is intended to serve as a procedure to evaluate the conversion of urbanizeable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197.02 of the Wilsonville Code, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G of this subsection in recommending approval or denial of a proposed zone map amendment.

**Criterion 'A':** *Compliance of Application with 4.140 of the Development Code.*

1. **Finding:** The applicant has provided findings in Exhibit D addressing the Development Code's criteria for the tentative plat (findings starting on p. 14 of Exhibit D), and the zone map amendment (findings starting on p. 12 of Exhibit D), which meets Criterion A.

**Criterion 'B':** *Application Consistent with Applicable Plan Map and Text*

2. **Finding:** The applicant's density calculations on page 1 of Exhibit D demonstrate compliance with the Comprehensive Plan Map requirements. The land area of the proposed subdivision is 13.06 acres. Proposed are 15 lots, making the gross density of the proposed subdivision 1.15 dwelling units per acre. Net density (gross minus streets and SROZ) is 3.77 dwelling units per acre which meets this code criterion.

### **Comprehensive Plan – Residential Development**

**Implementation Measure 4.1.4.b:** *Variety of Housing Types; Adequate Public Facilities*

3. **Finding:** The subject application is only proposing a subdivision of land. Subsequent lot owners of the subdivision will build homes that will occupy these lots. Staff cannot evaluate the diversity of housing types at this stage of the development. The proposed CC&Rs for the development will stipulate a minimum house size and minimum house price which could indicate a higher income housing type. The low vacancy rates of similar subdivisions in the City as well as the recent success of other owner built home subdivisions such as Wehler Estates provide circumstantial evidence that there is demand for the lots proposed by the applicant. Adequate public services could be made available to the site. The intent of this implementation measure is met.
4. **Finding:** Water, sanitary sewer, and storm sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. Detailed plans for the connection of the proposed development to public facilities will be reviewed under a separate public works permit before any construction of homes can occur. As part of the building permit application, the Applicant will need to demonstrate how the available public

facilities, or extensions thereof, will be adequate (i.e. sufficient to meet Public Works specifications) to meet the needs of the proposed project. In staff's review of the plans submitted, it appears that construction of such facilities is feasible and the PF conditions ensure that the facilities will meet Public Works specifications. The applicant/owner will be responsible for providing on-site storm water detention for water quality and quantity (see PF condition 8). The applicant will also be responsible for providing streets within the project of appropriate width for emergency vehicles and right-of-way for the access drive connecting to Wilsonville Road. The applicant will be required to cap all existing on-site utilities prior to the issuance of building permits by the City. With conditions of approval PF8, PF10, PF12, PF17, and PF18 (as amended by the DRB) this code criterion can be met.

5. **Finding:** The entirety of the subject property has a Comprehensive Plan designation of Residential, 2-3 dwelling units per acre. The applicant is proposing 1.15 dwelling units per gross acre and 3.76 dwelling units per net acres which meets this code criterion.

#### **Zone Map**

6. **Finding:** The subject properties are currently zoned Residential Agricultural – Holding (RA-H). The applicant proposes a change to Planned Development Residential – 2 (PDR-2) zone to accommodate 15 single-family lots averaging 15,799 SF each.

#### **Significant Natural Resources**

7. **Finding:** 9.08 acres of the 13.06 acres of the subject property are mapped in the City's Significant Resource Overlay Zone (SROZ). The SROZ boundary is mapped in Exhibit P. See Finding 14 for further discussion of the impact of the proposed development of the SROZ.

#### **Area of Special Concern:**

8. **Finding:** The Comprehensive Plan does not identify the subject property as an area of special concern.

**Criterion 'C':** *Compliance with Implementation Measures 4.1.4.b, d, e, q, and x of the Wilsonville Comprehensive Plan Text.*

#### **Implementation Measure 4.1.4.d: Diversity of Housing Types**

9. **Finding:** The applicant intends, and the density calculations support, single-family homes to be built on the proposed lots. Fifteen additional single-family homes should not significantly alter the City's housing goals. The intent of this implementation measure is met.

#### **Implementation Measure 4.1.4.e: Targets To Meet The City's Housing Goals**

10. **Finding:** The City has established a 50% multi-family, 40% single-family target for housing in the City. The May 2002 Development Summary estimate by the City indicates a current split of 53.31% multi-family to 40.79% single-family. The proposed project would change this split to 53.20% multi-family to 40.91% single-family, a negligible change. The intent of this implementation measure is met.

**Implementation Measure 4.1.4.q: Mobile Homes and Manufactured Dwellings**

**11. Finding:** The applicant is not proposing mobile homes in this application.

**Implementation Measure 4.1.4.x: Optimum Living Environment for Apartments and Mobile Homes.**

**12. Finding:** The applicant is proposing neither apartments nor mobile homes in this application.

**Criterion 'D': Availability of Adequate Public Facilities to Serve the Proposed Development**

**13. Finding:** As proposed, the applicant would direct sanitary sewer flows to the existing sanitary sewer in Rose Lane via an easement through lots 1 to 4 of the River Estates II subdivision. Storm water runoff for lots 1-5 and 11-15 would be directed to a detention facility in the southwest corner of the site. Drainage from lots 6-10 would be captured in on-site facilities. The City Engineer's Public Facilities (PF) conditions attached to this staff report (Exhibit CCC) and require the applicant to provide adequate road, water, and sewer infrastructure to serve the proposed project. These conditions require that all Public Works permits granted to the applicant/owner will be in accordance with the need determined by the City Engineer to serve the proposed project.

**Criterion 'E': Significant Resource Overlay Zone**

**14. Finding:** Exhibit P shows the boundary of the City's mapped Significant Resource Overlay Zone (SROZ). The applicant proposes to place the entirety of the SROZ area into a conservation easement to the City (Tract 'D'). In addition, the applicant proposes to demarcate the SROZ boundary on lots 8-11 with a rock retaining wall. This demarcation will determine the future limits of grading on these lots. The grading of individual lots must occur in substantial compliance with the proposed grading plan shown in Exhibit Q. The applicant is proposing a building setback line (B.S.L) for all proposed lots as further separation of building/construction activities from the SROZ. Proposed lot 5 will require an Significant Resource Impact Report (SRIR) as identified in Section 4.139 of the Development Code prior to any grading of the lot. The preliminary utility plan identifies six (6) detention facilities in the SROZ area on the south side of the property. The applicant will need to demonstrate that these facilities are exempt from the SROZ regulations in Section 4.139 of the Development Code or that they will not impact the SROZ (see conditions of approval in the report of the Natural Resources Program Manager Exhibit DDD). Exhibit Q also shows wetlands just south of lots 8-11. These wetlands are not large enough to fall under the jurisdiction of the City' Development Code or the Natural Resources Plan. See the Natural Resources Program Manager's Report (Exhibit DDD). With conditions 1 and 2 contained in Exhibit DDD, this code criterion can be met.

**Criterion 'F': Development Schedule – Development to Commence within Two Years of Initial Approval of Zone Change**

**15. Finding:** The applicant's response findings to this criterion (p.14 of Exhibit D) indicates intent to begin development of the 15 new lots shown on the tentative plat after final approvals are obtained from the City. This code criterion is met.

**Criterion 'G': Compliance of Development with Applicable Development Standards.**

**16. Finding:** Staff is recommending conditions of approval for the proposed project that should bring the project into compliance with all applicable development standards.

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

**17. Finding:** Staff has made affirmative findings for subsection 4.197(.02)(A-G) above. Staff is also recommending conditions of approval for the project to ensure compliance with the subject code criteria.

**Subsection 4.197(.04):** *City Council action approving a change in zoning shall be in the form of a Zoning Order.*

**18. Finding:** Staff is recommending approval of the proposed project, with conditions of approval. A City Council Zoning Order will be required prior to approval of this project.

**Subsection 4.197(.05):** *Conditions of Approval Completed before Zone Change.*

**19. Finding:** Staff is recommending a condition of approval that would implement the City Council Zoning Order, contingent on the completion of the conditions of approval adopted by City Council.

## (B) STAGE I PRELIMINARY PLAN

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Subsection 4.140(.07) sets forth the criteria to be satisfied to recommend approval of a Stage I Preliminary Plan. Subsection 4.140(.07)(B)(5-7) stipulates the following be provided as part of the application for a Stage I Master Plan:

- “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.*
- 6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.”*
- 7. Statement of anticipated waivers from any of the applicable site development standards.*

**20. Finding:** The applicant has met all the Stage I Preliminary Plan filing requirements with the exception of the need for security assurances acceptable to the Community Development Director for the capital improvements required by the project. The applicant is not proposing to develop the project in more than one phase. Page 5 of Exhibit D request a waiver from the minimum lot size for four lots and a waiver of the average lot size. The DRB granted these waivers as part of their decision on January 27, 2003. This code criterion is met.





## DEVELOPMENT REVIEW BOARD PANEL B

### NOTICE OF DECISION

Project Name: Cedar Pointe Subdivision

Case File No. 02DB21(1)

Applicant/Owner: Mr. Doug Seeley

Proposed Action: Approval of a Stage II Final Plan, tentative Subdivision Plat, Monument Sign, Site Design Review and Type 'C' Tree Removal Plan for a 15-lot single-family subdivision

Property Description: Tax Lot 201, Section 13, T3S-R1W, Clackamas County, Oregon.

Location: 13.06-acre site located off of Wilsonville Road adjacent to Wilsonville High School

On January 27, 2003, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

- DRB approved with Conditions of Approval a tentative Subdivision Plat, Stage II Final Plan, Site Design Plans and a Type C Tree Removal Plan; this approval is contingent upon City Council approval of a Zone Map Amendment and a Stage I Preliminary Plan.
- The City Council hearing date is scheduled for **March 17, 2002**

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

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Annex this 3<sup>rd</sup> day of February 2003 and is available for public inspection. This decision shall become effective on the fifteenth (15th) calendar day after the postmarked date of the written Notice of Decision, unless appealed or called up for review by the Council in accordance with this Section. *WC Sec. 4.022(.09)*. **Note: This action is contingent upon City Council's approval of a Zone Map Amendment and Stage I Preliminary Plan.**

For further information, please contact the Wilsonville Planning Division at the Community Development Building, 8445 SW Elligsen Road, Wilsonville Oregon 97070 or phone 503-682-496

Attachments: DRB Resolution No. 02DB21(1) including  
Exhibit A – Adopted Staff Report and DRB discussion and motion to approve

Also attached is DRB Resolution No. 02DB21(2) which recommends that the Wilsonville City Council approve a Zone Map Amendment and a Stage I Preliminary Plan.

