

RESOLUTION NO. 709

A RESOLUTION TO AFFIRM AND ADOPT THE PLANNING COMMISSION'S INTERPRETATION REGARDING PRIMARY OPEN SPACE LOCATED ON TAX LOT 2200, T3S-R1W, SECTION 15 AND TAX LOT 7200, SECTION 15DD, THE PARK AT MERRYFIELD SUBDIVISION, LINCOLN SAVINGS AND LOAN, APPLICANT.

WHEREAS, Lincoln Savings and Loan has submitted an application for a planned development in accordance with the procedures set forth in Sections 4.008 and 4.138 of the Wilsonville Code; and

WHEREAS, the Wilsonville Planning Commission held a public hearing on February 13, 1989, to review the Staff Report, consider planning exhibits prepared by the applicant and to gather public testimony; and

WHEREAS, all interested and affected parties have had an opportunity to offer testimony and be heard on this subject after public notice had been posted, legal notice was published, and surrounding property owners were notified; and

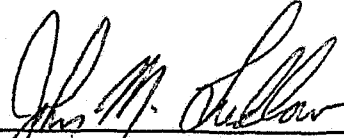
WHEREAS, the commission duly considered all reports, exhibits and testimony and approved a Stage I Master Plan Preliminary Plat for a single-family subdivision on February 13, 1989; and

WHEREAS, the applicant demonstrated that the "Primary Open Space" designation on the subject parcel need not be reflected in the site development and that the proposed development would be in conformance with the Comprehensive Plan policies regarding open space; and

WHEREAS, the City Council has the final authority for the interpretation of the Comprehensive Plan text and/or map.

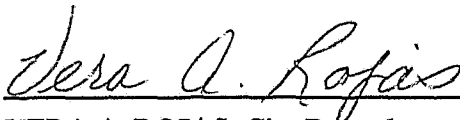
NOW, THEREFORE, BE IT RESOLVED that the Wilsonville City Council does hereby affirm and adopt the interpretation of the Planning Commission regarding the Primary Open Space. Further, the Council adopts the Staff Report attached hereto as Exhibit "A", along with the findings and Conditions of Approval contained therein as modified by the Planning Commission.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March, 1989, and filed with the Wilsonville City Recorder this same date.



JOHN M. LUDLOW, Mayor

ATTEST:



VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Ludlow	<u>AYE</u>
Councilor Stark	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Edwards	<u>AYE</u>

CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted by the Planning Commission and recommended to the City Council as assurance that the project in question will develop in accordance with the policies as established by the City of Wilsonville for the implementation of the Comprehensive General Plan.

1. That the applicant submit to the Planning Department the required legal description of the primary open space and that the developer establish a homeowners' association for the purpose of maintaining the open space. The homeowners' association's documentation shall be completed by Final Plat reviewed by the Planning Commission.

It is the purpose of this Condition to assure that the property in question is adequately surveyed and documented.

Furthermore, it is the purpose of said Condition to assure the preservation of the natural open space between the building sites and the school property.

2. The applicant will construct a pedestrian walkway system connecting the single-family area with the Wood School property, if and as determined to be appropriate relative to security, user safety and preservation of wetlands, if feasible. Determination of appropriateness will be subject to coordination with the City Engineer, West Linn School District staff and appropriate wetland authorities.

It is the purpose of this Condition to assure adequate pedestrian circulation through open space from adjoining residential developments and the project in question to the interior of the open space and the school site as referred to.

3. That a specific Landscape Plan for the improvement of the proposed tree planting system be submitted to the Wilsonville Design Review Board for review and approval.

It is the purpose of this Condition to assure that the proposed trees are adequately sited to prevent interference with public utilities and to provide a means of review to determine the acceptance of the proposed tree species as indicated on the Landscape Plan and to preserve the maximum number of fir trees on the property which are not a safety hazard.

4. That all setbacks and lot coverages for 149 single-family dwellings on the platted subdivision do not encroach or exceed the minimum standards listed below:

Setbacks

Front and read	-	20 feet
Side - one story	-	5 feet
Side - two story	-	6 feet

Lot Coverage

35% maximum all lots for all buildings

NOTE: The 20-foot front yard setback shall include yard areas on corner lots. The side street setback on corner lots may be reduced by 15 feet.