FILED 2-3-03 *sk*



DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 02DB21(1)  
CEDAR POINT SUBDIVISION

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE II FINAL PLAN, A TENTATIVE SUBDIVISION PLAT, A MONUMENT SIGN, SITE DESIGN REVIEW AND A TYPE 'C' TREE PLAN FOR A 15-LOT SUBDIVISION. THE 13.06-ACRE SITE IS LOCATED OFF OF WILSONVILLE ROAD ADJACENT TO WILSONVILLE HIGH SCHOOL ON TAX LOT 201, SECTION 13, T3S-R1W, CLACKAMAS COUNTY, OREGON. MR. DOUG SEELEY, APPLICANT.

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

WHEREAS, the Planning Staff has prepared a staff report on the above-captioned subject dated January 27, 2003, and


WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at regularly scheduled meeting conducted on January 27, 2003 at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated January 27, 2003, as amended by the Development Review Board, attached hereto as Exhibit A with findings, conditions of approval and recommendations contained therein and authorizes the Planning Director to issue a Site Development Permit consistent with said recommendations. **This approval is contingent upon the City Council's approval of a Zone Map Amendment and Stage I Preliminary Plan 02DB21(2).**

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 27<sup>th</sup> day of January 2003 and filed with the Planning Secretary on February 3, 2003. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision unless appealed or called up for review by the council in accordance with *WC Sec 4.022(.09)*.

  
\_\_\_\_\_  
William George, Chair Panel B  
Wilsonville Development Review Board

Attest:

  
\_\_\_\_\_  
Sally Hartill, Planning Secretary

Bill George moved to adopt Resolution 02DB21(1) approving a Stage II Final Plan, a tentative subdivision plat, a monument sign, site design review and a Type 'C' Tree Removal plan for this 15-lot subdivision, with the following changes to the Conditions of Approval for this project:

**Condition #2:** "buffer" to "boundary" to clarify the location of the proposed protective fencing.

**Condition #4:** Adopt staff's response (Exhibit GGG) to #4 relative to setbacks as follows:  
The Development Review Board adopts the following lot development standards and waivers:

**A. Setbacks per Code Section 4.133(.03)(B):**

Front Yard: 15 feet; open porch 10 feet

Rear Yard: One-story home: 15 feet; two-story home: 20 feet

Side Yard: One-story home: 5 feet; two-story home: 7 feet

Garage: 20 feet

**Condition #15:** Retain condition as requested by Staff. Eric Bohard clarified that the County Surveyor will not accept a plat that does not have a surveyed line which is subject to change over time.

**Condition #27:** Adopt Staff's suggested proposed changes (Exhibit GGG) as follows to make it consistent with #4:

The proposed building setback lines (B.S.L.) on the proposed plat shall be revised to reflect the minimum side yard setbacks for lots under 10,000 SF as defined in Subsection 4.113(.03)(B) of the City's Development Code.

The consensus of the DRB was to eliminate all sidewalk requirements:

**Condition PF 15:** Amend to read "The stub street (Tract 'C') that serves lots 2, 3, 4, 5 and 6 shall meet minimum standards of the Tualatin Valley Fire District."

**Condition PF 18:** Amend by striking "sidewalks" in the third sentence and delete the last sentence.

**Condition PF 19:** Delete condition

**Condition PF 22:** Adopt new wording as requested by the applicant (Exhibit JJJ) and amended by the DRB, adding it to the proposed PF 22 in the staff report, to read as follows:

The applicant shall be responsible to dedicate fifteen-foot wide easements for bike and pedestrian paths consistent with the City of Wilsonville's Bicycle and Pedestrian Master Plan. The applicant shall be responsible to propose locations for the bike and pedestrian easements at the time of engineering plan review for a public works permit for this proposed project. The paths do not have to follow the exact alignment as shown in the Bicycle and Pedestrian Master Plan, however they do need to meet the intent of having a north-south path and an east-west path. Feasibility of the proposed paths will also be reviewed at that time.

Dave Lucas seconded the motion which passed unanimously 4-0.

The process for filing an appeal was read into the record.

**PLANNING DIVISION  
STAFF REPORT**

**MR. DOUG SEELY  
PROPOSED 'CEDAR POINTE' SUBDIVISION**

**02DB21**

**AMENDED AND ADOPTED BY THE DEVELOPMENT REVIEW BOARD ON  
JANUARY 27, 2003**

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**TO:** Development Review Board Panel 'B'

**DATE:** January 27, 2003

**PREPARED BY:** Paul Cathcart AICP, Associate Planner

**APPLICANT:** Mr. Doug Seely

**PROPERTY OWNER:** Mr. Doug Seely

**ZONING:** Residential Agricultural Holding (RA-H).

**NOTE:** The statutory 120-day time limit applies to this application. The applicant was sent two letters of incomplete application on July 19, 2002 and August 29, 2002. An additional 30 days has been added to the 120-day time limit for each notice of incompleteness. The applicant signed an acknowledgement form stating his intention to provide the Planning Division with information to make the application complete on July 22, 2002 and August 29. The application was deemed complete on January 8, 2003. A final decision must be rendered by the City, including appeals, prior to May 8, 2003.

**REQUEST:** (A) Approval of Proposed Zone Map Amendment and;  
(B) Stage I Preliminary Plan  
(C) Approval of Stage II Final Plans;  
(D) Approval of Tentative Subdivision Plat;  
(E) Approval of Site Design Review Plans;  
(F) Tree Removal Plan;  
(G) Approval of Monument Sign

**LOCATION:** Approximately 13.06 acre site located near Wilsonville Road and south of Wilsonville High School, Wilsonville, OR 97070 further described as Tax Lot 201, Section 13, T3S-R1W, Clackamas County, Oregon.

**EXHIBITS**  
**02DB21**

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The following Exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted.

- A. Findings and Conditions of Approval
- B. Chapter 4 of the Wilsonville Code
- C. Applicant's submittal documents \*
- D. Applicant's Response Findings:
- E. Figure A: Proposed Monument Sign
- F. Exhibit 1: Authorization from Richard and Rosalie Ramsey to make application for land approval
- G. Exhibit 2: Example Conservation Easement
- H. Exhibit 3: Declaration of Covenants and Restrictions for Cedar Pointe Homeowners' Association
- I. Exhibit 4(A): Letter from Doug Seely to Gene Birchill DFM re. Cedar Pointe Subdivision dated May 31, 2003
- J. Exhibit 4(B): Letter from Doug Seely to Gene Birchill DFM re. Cedar Pointe Subdivision dated June 27, 2002
- K. Exhibit 5: Cedar Point Tree Maintenance & Protection Plan dated June 23, 2002
- L. Applicant's submittal plans date stamped December 9, 2002
- M. Title Sheet
- N. Existing Conditions Plan
- O. Existing Conditions – Aerial Photograph
- P. Preliminary Plat and Street Plan
- Q. Preliminary Grading and Tree Preservation Plan
- R. Preliminary Utility Plan
- S. Offsite Sanitary Sewer Plan
- T. Preliminary Street Profiles and Cross Sections
- U. Letter from Doug Seely to Paul Cathcart re. CEDAR POINT SUBDIVISION (proposed) dated March 25, 2002
- V. Letter from Doug Seely to Kerry Rappold re. SROZ Map - Cedar Pointe Subdivision dated April 5, 2002
- W. Letter from Doug Seely to Randy McCourt re. Street/sidewalk issues dated May 22, 2002
- X. Letter from Doug Seely to Blaise Edmonds, Chris Neamtzu, Kerry Rappold re. Buildable portions of site dated May 22, 2002
- Y. Letter from Doug Seely to Gene Birchill DFM re. Fire department issues dated May 31, 2002
- Z. Transportation Impact Study dated June 1, 2002
- AA. Letter from Doug Seely to Blaise Edmonds re. Cedar Pointe density dated June 3, 2002
- BB. City of Wilsonville Site Development Application form for Zone Map Amendment, Stage I Preliminary Plan, Tentative Subdivision Plat, Stage II Final Plan, Site and Design Plans, Type 'C' Tree Permit, Signage Plan dated June 21, 2002
- CC. Landscape plans and findings. Plans dated 6/20/02 and date stamped June 25, 2002

- DD. Letter from Doug Seely to Gene Birchill DFM re. Fire department issues dated June 27, 2002
- EE. Letter from Doug Seely to Paul Cathcart re. upcoming meeting dated July 10, 2002
- FF. Letter from Doug Seely to Kerry Rappold re. Tree Canopy dated July 12, 2002
- GG. Letter from Doug Seely to Dee Staten re. Storm water system dated July 12, 2002
- HH. Letter from Cynthia and Mark Kresge to Dee Staten re. Proposed Cedar Pointe Subdivision dated July 15, 2002
- II. Letter from Doug Seely to Mark and Cynthia Kresge re. storm water system dated July 15, 2002
- JJ. Letter from Doug Seely to Paul Cathcart re. lot sizes dated July 16, 2002
- KK. Faxed Copy of Signed Acknowledgement Form from Doug Seely dated July 22, 2002
- LL. Letter from Steven Allen to Doug Seely re. Bus stops dated July 25, 2002
- MM. Letter from Doug Seely to Paul Cathcart re. Grading Details dated July 30, 2002
- NN. Photograph catalog received August 20, 2002
- OO. Letter and Preliminary Grading and Tree Preservation Plan from Doug Seely to Paul Cathcart dated August 22, 2002
- PP. Revised 2nd Notice from Paul Cathcart to Doug Seely re. Incomplete Application dated August 29, 2002
- QQ. Acknowledgement Form signed by Doug Seely dated August 29, 2002
- RR. Fax from Paul Cathcart to Doug Seely re. E-mail from Sonya Kazen of ODOT dated September 4, 2002
- SS. Letter from James Harris to Doug Seely re. Cross-Sections dated September 9, 2002
- TT. Letter from Walter Knapp re. Grading and Tree Preservation dated September 9, 2002
- UU. Reduced version of revised plans dated December 6, 2002
- VV. Letter from Doug Seely to Paul Cathcart re. Revised set of plans dated December 9, 2002
- WW. Report from Schott and Associates: Wetland Determination and Delineation dated December 9, 2002
- XX. Revised DLCDC Notice of Proposed Amendment dated December 19, 2002
- YY. Letter from Kenneth F. Mayer to City Planning Division re. File No. 02DB21 dated January 15, 2003
- ZZ. Letter with attachments from Cynthia and Mark Kresge to Mayor Charlotte Lehan and City Planning Commission re. Proposed Cedar Pointe Subdivision and Water Runoff at 6625 SW Montgomery Way dated January 17, 2003
- AAA. Letter from Lori and Pat Wolfram to City of Wilsonville Planning Department re. Application 02 21 DB Cedar Pointe Subdivision dated January 17, 2003
- BBB. City Building Official's Report
- CCC. City Engineer's Report
- DDD. Natural Resource Manager's Report
- EEE. Letter from Paul Cathcart to Doug Seely re. Notice that Application is Deemed Complete dated January 15, 2003
- FFF. Letter dated 1/22/2003 from James W. Gillies and Judy L. Gillies
- GGG. Staff response to applicant's requests dated 1/27/2003
- HHH. Proposed road extension to western extent of property over Noble property
- III. Photos of other subdivisions in the City with stub streets and no sidewalks submitted by applicant