5. That the applicant's CC&R will be submitted for review at Final Plat review for Phase I.
6. That the applicant waive right of remonstrance to any proposed land for a local improvement district which may be formed to construct public improvements which would serve the subject property.
7. That all representation made in Exhibit 4A and the report by City Engineering Department on the Park at Merryfield be included as conditions.
8. The developer shall construct a sidewalk along Brown Road along the entire frontage of Lots 1 and 149, plus Tract B, as part of the subdivision infrastructure improvements. The City Engineer will review said improvement.
9. That the applicant address the conditions of the previous agreement between Dorothy Lehan and Environmental Neighborhoods, Inc. These conditions center on:

The provision to provide and connect all services to the existing residence. The previous owner had agreed to connect the sanitary sewer service to the south of the existing residence. This would require an additional easement through the open space.
10. The 10-acre open space has been proposed and that the open space shall be maintained by the homeowners' association with Brown Road setback area.
11. At the submittal of Phase II, provide the Planning Director a traffic analysis for traffic generated by the Park at Merryfield subdivision, to satisfy Section 4.139(4)(b)WC, prior to final plat approval.
12. This approval neither creates nor eliminates any rights or obligations existing under the Southern Pacific pipeline easement, as referenced as Exhibit No. 5.
13. Approval of Phase I Preliminary Plat will be effective for a period of two years from the date of decision, and if the final plat is not submitted within such time, the Preliminary Plat shall be submitted again and the entire procedure shall be repeated.
14. That there be a 75-foot setback to preserve trees. The setback shall be 75 feet immediately west and adjacent to the 20-foot Brown Road dedication. Applicant shall be allowed to readjust the lots to the west so that there is no net loss of lots.
15. The applicant shall dedicate Tracts A and/or B at the option of the city. That option shall remain in effect up to completion of building construction upon the last lot in the entire subdivision. Nothing in this condition, shall be construed to limit the establishment of the required homeowners' association to provide maintenance of Tract A and B until such time as the option dedication, if any, may occur.

16. That a mutually agreeable System Development Agreement or Park Facilities Development Agreement shall be reached between the city and the applicant for a pathway or sidewalk through or adjacent to Tranquil Park. The pathway or sidewalk shall connect the sidewalk to the north of Tranquil Park with the sidewalk to the south of Tranquil Park to be developed by the applicant. The alignment of said path or sidewalk shall occur prior to Phase II.
17. That the developer shall provide a traffic study to determine compliance with Section 4.139(4)b for the intersection of Wilsonville Road and Brown Road; said study to occur after Spring Vacation; said traffic report to be submitted prior to recordation of final plats. If the study results in a finding of non-compliance with Section 4.139(4)b, the the final plat shall not be approved.

CITY OF WILSONVILLE
ENGINEERING DEPARTMENT
MEMORANDUM

DATE: JANUARY 11, 1989
TO: PLANNING DEPARTMENT
FROM: ENGINEERING DEPARTMENT
SUBJECT: CONDITIONS OF APPROVAL FOR -
MASTER PLAN, PARK AT MERRYFIELD

Comments:

NOTE: The comments that follow concern the public improvements to the subject site; however, the applicant shall meet all requirements of the building permit process.

1. All final plans to be submitted on a 24" X 36" format, a title page will be required with a space left in the lower right hand corner for an 8-1/2" X 11" information sheet, to be provided by the city to be affixed to the final as-built plans before acceptance. The applicant shall provide 3-mil. Mylar as-builts to the city. The as-builts must be submitted and approved by the city before the final punch list inspection will be performed.
2. Engineer to provide a detailed drainage analysis of the subject property and prepare a 24" X 36" sheet identifying contributing drainage areas, to be included with the final design plans.
3. Storm sewer system to be designed to pass a 25-year frequency storm; Engineer to provide detailed drainage computations. Applicant's design engineer to provide runoff protection to downstream property owners.
4. Final utility design shall follow the following general format:
 - A. Sanitary sewer to be aligned on the north and west side of all street centerlines.
 - B. Storm sewer to be aligned on the south and east side of all street centerlines.
 - C. Waterline to be aligned on the south and east side of all street centerlines.
 - D. Minimum centerline finish grade to be no less than 1% and the maximum centerline finish grade to be no more than 12%.
 - E. Top of curb to equal centerline finish grade unless offset crown design or curb return transition.
 - F. Composite utility plan to be part of the final plan set.
 - G. Detailed grading plan to be part of the final plan set.