JJJ. Memorandum dated 1/27/2003 from applicant requesting changes to the conditions of approval

KKK. Letter dated 1/27/2003 from Leo B. Henry

LLL. Large foam board showing Preliminary Plat and Street Plan

MMM Large foam board showing Existing Conditions Aerial Photograph with site highlighted in green

## SUMMARY

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The applicant is seeking approval of Zone Map Amendment from Residential Agricultural-Holding (RA-H) to Planned Development Residential 2 (PDR-2) for the subject property, as well as Stage I Master Plan to allow for the creation of 15 single-family home lots. The applicant also seeks approval of a Tentative Subdivision Plat, Stage II Final Plan, Tree Removal Plan, Site and Design Plan, and a monument sign for the common elements of the proposed subdivision. The Comprehensive Plan Map designation is 2-3 dwelling units per acre. The Zone Map designation would change from Residential Agricultural - Holding (RA-H) to Planned Development Residential - 2 (PDR-2).

The project, as proposed, would replace the existing house and barn on the subject property with 15 additional single-family home lots. The applicant is only proposing a division of land and therefore has not provided findings relative to the affordability of the housing in the proposed project.

The applicant is requesting two waivers from the requirements of the PDR-2 zone in the development code:

1. A waiver to allow 4 lots to drop below the minimum lot size of 12,000 SF
2. A waiver of the minimum lot size of 16,000 SF to 15,799 SF

Staff concurs with these waiver request as they would afford greater natural resource protection.

The northerly and southerly areas (9.08 acres) of the subject property next to the proposed project are mapped by the City as Significant Resource Overlay Zone (SROZ). The applicant proposes to place the entirety of the SROZ in a conservation easement dedicated to the City. In addition, the applicant is proposing a rock retaining wall to demarcate the SROZ boundary in lots 8-11. This wall must be placed on the north side of the SROZ boundary. Proposed lot 5 will require an SRIR prior to the issuance of a grading permit for the lot.

Residential development standards require that 25% of the site be set aside for outdoor living area. This requirement is met through the preservation of the SROZ within Tract D (53%) and the SROZ contained in the lots (16%) which preserves approximately 69% of the site, well in excess of the 25% requirement of the code.

The traffic study for this project estimates 144 total daily trips, 15 of which are p.m. peak hour trips. Ten (10) of these trips would use the Wilsonville Road/I-5 interchange. The traffic study also indicates that traffic generated by this project would not produce traffic congestion in excess of the level of service (LOS D) at the most probable used intersection(s).

The project shows a single access drive onto Wilsonville Road. This access drive must meet the specifications of the Public Works Standards.

The arborist report assessed 27 trees likely to be impacted by the proposed development. The applicant proposes to remove 9 trees. These include three Hemlocks, one Cherry, and one Western Red Cedar. Tree mitigation is proposed in the form of 23 Cedar along the northern side of the cul-de-sac.

The applicant's landscape plan does not show a planting scheme for street trees within the proposed project, however the applicant's response finding for Subsection 4.176 of the Development Code indicates 1 ¾ inch red sunset maples will be planted as street trees along the north side of the private drive. The landscape plan will need to be revised to show the street trees.

With the exceptions noted above, the tentative subdivision plat is consistent with the applicable implementation measures and policies of the Comprehensive Plan.

Existing public facilities are or can be made available and are of adequate size to serve the proposed subdivision. The applicant is responsible for providing all internal streets to the project and ensuring that they are accessible by emergency vehicles and that their maintenance is seen to by future lot owners via deed restrictions or CC&Rs. Staff recommends the applicant construct a sidewalk connection to Wilsonville Road from the project. The proposed site plans show five (5) foot wide sidewalks throughout the project.

### **RECOMMENDATION**

The Development Review Board recommends approval to the City Council of the Zone Map amendment, and the Stage I Preliminary Plan with conditions of approval attached herein (Resolution 02DB21). Staff also recommends that the Development Review Board approve the Tentative Subdivision Plat, Stage II Final Plan, and Site and Design Plans, Tree Removal Plan, and the proposed monument sign with conditions of approval attached herein.



02DB21

**Mr. Doug Seely  
'Cedar Pointe' Subdivision**

**Zone Map Amendment, Tentative Subdivision Plan, State I Preliminary Plan, Stage II  
Final Plan, Design Review, Tree Removal Plan, and Monument Sign**

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**Applicable Review Criteria:**

**Zoning:**

**Planning and Land Development Ordinance:** Section 4.008: Application Procedures in General; Section 4.012: Public Hearing Notices; Section 4.013: Hearing Procedures; Section 4.023: Expiration of Development Approvals; Section 4.029: Zoning to be Consistent with Comprehensive Plan; Section 4.031: Authority of the Development Review Board; Section 4.033: Authority of City Council; Section 4.034: Application Requirements; Section 4.035: Site Development Permits; Section 4.113: Standards Applying to Residential Developments in Any Zone; Section 4.118: Standards Applying to All Planned Development Zones; Section 4.124: Standards Applying to All Planned Development Residential Zones; Section 4.124.2: PDR-2; Subsection 4.139.00 through 4.139.10: Significant Resource Overlay Zone (SROZ) Ordinance; Section 4.140: Planned Development Regulations; Subsection 4.140.07: Stage I Preliminary Plan; Subsection 4.140.09: Stage II Final Plan; Section 4.155: General Regulations – Parking, Loading, and Bicycle Parking; Section 4.156: Sign Regulations; Section 4.167: General Regulations – Access, Ingress and Egress; Section 4.169: General Regulations – Double-Frontage Lots; Section 4.171: General Regulations – Protection of Natural Features and Other Resources; Section 4.176: Landscaping; Screening, and Buffering; Section 4.177: Street Improvement Standards; Section 4.178: Sidewalk and Pathway Standards; Section 4.197: Zone Changes and Amendments to This Code – Procedures; Sections 4.200 to 4.264: Subdivisions; Sections 4.400 to 4.440: Site Design Review; Sections 4.600 to 4.620: Tree Preservation and Protection; **Ordinance 536:** Revision to Parking and Landscaping Sections of the Development Code; **Ordinance 538:** Minor Edits to Chapter 4 (Development Code); **City of Wilsonville Transportation Master Plan; City of Wilsonville Bicycle and Pedestrian Master Plan.**

**City of Wilsonville Comprehensive Plan:** Implementation Measures 3.1.6.f, 3.1.6.o, 3.1.6.y: Roads and Transportation; Implementation Measures 3.1.7.c, 3.1.7.d, 3.1.7.i, 3.1.7.l: Storm Drainage Plan; Implementation Measure 3.1.11.p: Open Space Requirements; Implementation Measures 4.1.4.b, 4.1.4.p, 4.1.4.s, 4.1.4.z: Residential Development.

**Metro Urban Growth Management Functional Plan:** Title 8, Section 3.07.830; Title 1: Housing and Employment Accommodation.

Submittal Date: June 21, 2002

Application was deemed complete: January 8, 2003.

Incomplete Application: 30 days added to 120-day time limit

120-Day Limit May 8, 2003

## FINDINGS OF FACT

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### **Design Team:**

**Project Designer:** Harris-McMonagle Associates

**Landscape Architect:** 4J Designers Inc.

**Arborist:** Walter H. Knapp

**Legal:** John Gibbon

**Pre-Construction Consultant:** Brian Clopton Excavating, Inc.

**The findings and conclusions found in Exhibit D are hereby incorporated into this report as findings for approval.**

### **Vicinity Information:**

The subject property is located along the East Side of the older segment of Wilsonville Road and south of Wilsonville High School. The subject property is more particularly identified as Tax Lot 201 of Section 13, Township 3 South, Range 1 W, Wilsonville, Clackamas County Oregon.

### **Property Description:**

The northerly part of the subject property is a steep forested drainage way and the southern portion of the property is open grassy terrain with some forested low-land areas. These areas are identified as Significant Resource Overlay Zone (9.08 acres of the subject site) on the City's Zoning Map, which wrap around the proposed project.

### **Proposal:**

The applicant is requesting approval of the following for the subject property:

- A. Change of the Zoning Map from Residential Agricultural-Holding (RA-H) to Planned Development Residential – 2 (PDR-2)
- B. Stage I Master Plan
- C. Stage II Final Plan
- D. Tentative subdivision plat for 15 lots
- E. Site and Design Plans
- F. Tree Removal Plan
- G. Monument sign

**Project Information:**

<b>Site Use</b>	<b>Area (SF)</b>	<b>Acres</b>	<b>% Of Total</b>
<b>Tracts</b>			
<i>Tract 'A'</i>	208	0.00	0.04%
<i>Landscape Portion of Tract 'B'</i>	1,153	0.03	0.20%
<i>Paving (Tract 'B' &amp; Tract 'C')</i>	31,801	0.73	5.59%
<i>Open Space Tract 'D'</i>	298,896	6.86	52.54%
SROZ (w/I Lots 1-11)	92,057	2.11	16.18%
Total Lot Area (less SROZ)	144,938	3.33	25.48%
<b>Total Boundary Area</b>	<b>568,844</b>	<b>13.06</b>	<b>100.04%</b>
Total Lot Area (15 Lots)	236,995	5.44	41.66%
Net Building Area	145,055	3.33	25.50%
Average Lot Size	15,799	0.36	2.78%
Avg. Net Buildable Area/Lot	9,583	0.22	1.68%

## (A) ZONE MAP AMENDMENT

The subject property is currently zoned (RA-H). The purpose of the RA-H Zone is set forth in the 4.120 of the WC. The proposed Zone Map Amendment would change the zoning from RA-H to PDR-2. Section 4.197 of the Development Code is intended to serve as a procedure to evaluate the conversion of urbanizable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance. As set forth in Subsection 4.197.02 of the Wilsonville Code, the Development Review Board must at a minimum, adopt findings addressing Criteria A-G of this subsection in recommending approval or denial of a proposed zone map amendment.

### **Criterion 'A':** *Compliance of Application with 4.140 of the Development Code.*

1. **Finding:** The applicant has provided findings in Exhibit D addressing the Development Code's criteria for the tentative plat (findings starting on p. 14), and the zone map amendment (findings starting on p. 12), which meets Criterion A.

### **Criterion 'B':** *Application Consistent with Applicable Plan Map and Text*

2. **Finding:** The applicant's density calculations on page 1 of Exhibit D demonstrate compliance with the Comprehensive Plan Map requirements. The land area of the proposed subdivision is 13.06 acres. Proposed are 15 lots, making the gross density of the proposed subdivision 1.15 dwelling units per acre. Net density (gross minus streets and SROZ) is 3.77 dwelling units per acre which meets this code criterion.

## **Comprehensive Plan – Residential Development**

### **Implementation Measure 4.1.4.b:** *Variety of Housing Types; Adequate Public Facilities*

3. **Finding:** The subject application is only proposing a subdivision of land. Subsequent lot owners of the subdivision will build homes that will occupy these lots. Staff cannot evaluate the diversity of housing types at this stage of the development. The proposed CC&Rs for the development will stipulate a minimum house size and minimum house price which could indicate a higher income housing type. The low vacancy rates of similar subdivisions in the City as well as the recent success of other owner built home subdivisions such as Wehler Estates provide circumstantial evidence that there is demand for the lots proposed by the applicant. Adequate public services could be made available to the site. This intent of this implementation measure is met.
4. **Finding:** Water, sanitary sewer, and storm sewer are either available to the proposed project (with appropriate connections) or can be supplied to the project. Detailed plans for the connection of the proposed development to public facilities will be reviewed under a separate public works permit before any construction of homes can occur. As part of the

building permit application, the Applicant will need to demonstrate how the available public facilities, or extensions thereof, will be adequate (i.e. sufficient to meet Public Works specifications) to meet the needs of the proposed project. In staff's review of the plans submitted, it appears that construction of such facilities is feasible and the PF conditions ensure that the facilities will meet Public Works specifications. The applicant/owner will be responsible for providing on-site storm water detention for water quality and quantity (see PF condition 8). The applicant will also be responsible for providing streets within the project of appropriate width for emergency vehicles and right-of-way for the access drive connecting to Wilsonville Road. The applicant will be required to cap all existing on-site utilities prior to the issuance of building permits by the City. With conditions of approval PF8, PF10, PF12, PF17, and PF18 this code criterion can be met.

5. **Finding:** The entirety of the subject property has a Comprehensive Plan designation of Residential, 2-3 dwelling units per acre. The applicant is proposing 1.15 dwelling units per gross acre and 3.28 dwelling units per net acres which meets this code criterion.

#### **Zone Map**

6. **Finding:** The subject properties are currently zoned Residential Agricultural – Holding (RA-H). The applicant proposes a change to Planned Development Residential – 2 (PDR-2) zone to accommodate 15 single-family lots averaging 15,799 SF each.

#### **Significant Natural Resources**

7. **Finding:** 9.08 acres of the 13.06 acres of the subject property are mapped in the City's Significant Resource Overlay Zone (SROZ). The SROZ boundary is mapped in Exhibit P. See Finding 14 for further discussion of the impact of the proposed development of the SROZ.

#### **Area of Special Concern:**

8. **Finding:** The Comprehensive Plan does not identify the subject property as an area of special concern.

**Criterion 'C':** *Compliance with Implementation Measures 4.1.4.b, d, e, q, and x of the Wilsonville Comprehensive Plan Text.*

#### **Implementation Measure 4.1.4.d:** *Diversity of Housing Types*

9. **Finding:** The applicant intends, and the density calculations support, single-family homes to be built on the proposed lots. Fifteen additional single-family homes should not significantly alter the City's housing goals. The intent of this implementation measure is met.

#### **Implementation Measure 4.1.4.e:** *Targets To Meet The City's Housing Goals*

10. **Finding:** The City has established a 50% multi-family, 40% single-family target for housing in the City. The May 2002 Development Summary estimate by the City indicates a current split of 53.31% multi-family to 40.79% single-family. The proposed project would change

this split to 53.20% multi-family to 40.91% single-family, a negligible change. The intent of this implementation measure is met.

**Implementation Measure 4.1.4.g:** *Mobile Homes and Manufactured Dwellings*

11. **Finding:** The applicant is not proposing mobile homes in this application.

**Implementation Measure 4.1.4.x:** *Optimum Living Environment for Apartments and Mobile Homes.*

12. **Finding:** The applicant is proposing neither apartments nor mobile homes in this application.

**Criterion 'D':** *Availability of Adequate Public Facilities to Serve the Proposed Development*

13. **Finding:** As proposed, the applicant would direct sanitary sewer flows to the existing sanitary sewer in Rose Lane via an easement through lots 1 to 4 of the River States II subdivision. Storm water runoff for lots 1-5 and 11-15 would be directed to a detention facility in the southwest corner of the site. Drainage from lots 6-10 would be captured in on-site facilities. The City Engineer's Public Facilities (PF) conditions attached to this staff report (Exhibit CCC) and require the applicant to provide adequate road, water, and sewer infrastructure to serve the proposed project. These conditions require that all Public Works permits granted to the applicant/owner will be in accordance with the need determined by the City Engineer to serve the proposed project.

**Criterion 'E':** *Significant Resource Overlay Zone*

14. **Finding:** Exhibit P shows the boundary of the City's mapped Significant Resource Overlay Zone (SROZ). The applicant proposes to place the entirety of the SROZ area into a conservation easement to the City (Tract 'D'). In addition, the applicant proposes to demarcate the SROZ on lots 8-11 with a rock retaining wall. This demarcation will determine the future limits of grading on these lots. The grading of individual lots must occur in substantial compliance with the proposed grading plan shown in Exhibit Q. The applicant is proposing a building setback line (B.S.L) for all proposed lots as further separation of building/construction activities from the SROZ. Proposed lot 5 will require an Significant Resource Impact Report (SRIR) as identified in Section 4.139 of the Development Code prior to any grading of the lot. The preliminary utility plan identifies six (6) detention facilities in the SROZ area on the south side of the property. The applicant will need to demonstrate that these facilities are exempt from the SROZ regulations in Section 4.139 of the Development Code or that they will not impact the SROZ (see conditions of approval in the report of the Natural Resources Program Manager Exhibit DDD). Exhibit Q also shows wetlands just south of lots 8-11. These wetlands are not large enough to fall under the jurisdiction of the City' Development Code or the Natural Resources Plan. See the Natural Resources Program Manager's Report (Exhibit DDD). With conditions 1 and 2 contained in Exhibit DDD, this code criterion can be met.

**Criterion 'F':** *Development Schedule – Development to Commence within Two Years of Initial Approval of Zone Change*

15. **Finding:** The applicant's response findings to this criterion (p.14 of Exhibit D) indicates intent to begin development of the 15 new lots shown on the tentative plat after final approvals are obtained from the City. This code criterion is met.

**Criterion 'G':** *Compliance of Development with Applicable Development Standards.*

16. **Finding:** Staff is recommending conditions of approval for the proposed project that should bring the project into compliance with all applicable development standards.

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

17. **Finding:** Staff has made affirmative findings for subsection 4.197(.02)(A-G) above. Staff is also recommending conditions of approval for the project to ensure compliance with the subject code criteria.

**Subsection 4.197(.04):** *City Council action approving a change in zoning shall be in the form of a Zoning Order.*

18. **Finding:** Staff is recommending approval of the proposed project, with conditions of approval. A City Council Zoning Order will be required prior to approval of this project.

**Subsection 4.197(.05):** *Conditions of Approval Completed before Zone Change.*

19. **Finding:** Staff is recommending a condition of approval that would implement the City Council Zoning Order, contingent on the completion of the conditions of approval adopted by City Council.

## **(B) STAGE I PRELIMINARY PLAN**

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Subsection 4.140(.07) sets forth the criteria to be satisfied to recommend approval of a Stage I Preliminary Plan. Subsection 4.140(.07)(B)(5-7) stipulates the following be provided as part of the application for a Stage I Master Plan:

- “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.*
- 6. If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.”*
- 7. Statement of anticipated waivers from any of the applicable site development standards.*

**20. Finding:** The applicant has met all the Stage I Preliminary Plan filing requirements with the exception of the need for security assurances acceptable to the Community Development Director for the capital improvements required by the project. The applicant is not proposing to develop the project in more than one phase. Page 5 of Exhibit D request a waiver from the minimum lot size for four lots and a waiver of the average lot size. This code criterion is met.

### **Conclusion**

Staff recommends that the applications for Zone Map Amendment and Stage I Master Plan be reviewed and forwarded as a positive recommendation by the Development Review Board to City Council for a hearing with the conditions of approval contained herein. Further, staff recommends that the applications for the Tentative Subdivision Plan, Stage II Final Plan, and Site and Design Plans be reviewed and action taken on them under a separate public hearing of the Development Review Board.



### (C) STAGE II FINAL PLAN

Subsection 4.140(.09)(J)(1-3) stipulate 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.”