Conditions of Approval -
Master Plan Park at Merryfield
January 11, 1989
Page 2

- H. Utilities not in the street area shall provide maintenance access acceptable to the city, and be centered in a 15.00 foot easement to be conveyed to the City of Wilsonville.
 - I. Final design of the public utilities to be approved at the time of the city's issuance of a public works construction permit.
 - J. All on and off site utilities shall comply with the State of Oregon and the City of Wilsonville requirements and codes.
 - K. All cul-de-sacs to have a minimum of a 45.00 foot radius to face of curb to allow for adequate turning radius.
 - L. All public streets to meet design requirements for sight distance (horizontal, vertical, and intersectional).
 - M. Final design plans to identify locations for streetlighting, gas service, power lines, telephone lines, cable television, street trees, mail box clusters.
5. All survey monuments on the subject site to be protected, if destroyed by the proposed site construction the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the city.
 6. Applicant will need to construct a sewer main from Wilsonville Road to serve his property.
 7. Before plat is approved applicant should insure that road right-of-way is dedicated from the state property, (intersection of 110th, Brown Road and Camelot Street).
 8. Before the City accepts the 10-acre park property all storm drainage problems should be corrected, (as required by old plat applications).
 9. Applicant must get approval from the owner of the Southern Pacific pipeline easement for lot pattern along easement (easement holders may want to insure that no fences or improvements are done over pipeline).
 10. Lots 6 though 13 may be in flood plain area. Applicant needs to identify flood plain area and its effect on the access road, lots and proposed park area.