**Subsection 4.140(.09)(J)(1):** *Consistency with Comprehensive Plan* – See Findings in response to 4.197(.02)(B) starting on page 9 of this staff report.

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

21. **Finding:** The adequacy of traffic capacity is now measured by the City’s Planned Development Regulations that require the traffic from new development be accommodated safely and without congestion in excess of Level of Service D at the most probable used intersections. The traffic study conducted for this application erroneously assumed 18 lots in the calculation of traffic impacts. Using the trip rates in Table 5 of the traffic study (page 9), staff calculates a total of 144 daily trips, 11 AM peak hour trips and 15 PM peak our trips. Approximately 10 trips to and from the project would travel through the I-5/Wilsonville Road interchange area in the PM peak hour.
22. **Finding:** The traffic study indicates that the traffic generated by this project would not produce traffic congestion in excess of LOS D at the study intersection including the proposed entry drive. This code criterion is met.
23. **Finding:** The applicant/owner will be required to pay all applicable SDCs.

**Implementation Measure 3.1.6.f:** *Private Streets.*

24. **Finding:** The applicant is proposing to make the cul-de-sac serving the development a private street. Section 4.001 of the Development Code, definition 162, identifies a street as “the entire right-of-way of a dedicated public way . . .” therefore, with the exception of this implementation measure, the requirements for public streets do not apply to this application. The project has been reviewed and approved for access of emergency vehicles by the Deputy Fire Marshall for the Tualatin Valley Fire Rescue Department (see Exhibit J). Article 7.1 of the proposed CC&Rs stipulates the obligation of the home owner’s association (HOA) to the “cleaning and repair of the streets”. Staff suggests that this obligation also be a part of the deed restrictions for each lot in the event of the HOA fail to uphold this obligation. With condition of approval 28, this code criterion can be met.

25. **Finding:** The street layout of the proposed project provides one 28 foot wide entry drive connection to the old segment of Wilsonville Road that could accommodate two 14-foot lanes. A five (5) foot curb tight sidewalk would be provided on the south side of the entry drive, and a five (5) foot meandering sidewalk must be extended from the project driveway to the new Wilsonville Road. The City Engineer is requiring a commercial grade driveway apron. This code criterion is met.
26. **Finding:** Staff recommends that the applicant/owner be required to contribute the share of system development charges attributed to the project.

**Implementation Measure: 3.1.6.y: Secondary Pathways Internal to Individual Developments**

27. **Finding:** The City's Bicycle and Pedestrian Plan identifies a minor off-street bike/pathway along the southern border of the subject property. The proposed Tract 'D' is a conservation easement to the City. At its narrowest, Tract 'D' is 25 feet wide which should allow sufficient room for a bike and pedestrian path. The tentative plat should indicate that the southern 15 feet of Tract 'D' could also contain a minor off-street bike/pathway. With condition of approval 29, this code criterion can be met.

**Subsection 4.140(.09)(J)(3): Adequate Facilities and Services**

28. **Finding:** This code section requires that urban development only be allowed where necessary facilities and services can be provided. The proposed project has available to it, or will be conditioned to have available to it, adequate facilities to serve the proposed project. With the City Engineer's Public Facilities conditions, this code criterion can be met.

**Sanitary Sewer**

29. **Finding:** Sanitary sewer is not directly available to the subject property. The applicant is proposing to connect to the 8 inch sanitary sewer line in Rose Lane via 15 foot public sanitary sewer easement traversing lots 1-4 of the River Estates II (see Exhibit S). The applicant will need to provide a copy of these easements for review and approval of the City's Legal and Engineering Departments prior to the installation of the sewer line connection and the City's approval of the final plat. The applicant/owner will be required to install and fund, including the payment of system development charges, all improvements necessary to provide the project with sanitary sewer service. The existing septic system on site shall be removed prior to the issuance of a final grading permit. With condition of approval PF17, this code criterion can be met.

**Water**

30. **Finding:** The applicant is proposing to tap into the existing 12 inch water line in the road fronting the property (old Wilsonville Road). The applicant is responsible for the extension of water lines to serve the project, subject to the City's Public Works Standards. The City Engineer is requiring that the water service available to the project be looped through the project with a connection back to Wilsonville Road to ensure duality of service. The existing well will need to be capped prior to the issuance of building permits. With condition of approval 11, PF9 and PF10, this code criterion can be met.

### **Storm Drainage**

- 31. Finding:** The applicant proposes to detain and treat all storm water runoff from the project. The runoff from lots 1-5 and 11-15 would be detained in a 4,000 SF detention facility at the southwest corner of the project. Runoff from lots 6-10 would be detained in small facilities on each lot. These facilities will be reviewed by the City Engineering Division and must meet the City's Public Works Standards. Again, the developer of the project has the responsibility to fund and install all necessary storm water facilities to meet the requirements of the City's Storm Water Master Plan. The applicant will also need to demonstrate that the proposed detention facilities are either exempt from the regulations of the Section 4.139 of the Development Code (SROZ) or that they will not impact the area of the SROZ. With condition of approval PF7, PF8, PF12, and #3-6 of Exhibit DDD this code criterion can be met.

### **Schools**

- 32. Finding:** The City Development Code does not make new development contingent on the adequate provision of school capacity. Staff strongly encourages the applicant to contact the West Linn/Wilsonville School District and inform them of this development.

### **Implementation Measure 3.1.11.p: Usable On-Site Open Space**

- 33. Finding:** The applicant is proposing one open space area (Tract 'D') that is mapped by the City as SROZ. All proposed lots would also contain SROZ in their rear yards that will be a part of the conservation easements. With the waiver granted in response to Subsection 4.113(.01)(A)(2), the intent of this implementation measure is met.
- 34. Finding:** The applicant has agreed to a conservation easement over Tracts 'D' to ensure the long-term protection, consistent with Subsection 4.139.06(10).

### **Subsection 4.113(.01)(A)(2): Waiver of the Open Space Requirements**

- 35. Finding:** This code section allows the DRB to waive the open space requirements for new residential development "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". The applicant's response finding to this code section (p. 2 of Exhibit D) points out that the proposed project is in relatively close proximity to the Wilsonville High School to the north and its athletic facilities, as well as Memorial Park to the South. Staff agrees with this assessment and is therefore not suggesting any requirement for a park to serve a 15 lot subdivision. This code criterion is met.

### **Subsection 4.113(.02)(A): Outdoor Recreational Area**

- 36. Finding:** This subsection requires "at least twenty-five percent (25%) of the area (residential development) shall be open space, excluding streets." This section also allows "required rear yard areas and other landscaped areas that are not within required front or side yards and may be counted as part of the required open space." Staff estimate approximately 69 percent of the site will be in open space including Tracts A, B, and D as well as the SROZ within lots 1-11 thereby exceeding this code criterion.

### **Semi-Public Utilities**

**37. Finding:** The applicant/owner will need to consult with the private utility providers within the City about the potential of providing service to the subject project. With the City Engineer's Public Facilities conditions, this code criterion can be met.

### **Conclusion**

Staff recommends approval and that the application for the Stage II Final Plan be reviewed and action taken on under a separate public hearing of the Development Review Board.

## (D) TENTATIVE SUBDIVISION PLAT REVIEW

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### Subsection 4.210(.01)(B): Tentative Plat Submission

38. **Finding:** Exhibits D and P provide the applicable submittal materials as required by this subsection of the code to evaluate the merits of the proposed tentative plat. This code criterion is met.

### **Subsection 4.236: General Requirements – Streets**

#### Subsection 4.236(.01): Conformity to the Master Plan or Map

39. **Finding:** The findings of the traffic study indicates compliance with the City's Transportation Master Plan and condition of approval 29 will ensure compliance with the City's Bicycle and Pedestrian Master Plan.

#### Subsection 4.236(.02)(A): Future streets

40. **Finding:** The applicant's tentative plat shows the private drive serving the proposed project terminating in a cul-de-sac. As the proposed street would private, the requirement for future street extension does not apply.

#### Subsection 4.236(.04) : Creation of Easements

41. **Finding:** All necessary easements will need to be recorded in the final plat. This code criterion will need to be met at the time of final plat review which will require a separate application to the City's Planning Division.

#### Subsection 4.236(.07): Future Expansion of Street

42. **Finding:** The proposed street is private, therefore the requirement for future street extension does not apply.

#### Subsection 4.236(.08) :Existing Streets

43. **Finding:** The City Engineer's Public Facilities conditions are requiring that all public right-of-way easements and road improvements are to be completed to the requirements of the City's Transportation Master Plan: access drive to the property must have a minimum width of 28 feet and a public street connection at Wilsonville Road is required (see condition PF18).

#### Subsection 4.236(.09): Street Names

44. **Finding:** The applicant will need to supply the City's Building Division with the name of the private street. A street sign will need to be placed in the public right of way. The street sign shall include the word private on it.

### **General Requirements - Other**

#### Subsection 4.237(.01)(A): Blocks

These standards do not apply to the private street in this application.

**Subsection 4.237(.02)(A): Utility Line Easements**

**56. Finding:** The applicant's submittal documents indicate "appropriate easements will be provided as part of the final plat." Staff's proposed PF condition of approval #3 stipulates that all easements on the final plat shall be specified per the City's Public Works Standards and shall be approved by the City Engineer prior to the issuance of any certificates of occupancy for any phase of the project.

**Subsection 4.237(.04): Tree Planting**

**57. Finding:** The applicant's "Planting Plan" identifies the landscape material proposed to be installed along the northern edge of the private drive. See Findings to 4.176(.06)(C) for further analysis of the proposed landscape selection. The applicant/owner will need to provide an instrument guaranteeing the City the right to enter the site and plant, remove, or maintain the plant material of the approved landscape plan that are located on private property. The applicant has not indicated the location of the proposed street tree plan for review. With condition of approval 25, this code criterion can be met.

**Subsection 4.237(.05): Lot Size and Shape**

**58. Finding:** Subsection 4.124.2, PDR-2 specifies the following for lot size and shape:

- “(01) Average lot size: 16,000 square feet.
- (.02) Minimum lot size: 12,000 square feet.
- (.03) Minimum density at build out: One unit per 20,000 square feet.
- (.04) Other standards:
  - A. Minimum lot width at building line: Sixty (60) feet.
  - B. Minimum street frontage of lot: Thirty (30) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private road.
  - C. Minimum lot depth: Seventy (70) feet.
  - D. Setbacks: per Section 4.113(.03).
  - E. Maximum building height: Thirty-five (35) feet.
  - F. Maximum lot coverage: Twenty-five percent (25%) for all buildings.”

**59. Finding:** Based on the Tentative Plat provided by the applicant (Exhibit P), the average lot size is approximately 15,799 SF, which is below the 16,000 SF average required by this code section. The applicant is requesting a waiver from this requirement. Staff concurs with this waiver request (p. 5 of Exhibit D) as larger lot sizes would encroach further into the SROZ. This code criterion can be met with the granting of the requested waiver.

**60. Finding:** The subject property measure 13.06 acres in size. Approximately 3.98 acres are involved in the proposed subdivision. With 15 proposed lots, the gross density would be 1.15 dwelling units per acre (15 lots/13.06 acres). The net density (gross minus streets and open space) would 3.28 du/ac (13.06 ac - 9.08 ac. (SROZ) -.73 ac. (streets) = 3.28 du/ac.). Section

4.124(.03) requires a minimum density at build out of one unit per 20,000 SF. Using this code section, the applicant must show a minimum density of 9 units per acre (173,369 SF non-SROZ area/20,000 SF = 8.67). The applicant is allowed a maximum of 25 units for the site with density bonuses (3.98 ac. non-SROZ \* 3 du/ac. + (1/2)(9.08 ac SROZ \* 3 du/ac) density bonus) = 25 du/ac). The applicant is proposing 15 units which meets these code criteria.

- 61. Finding:** Based on the building setback lines (B.S.L) proposed by the applicant, all lots would either meet or exceed the minimum lot width at building line criterion of this code section.
- 62. Finding:** Lot depths range from 125' to 261' which meets this code criterion.
- 63. Finding:** All proposed lots are over 10,000 SF in size therefore the following minimum setbacks apply: (See revised Condition of Approval #4 A.)

Front yard: 20 feet  
Side yard: 10 feet  
Rear yard: 20 feet  
Garage: 20 feet

While the applicant is not proposing specific homes with this application, the building setback lines (B.S.L) proposed in Exhibit P indicate five (5) side yard setbacks. While it is quite unlikely that a single-family home would take up the full width of the proposed B.S.L, these building envelope areas will need to be revised to reflect required side yard setback or the applicant will need to request and receive approval for a waiver from this requirement. With condition of approval 27, this code criterion can be met.

- 64. Finding:** The applicant is not proposing specific houses with this project. Planning Staff will determine compliance with the maximum building height, lot coverage requirements, setbacks and SROZ encroachments at time of building permit for each house.
- 65. Finding:** The minimum street frontage requirement does not apply as the applicant is proposing a private street.

**Subsection 4.237 (.06): Access**

- 66. Finding:** Subsection 4.124.2 (PDR-2 Zone) requires a minimum lot width at building line of 60 feet. All lots have sufficient width to allow for 60 feet at building line which meets this code criterion.
- 67. Finding:** The applicant is proposing private streets for the project. Subsection 4.124.2 does not require minimum street frontage when the lot fronts on an private road, which is the case here.

**Subsection 4.237(.08): Side Lot Lines**

68. **Finding:** It appears all lot side lot lines are proposed perpendicular to the street upon which the lots face. This code criterion is met.

**Subsection 4.237(.09): Large Lot Land Divisions**

69. **Finding:** The 15 lots of the proposed subdivision are large lots, but with no further potential for future partitioning given the PDR-2 zone and SROZ restrictions. This code criterion is met.

**Subsection 4.237(.10): Building Line**

70. **Finding:** The applicant is not requesting, nor is staff recommending, the establishment of building lines. This code criterion is met.

**Subsection 4.237(.11): Build-To-Line**

71. **Finding:** The applicant has not requested, nor is staff recommending, any build-to-lines. This code criterion is met.

**Subsection 4.237(.12): Land for Public Purposes**

72. **Finding:** The applicant does not propose to dedicate street rights-of-way for the project as none are needed for a private street. The applicant will be required to dedicate all public utility easements deemed necessary by the City Engineer for the project prior to Certificate of Occupancy. With condition of approval 19 this code criterion is met.

**Subsection 4.237(.13): Corner Lots**

73. **Finding:** All radii in the proposed subdivision plat are in excess of 10 feet. This code criterion is met.

**Subsection 4.262: Improvements – Requirements**

74. **Finding:** The City Engineer's PF condition #3 requires the installation of all public utilities to the City's Public Works standards.

**Subsection 4.264: Improvements – Assurance**

75. **Finding:** The applicant has not specified what assurances will be furnished to the City for the complete installation of all improvements. The applicant shall provide cost estimate and securities acceptable to the Community Development Director for the completion of all public improvements prior to approval of the final plat by the City. With condition of approval 19, this code criterion can be met.

**Conclusions**

Staff recommends approval and that the application for the Tentative Subdivision Plan be reviewed and action taken on it under a separate public hearing of the Development Review Board.



## (E) SITE DESIGN REVIEW

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### Section 4.176: Landscaping

#### Subsection 4.176(.10): Completion of Landscaping

76. **Finding:** The applicant/owner will be required to post a bond or other security acceptable to the Community Development Director for the installation of the approved landscape plan. With condition of approval 32, this code criterion can be met.

#### Subsection 4.176(.06)(C): Street Trees:

77. **Finding:** The applicant's response finding to this subsection (p. 11 of Exhibit D\_ proposed to use 1 ¾ inch Red Sunset Maples as street trees, however the proposed planting plan does not show these street trees. This plan does show a variety of evergreen trees and shrubs along the north side of the proposed private drive, which should provide a well vegetated buffer for the adjoining property to the north. The approved planting plan will need to be revised to show the location of the proposed street trees with a minimum of 2 inch caliper trees for the mitigation trees. With condition of approval 31 this code criteria can be met.

### **METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

78. **Finding:** Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite of the City's Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The applicant is requesting a zone change to Planned Development Residential – 2 (PDR-2) which corresponds to a Comprehensive Plan Map density of 2-3 dwelling units per acre.

### **Conclusion**

Staff recommends approval and that the application for Site and Design Plans be reviewed and action taken on them under a separate public hearing of the Development Review Board.

## (F) TREE REMOVAL PLAN

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### **Tree Preservation and Protection**

79. **Finding:** The arborist report supplied by the applicant identifies 27 trees on the project site likely to be impacted by the proposed development. The report also notes there are significant groves of trees that will likely not be affected by the development. The report proposes to remove only 9 trees. The applicant is proposing a total of 23 Cedar trees in the planting plan to compensate for the trees to be removed. No Oregon White Oaks, native yews, or any species listed by either the state or federal government as rare or endangered were found on the project site. Subsequent to the DRB's approval of the tree removal and mitigation plans, the applicant will need to obtain a Type 'C' tree removal permit from the City's Planning Division.

### **Conclusion**

Staff recommends approval and that the tree removal plan be reviewed and action taken on them under a separate public hearing of the Development Review Board.

## (G) SIGNAGE

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The applicant is requesting approval of a monument sign to identify Cedar Pointe. This proposed monument sign would be placed near the main driveway.

**Section 4.156:** *Sign Code.* This section of the Code regulates the size, placement, and design of signs within the City of Wilsonville.

### Approval Criteria for Proposed Monument Sign

**Section 4.156(.02)(B)(2)(a):** *Compliance with objectives of sign code (Subsection 4.156(.01)). Applicable to all signage.*

### Objectives of Sign Regulations

**Subsection 4.156(.01)(A):** *Public and Traffic Safety*

**80. Finding:** The sign contractor should obtain building permits when necessary to ensure public safety is provided for. The owner of the facility has the responsibility to ensure that the placement of the sign will meet the vision clearance requirements of the Wilsonville Code and that routine maintenance is performed on the sign.

**Subsection 4.156(.01)(B):** *Nuisance avoidance.*

**81. Finding:** The proposed monument sign will not result in obtrusive advertising. The sign should not dominate the visual appearance of the area. The proposed sign will assist in the positive identification of the subdivision, meeting the needs of the applicant and the community. This code criterion is met.

**Subsection 4.156(.01)(C):** *Support desired character of development &*

**Subsection 4.421(.01)(F):** *Advertising Features.*

**82. Finding:** The Wilsonville Road vicinity supports a variety of residential sign types. The proposed monument sign is not out of character with other developments in the PDR zone along Wilsonville Road. This code criterion is met.

**Subsection 4.156(.01)(D):** *Variety of signs; prevent visual domination of signs.*

**83. Finding:** The proposed monument sign matches the scale of the project and it will not dominate the visual appearance of the area. This code criterion is met.

**Subsection 4.156(.02)(B)(2)(b):** *Compatibility of signage with uses permitted in zone.*

**84. Finding:** The proposed signage is not out of character with the character of the development in the area. The design employs materials and colors, which should not interfere or detract from the visual appearance of adjacent development. This code criterion is met.

**Subsection 4.156(.02)(B)(2)(d):** *Temporary signs.*

**85. Finding:** Temporary signs are not proposed.

**Subsection 4.156(.02)(B)(2)(e): Variance.**

**86. Finding:** A variance is not being sought as part of this application.

**Subsection 4.156(.02)(B)(2)(f): Relevant application filing requirements.**

**87. Finding:** The applicant has met all of the relevant filing requirements for DRB review of this application. This code criterion is met.

**Subsection 4.156(.06): Sign Area.**

**88. Finding:** The dimensions of the proposed monument sign were measured from the outer dimensions of the lettering. This code criterion is met.

**Subsection 4.156(.07)(C)(1-4): District or Planned Development Signs.**

**89. Finding:** The sign area of the applicant's proposed monument sign is approximately 3.9 SF, well below the 16 SF maximum allowed by this code subsection. The proposed sign only pertains to the proposed project and is being reviewed by the DRB with this application. This code criterion is met.

**Addressing:**

**90. Finding:** The locations of mailbox stations are not shown on the Preliminary Plat. The U.S. Post Master has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct the disabled. Moreover, mail stations must be located as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants, public and private utilities.

**Conclusion**

Staff recommends approval of the proposed monument sign and further recommends the proposed sign plan be reviewed and action taken on it under a separate public hearing of the Development Review Board.