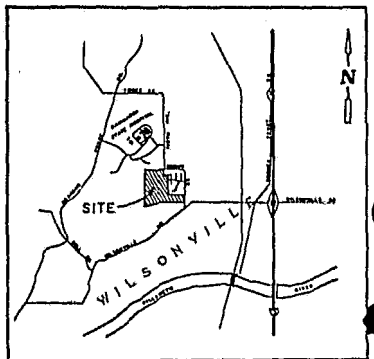
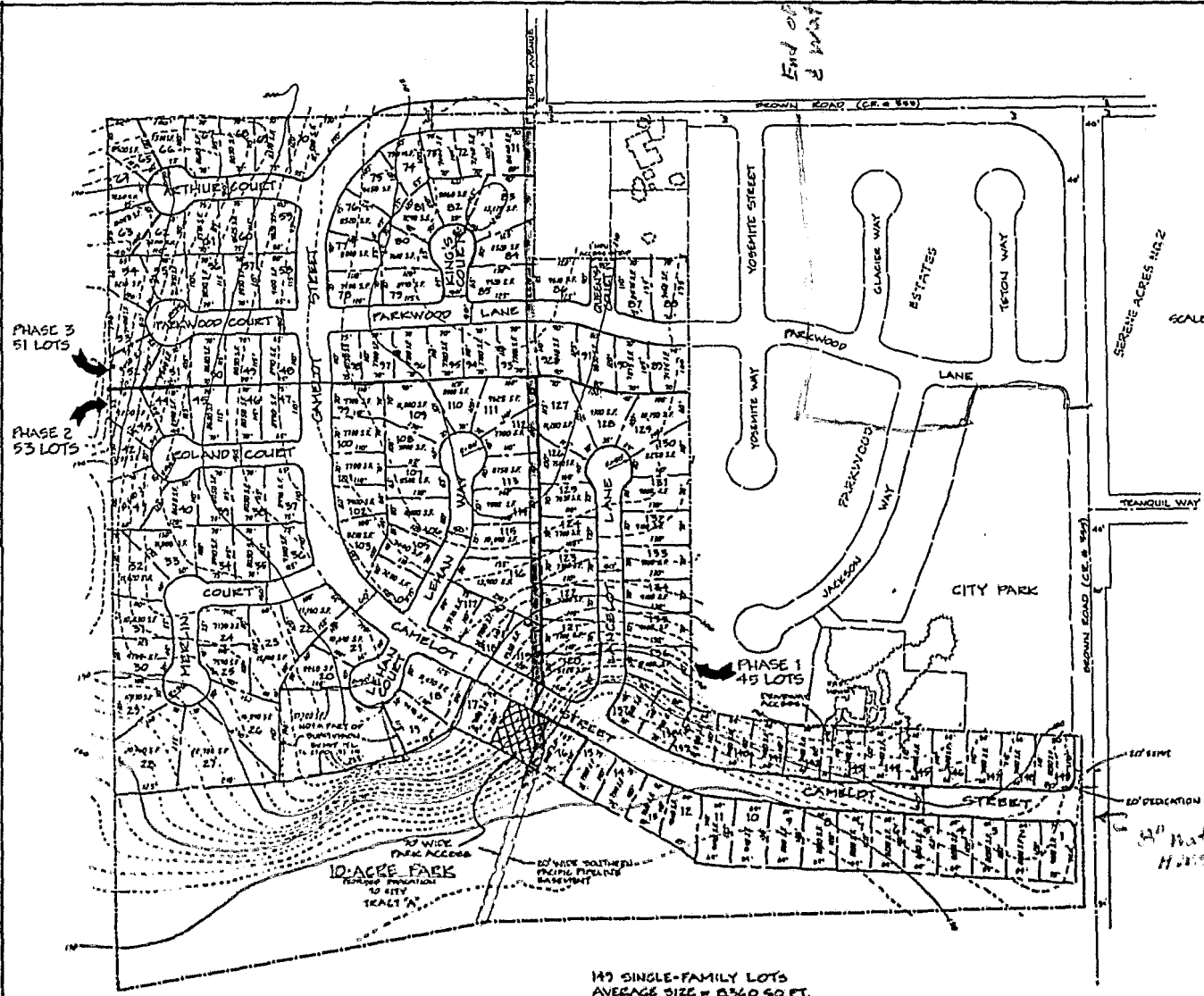
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Attachment:

cc: Project file

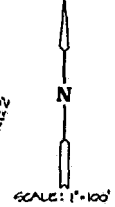
11/88
731

End of Sewer & Water



VICINITY MAP

- OWNER: Lincoln Savings and Loan Assoc.
270 Security Pacific/Oregon Bank
P.O. Box 3006
Portland, OR 97208
- APPLICANT-DEVELOPER: Century 21 Properties
3180 SW Hazel Fern Rd.
Tualatin, OR 97062
1903 682-3700
- ENGINEER: Alpha Engineering, Inc.
2750 SW Rayline Blvd.
Portland, OR 97221
(503) 251-1150
- GROSS ACRES: 80.816 AC (Net: 18.431 AC)
- EXISTING USE: 12,120 sq 1999 4.0 12,200 sq 2001 4.1 sq
Footing
- PLANNED USE: Single-family dwelling units (149 lots)
(3 Units/Acre)
- LOT SIZE: 8380 Square Foot average
1000 square foot minimum
- EXISTING ZONING: Planned Development Residential (PDR)
- SIGNALS, DRIVEWAY, TREE IMPROVEMENTS: Installed/constructed as lots are
developed
- STREET LIGHTING: Included following street construction
- WATER SUPPLY: City of Wilsonville
- SEWER: Directly Sanitary Sewers -
City of Wilsonville
- PRIVATE UTILITIES: Power, telephone, cable TV, and gas to
be underground service
- EXISTING CURBONS: City of Wilsonville