02DB21

**Cedar Pointe**

**Zone Map Amendment  
Stage I Preliminary Plan  
Tentative Subdivision Plat  
Stage II Final Plan  
Site and Design Plans  
Tree Removal Plan  
Monument Sign**

**CONDITIONS OF APPROVAL  
Amended and Adopted by the Development Review Board  
On January 27, 2003**

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

**(A) & (B) Zone Map Amendment and Stage I Preliminary Plan**

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1. This action recommends to the City Council adoption of the Zone Map Amendment and Stage I Preliminary Plan as entered into the record on January 27, 2003.

**(C) Stage II Final Plan**

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2. The natural areas with the Significant Resource Overlay Zone (SROZ) shall not be disturbed except for pathways, and the approved storm water detention and water quality facility in Tract 'D' subject to final approval of the construction drawings by the City Engineer and the Natural Resources Manager. During construction (i.e. streets, installing utilities, excavation) in creating the lots for sale, the developer shall install temporary six (6) foot high chain link fencing along the 25 foot SROZ ~~buffer~~ boundary so that it is not disturbed. In addition to the Building Division Review, final grading plans for the water quality/detention facility in Tract 'D' shall be reviewed and approved by the City's Environmental Services Division and Natural Resources Manager to ensure a soil erosion control treatment plan that will minimize impact to the resources in the SROZ.
3. A Significant Resource Impact Report as identified in Section 4.139 of the City's Development Code shall be performed, reviewed, and approved by the City through a Class II Administrative Review prior to the issuance of a grading permit for proposed lot 5. A note to this effect shall be recorded on the final plat.

4. The Development Review Board adopts the following lot development standards and waivers: (Amended and adopted by the DRB on 1/27/2003)
  - A. ~~Setbacks: per Section 4.113(.03).~~
  - A. Setbacks per Code Section 4.133(.03)(B):
    - Front Yard: 15 feet; open porch 10 feet
    - Rear Yard: One-story home: 15 feet; two-story home: 20 feet
    - Side Yard: One-story home; 5 feet; two-story home: 7 feet
    - Garage: 20 feet
  - B. Lot coverage: 25% maximum.
  - C. Five (5) foot wide concrete sidewalks on one side of the proposed street.
  - D. Lot width, depth and proposed height of structures meet code.
5. A Homeowners' Association shall be formed as specified in the CC&Rs for the development. The Association shall have responsibility for maintenance of all shared private drives, parks, open spaces, walls, and fences within the development. The CC&Rs shall be reviewed by the City Attorney prior to recording the final plat.
6. The applicant shall submit for the review and approval of the City Engineer, the Natural Resources Manager and the Environmental Services Division drawings and construction plans for the water quality/detention facility in Tract 'D' and its outfall to the drainage channel. These plans shall show the SROZ boundary over the development proposal.
7. The applicant/owner is required to provide the proportionate share of all system development charges that apply to this project.
8. A concrete sidewalk connection of at least 5 feet in width shall be provided to the pedestrian connection from the new Wilsonville Road to the sidewalk at the main Cedar Pointe subdivision entrance.
9. Substantial changes to the grading plan from that depicted in Exhibits P-T shall require approval from the Planning Division via a Class II Administrative Review.
10. The proposed conservation easement (Exhibit 2 of Applicant's submittal document (Exhibit D)) shall be revised to reflect the conditions of the proposed Cedar Pointe subdivision. The revised, proposed conservation easement shall be reviewed, and if deemed acceptable, approved by the City's Planning Division and Legal Department prior to City approval of the final plat.
11. The applicant shall decommission all existing on-site wells and septic systems prior to the issuance of a grading permit by the City.

12. All public easements needed for the extension of the proposed sanitary sewer line extension to Rose Lane will be reviewed and, when deemed acceptable, approved by the City's Engineering Division and Legal Department.

**(D) Tentative Subdivision Plat**

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13. This action approves the Tentative Subdivision Plat for 15 lots, Stage II Final Plans, Site and Design Plans, and Signage Plan entered into the record on January 27, 2002 for the proposed project. These approvals are contingent upon City Council approval of the Zone Map Amendment and Stage I Preliminary Plan.
14. Final subdivision plat shall be reviewed by the City's Planning Division in accordance with Section 4.220 of City's Development Code.
15. The final subdivision plat shall record the following as a plat note: Tract "D" is subject to a conservation easement granted to the City of Wilsonville to preserve the City's mapped Significant Resource Overlay Zone (SROZ) area as defined in City Ordinance 516 and encompassed by the easement. All lots are also subject to a 25-foot Impact Area building restriction, as defined by City Ordinance 516, contiguous to the boundary of Tract "D". The SROZ and Impact Area boundaries shall not be shown on the final plat.
16. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
17. Construction and site development shall be carried out in substantial accord with the tentative subdivision plat (date stamped) dated December 9, 2002, approved by the Development Review Board unless altered with Board approval, or as amended by conditions or with minor revisions through a Class II Administrative Review by the Planning Director. (Clarified by DRB on 1/27/2003.)
18. The lots shall not be sold or conveyed until such time as the final plat is recorded with Clackamas County.
19. The applicant/owner shall supply the City with a performance bond or other security acceptable to the Community Development Director for all capital improvements required by the project prior to City approval of the final plat.
20. In the event the project proceeds in more than one phase of construction, the applicant/owner shall supply the Planning Director with an anticipated schedule of construction and shall communicate to the Planning Director in writing any significant changes in the anticipated schedule.
21. The installation of the rock retaining wall depicted on lots 8-11 of Exhibit P shall not occur within the SROZ boundary.

22. The Significant Resource Overlay Zone (SROZ) shown on City mapping for Tract 'D' shall be identified in a conservation easement. The applicant shall record the conservation easement with the final plat with the Clackamas County Clerk's office, and identify the easement on the land sale deed for the affected lot. Furthermore, the conservation easement shall be shown on all sales information for public/buyer's inspection. The City Attorney prior to recording the final plat shall review the conservation easement.
23. The applicant shall waive the right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
24. The tentative subdivision plat will expire two (2) years after final approval, however, upon good cause shown, the Development Review Board shall extend such plat approval for one additional year.
25. Prior to final plat approval, the applicant shall provide the City with an instrument guaranteeing the City the right to enter the site and plant, remove, or maintain the plantings in the approved landscape plan that are located on private property.
26. Planning Division staff shall have approval authority of all retaining walls reviewed by the City's Building Division relative to materials and encroachment to the SROZ and its associated Impact Area.
27. ~~The proposed building setback lines (B.S.L.) on the proposed plat shall be revised to reflect a 10 minimum side yard setback.~~ (Amended by the DRB on 1/27/2003.  
The proposed building setback lines (B.S.L.) on the proposed plat shall be revised to reflect the minimum side yard setbacks for lots under 10,000 SF as defined in Subsection 4.113(.03)(B) of the City's Development Code.
28. The lot owners' responsibility for the maintenance of the private street shall be identified in deed restrictions for each lot.
29. A fifteen-foot bicycle/pedestrian path easement along the southern border of Tract 'D' shall be noted on the final plat.

#### **(E) Site and Design Review Plans**

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30. Light standards shall be positioned to illuminate the entrances next to pedestrian paths. Exterior lights shall be positioned in such a way to prevent glare on adjacent streets. Repositioning of light standards and/or installation of hoods or baffles may be required.
31. The applicant shall submit to the City's Planning Division for Class II Administrative Review a revised Planting Plan (Exhibit Q) that indicates the location of proposed street trees on the landscape plan.
32. The applicant shall provide security equal to 110% of the cost of the landscaping in the approved planting plan, as determined by the Community Development Director, to be filed



with the City assuring such installation within six months of occupancy. "Security" is cash, certified check, and time certificates of deposit, assignment of a savings account and written right of access to the property, or such other assurance of completion as shall meet with the approval of the Community Development Director. If the installation of the landscaping is not completed within a six-month period or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the applicant.

#### **(F) Tree Removal Plan**

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33. The applicant shall obtain a Type 'C' Tree Removal Permit on the Planning Department Site Development Application and Permit form prior to site grading. Prior to site grading, the applicant shall install a 6' high chain link fence with metal posts securely installed into the ground along the drip line of the trees shown for preservation. The fence shall remain in place during the entire construction period.
34. All mitigation trees shall be equal to or greater than 2" caliper, 8-10' tall for evergreens.

#### **(G) Monument Sign**

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35. This action approves one non-illuminated monument sign, approximately 3.9 SF in sign area.
36. The owner of the property shall ensure that the sign is installed in substantial compliance with the approved plans (Exhibit E).
37. The applicant/owner shall obtain City approval of any additional signage for the development requiring a permit under the City's sign code.
38. The applicant/owner shall obtain all necessary building and engineering permits from the City of Wilsonville needed for the installation of the proposed signage.

#### **Conditions Pertaining to the Entirety of the Application**

39. The recommended conditions of the City Engineer, Building Official, and the Natural Resources Manager are hereby incorporated as conditions of approval (Exhibits CCC, BBB and DDD respectively).
40. The Stage I Preliminary Plan, Stage II Final Plans, and the Site and Design plans will expire two years after final approval if substantial development has not occurred on the property within that time, unless extended by the DRB for just cause.
41. All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.

42. The developer shall coordinate with the U.S. Postal Service about the locations of mailbox stations. The U.S. Post Master has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, the mail stations shall be located as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants or public and private utilities.

EXHIBIT BBB

## Development Review



**TO:** Paul Cathcart, Associate Planner  
**FROM:** Don Walters, Plans Examiner  
**DATE:** 8/20/02 (Revised 3/7/03)  
**SUBJECT:** DEVELOPMENT REVIEW # 02DB21 REVISED

**Building Department**  
8445 SW Elligsen Road  
PH: (503) 682 - 4960  
(8:00 AM – 5:00 PM)  
FAX: (503) 682 - 7025

## PROPOSED CEDAR POINTE SUBDIVISION

(File under: Annex/CD Public/Building Development Review)

Work description: 15 lot subdivision built on a private 28' wide cul-de-sac. Tract includes large open space.

*The following is a list of concerns and/or conditions for the project listed above. This review is based on certain assumptions necessitated by the limited information available in the submitted documents.*

*Review of the complete working drawings may reveal that those assumptions were incorrect and/or may expose additional code concerns.*

1. Two hydrants shall be installed in this subdivision as per Gene Birchill, Deputy Fire Marshal. They shall be located as shown on Plan Sheet 6 of 8 dated 7/31/02. The 1<sup>st</sup> is located to the south side of the entrance. The 2<sup>nd</sup> is located on the outside of and slightly north of the middle of the 180-degree curve, nearly adjacent to the short dead-end street.
2. All hydrants shall be equipped with STORZ connectors acceptable to the fire marshal.
3. Homes constructed on Lots 8, 9, 10, and 11 shall have multi-purpose type residential fire sprinkler systems as a trade-off for the reduced size of the cul-de-sac. This information shall be placed on the plat and shall also become an attachment to the deeds of the affected properties.
4. On-street parking is allowed on only 1 side of the main street. No on-street parking is allowed on the short street feeding Lots 2, 3, and 4, 5, and the north side of 6. Signage and curb markings meeting the requirements of the Uniform Fire Code shall be installed where

no parking is allowed. All such required curb markings and signage shall be shown on the plat. All such signage and curb markings shall be in place before the Planning Department may sign off on the sub-division. If weather does not allow the installation of the signage and curb markings, then a bond acceptable to the Planning Department may be accepted. The final inspection for a house adjacent to a street portion that requires such signage and markings will include inspection of the required signage and curb markings.

5. A 1200C permit from the Department of Environmental Quality will be required for this project. A copy of the 1200C permit shall be submitted to the City as part of the grading permit submittal.
6. A geotech report shall accompany the application for the excavation and grading permit. The geotech report shall address all pertinent items, including but not limited to the possibility of landslides and previous soil placed on site. For lots where buildings may not meet the minimum set back from descending slopes as specified in the code, a site specific geotech report that addresses alternate setbacks from descending slopes shall accompany the building permit application for each lot. As part of the excavation and grading permit, a final report from the geotech shall be submitted. The report shall include the minimum allowable soil bearing capacity of each home site. *Each site shall be individually tested.*
7. Lots shall have positive drainage for storm water from rain drains, under-floor low-point drain, and surface drainage, to adjacent streets. If and only if it is not feasible to drain storm water to the street, a storm drain acceptable to the City Engineering Department may be used.
8. The site shall be graded in such a manner that no additional storm water shall drain onto surrounding properties without the express permission of the City Engineering Department.

## EXHIBIT CCC

### ENGINEERING DEPARTMENT MEMO

DATE: January 17, 2003

TO: Paul Cathcart, Associate Planner

FROM: Laurel Byer, PE  
Assistant City Engineer

RE: *Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Cedar Pointe Subdivision*

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*Based on a review of the materials submitted, Staff has prepared the following Conditions of Approval. These conditions are applicable to the subject application; any subsequent modifications may require amendments and/or additions.*

A Traffic Impact Analysis dated June 24, 2002 was prepared to address traffic related issues associated with the application.

PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections and/or extensions. Separate engineering drawings reflecting the installation of these public utilities will be required.

No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by 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.

PF 2. Staff reserves the right to revise/modify the public improvement construction plans and completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.

PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" or 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

PF 4. 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 it's 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.

PF 5. Plans submitted for review shall meet the following general format:

- a. Composite public/private utility improvement and grading plan.
- b. Detailed public/private utility improvement and grading plan.
- c. Public/private utility improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City. The public/private utility improvements shall be centered in a 15-ft. wide public easement and shall be conveyed to the City on its dedication forms.
- d. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- 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. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
- i. All plans, specifications, calculations, etc. prepared in association with proposed public/private utility improvements shall be prepared by a Registered Professional Engineer of the State of Oregon.
- j. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- k. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- l. At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD version 2000.

- PF 6. The applicant will 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.
- PF 7. If required, the project shall install a manhole at each connection point to the public storm system (with City approved energy dissipaters and pollution control devices) and the sanitary sewer system.
- PF 8. 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, water quality, and outfall facilities shall be designed and constructed in conformance with the standards of Clean Water Services of Washington County.
- PF 9. 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. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF10. The project shall install a looped public water system through the proposed site.

- PF11. The applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within the easement areas.
- PF12. The applicant shall provide a down stream analysis of the storm water outfall. The purpose of this analysis is to determine if any negative impacts will result from the discharge of storm water as proposed on plans.
- PF13. 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.
- PF14. The applicant shall contact SMART regarding making the site as transit friendly as possible. This project has potential for transit ridership and measures shall be taken to enhance transit access to the site and pedestrian connections to transit.
- PF15. The stub street (Tract "C") that serves lots 2,3,4,5, and 6 shall have a five foot sidewalk on the north side of the street and shall meet minimum standards of the Tualatin Valley Fire District. (Amended by the DRB on 1/27/2003.)
- PF16. The applicant shall provide documentation that the Public Pipeline Easements for the sanitary sewer have been secured from the four parcels to the west before a Public Works Permit will be issued.
- PF17. The applicant shall construct the proposed sanitary sewer main along the west side of Rose Lane.
- PF18. In order to connect to the east side of Wilsonville Road, the subject property must access across a portion of existing City of Wilsonville right-of-way. The proposed street shall be designed at a minimum width of 28 feet and have a public street connection at Wilsonville Road. Within the public right-of-way, the street shall be constructed to Public Standards complete with curbs, sidewalks, streetlights and street trees. ~~Also, sidewalks shall be required on both sides of the private portion of the street.~~ (Amended by the DRB on 1/27/2003.)
- ~~PF19. There are existing driveway accesses within the public right of way which serve single family residences to the north and south. These accesses shall be modified to meet Public Standards by installing approved residential driveway approaches on the new street. (Deleted by the DRB on 1/27/2003.)~~
- PF20. The applicant shall dedicate a fifteen foot wide pedestrian easement at the end of the cul-de-sac, stubbed to the west property line of the subject parcel.

PF21. All required pavement markings, in conformance with the Transportation Master Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements,

PF22. The applicant shall be responsible to dedicate fifteen-foot wide easements for bike and pedestrian paths consistent with the City of Wilsonville's Bicycle and Pedestrian Master Plan. The applicant shall be responsible to propose locations for the bike and pedestrian easements at the time of Engineering plan review for a Public Works Permit for this proposed project. The paths do not have to follow the exact alignment as shown in the Bicycle and Pedestrian Master Plan, however they do need to meet the intent of having a north-south path and an east-west path. Feasibility of the proposed paths will also be reviewed at that time. (Amended by the DRB on 1/27/2003.)

PF23. At the request of Staff, DKS completed a traffic impact analysis dated June 24, 2002. The project is hereby limited to no more than the following impacts.

New P.M. peak hour trips	15
Trips through Wilsonville Road Interchange Area	10

#### EXHIBIT DDD

### COMMUNITY DEVELOPMENT MEMORANDUM

To: Paul Cathcart, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: January 21, 2002

**RE: Proposed 15 lot, single family subdivision (02DB21 – Cedar Pointe)**

This memorandum includes staff conditions of approval. The conditions of approval are based on the submitted Stage I Master Plan, Preliminary Plat, Stage II Final Plan, and Site and Design Plans. The conditions of approval apply to the applicant's submittal of construction documents (i.e. engineering drawings).

#### CONDITIONS OF APPROVAL:

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

1. Pursuant to Section 4.139.03, .04 and .05, the applicant shall demonstrate proposed development (site grading, rock retaining wall for Lots 7 and 8, and vegetated filter strips) within or adjacent to the boundary of the Significant Resource Overlay Zone (SROZ) is exempt or will not impact the Significant Resource. Proposed non-exempt development within the SROZ, or development which may impact the SROZ, requires the applicant to submit a Significant Resource Impact Report (SRIR), prior to obtaining a grading permit, for review and approval by the City of Wilsonville.
2. Pursuant to Section 4.139.03 and .05 of the City of Wilsonville Code, the applicant shall submit a Significant Resource Impact Report (SRIR), prior to obtaining a grading permit, for proposed non-exempt development in the Significant Resource Overlay Zone (SROZ) and its associated 25 foot Impact Area within Lot 5. The applicant shall determine the boundaries of the SROZ and its associated Impact Area pursuant to the requirements of Section 4.139.05 (.02)(3).
3. Submit a drainage report and drainage plans. The report and plans shall demonstrate the proposed water quality treatment and quantity control facilities satisfy the policies and standards of the City of Wilsonville's Stormwater Master Plan and Public Works Standards. Refer to Stormwater Master Plan Policies 9.3 (Stormwater Quality Policies) and Policies 9.5 (Stormwater Quantity Policies).
4. A profile of the proposed water quality treatment facilities shall be submitted. This profile shall include, if applicable, plant species and placement, elevations, slopes, outlet, and other information consistent with requirements of the City's Stormwater Master Plan, including but not limited to:
  - a. **Policy 9.3.4 (Shading of Waterbodies); and**
  - b. **Policy 9.4.1 (Landscaping in conjunction with storm water facilities).**
5. Pursuant to Stormwater Master Plan Policy 9.2.4 and Implementation Measure 9.3.3.2, the applicant shall submit a maintenance plan (including the City's storm water maintenance covenant and access easement) for the proposed water quality treatment and quantity control facilities prior to approval for occupancy of the associated development.
6. Pursuant to the Stormwater Master Plan's Implementation Measure 9.4.1.1, access should be provided for the entire perimeter of the water quality treatment and quantity control facilities. At a minimum, at least one access shall be provided for maintenance and inspection.



7. Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant has not submitted an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
  - a. Gravel construction entrance;
  - b. Stockpiles and plastic sheeting;
  - c. Sediment fence;
  - d. Inlet protection;
  - e. Dust control;
  - f. Temporary/permanent seeding or wet weather measures (e.g. mulch);
  - g. Other appropriate erosion and sedimentation control methods; and
  - h. Limits of construction.
8. Pursuant to Section 4.176(.03) of the Planning and Land Development Ordinance, native plant materials shall be used wherever practicable. If feasible, the applicant shall incorporate native plantings within the landscape areas.
9. The applicant shall comply with all applicable requirements of the Army Corps of Engineers and Oregon Division of State Lands for construction activities that may impact wetlands or waterways.
10. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200-C permit).