149 SINGLE-FAMILY LOTS
AVERAGE SIZE = 8360 SQ. FT.



ALPHA ENGINEERING INC.
1720 SW GOTTING ST. A.
PORTLAND, OREGON 97211
503 251-1150

DESIGNED	DATE DEC 1988
DRAWN KLM	SCALE 1" = 100'
CHECK	PROJECT NO 1019
APPROVED	

PROJECT
THE PARK AT MEKKYFIELD

PRELIMINARY PLAN

SHEET
1 OF 2

5A

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Wilsonville City Council will hold a public hearing on Monday, March 20, 1989, at 7:30 P.M. at City Hall, 30000 S.W. Town Center Loop East, Wilsonville, Clackamas County, Oregon, or to such other place to which the Council may adjourn.

The application, submitted by Lincoln Savings and Loan is for Phase I (44 lots) of a 149-lot subdivision, The Park at Merryfield, to be located on Tax Lots 2200 and 2702, T3S-R1W, Section 15 and Tax Lot 7200, Section 15DD. The purpose of this hearing is for the City Council to affirm and adopt the interpretation of the Planning Commission regarding the Primary Open Space shown on the Comprehensive Plan.

Inquiries pertaining to this hearing may be made by contacting the Planning Department at 682-1011. Written statements may be submitted prior to the date of the hearing and will be entered into the public record. Public testimony in favor of or in opposition to the proposed project will be taken at the public hearing.

CITY OF



Wilsonville

30000 S.W. Town Center Loop E
P.O. Box 220 / Wilsonville, Oregon 97070-0220
503 / 682-1011

MEMORANDUM

TO: Honorable Mayor John Ludlow and City Council
FROM: Planning Department
DATE: March 20, 1989
RE: The Park at Merryfield Subdivision - Interpretation of Primary Open Space for Subdivision Development.

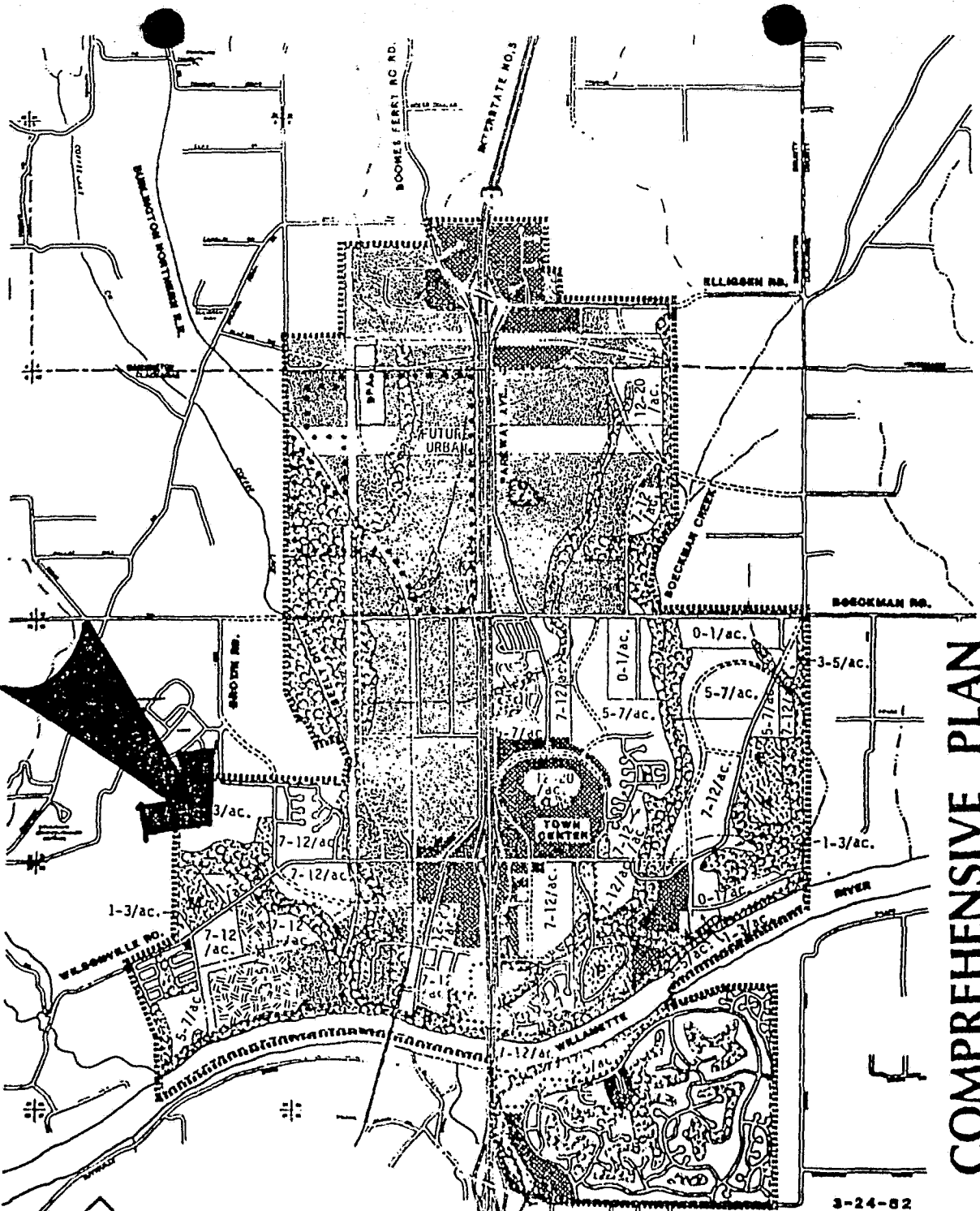
Twelve proposed lots in The Park at Merryfield subdivision proposal conflict with Goal 4.5 and Policies 4.5.1(a) and (b) of the Comprehensive Plan which state:

- "A. The major natural drainageways and environmentally sensitive areas and significant stands of trees or other vegetation shall be designated as primary and secondary open space.
- B. Primary open space is intended to remain undeveloped with the possible exceptions of passive recreation and an underground public facilities system. These areas include (1) 100-year floodways, (2) slopes greater than 20%, (3) significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards and (4) major natural drainage channels."

The Planning Commission held a public hearing on February 13, 1989, to review the preliminary subdivision plat and proposes a recommendation to the City Council to resolve a conflict between the Comprehensive Plan Map and the Comprehensive Plan text and policies concerning designated "Primary Open Space" on the subject property. Whereas, the primary open space shown on Exhibit B should be deleted for the proposed lotting pattern.

be:jme

WILSONGREEN



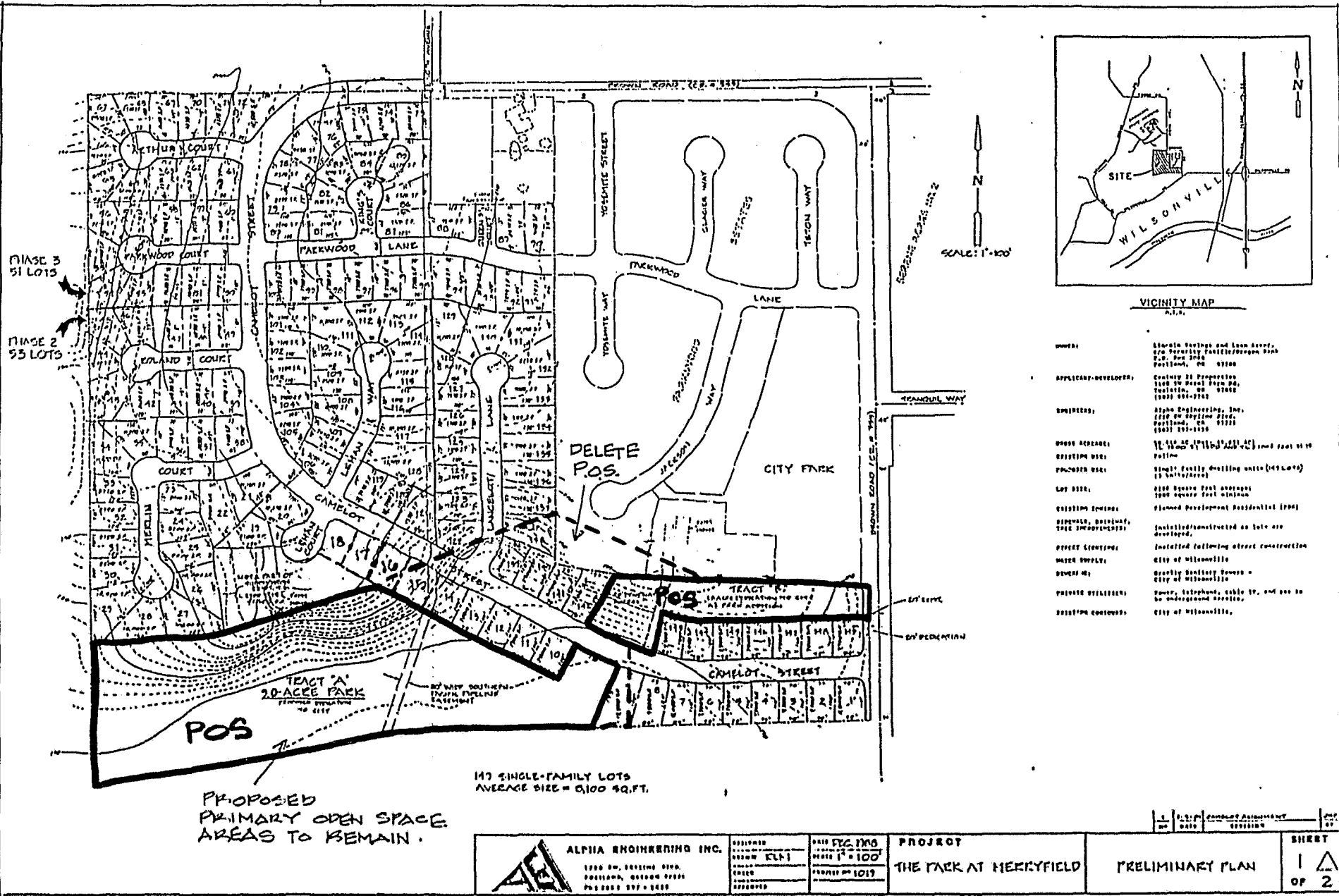
COMPREHENSIVE PLAN

NORTH
SCALE 1"=2000'
0 1000 2000 3000
FEET

CITY OF WILSONVILLE

<p>0 to 20 RESIDENTIAL (dwelling units per acre)</p>	<p> PUBLIC LANDS</p>	<p>--- POWER LINE - - - EASEMENTS</p>
<p> COMMERCIAL</p>	<p>- - - CITY LIMITS</p>	<p>..... WILLAMETTE RIVER GREENWAY BOUNDARY</p>
<p> INDUSTRIAL PARK</p>	<p>P - PARKS</p>	<p>- - - PROPOSED STREETS</p>
<p> OPEN SPACE (all open space is not shown on map - see plan text)</p>	<p>E - ELEMENTARY SCHOOL</p>	<p>..... URBAN GROWTH BOUNDARY</p>
<p> CONTINUING AGRICULTURE (future conversion dens't.)</p>	<p>M - MIDDLE SCHOOL</p>	<p>..... FUTURE URBAN GROWTH BOUNDARY</p>
	<p>H - HIGH SCHOOL</p>	

3-24-82

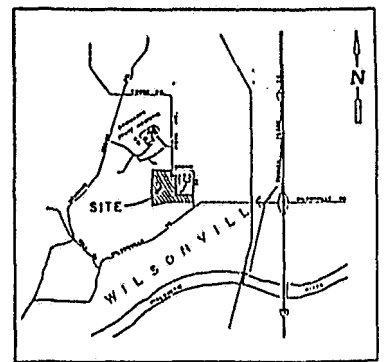


PHASE 3
51 LOTS

PHASE 2
55 LOTS

PROPOSED
PRIMARY OPEN SPACE
AREAS TO REMAIN.

147 SINGLE-FAMILY LOTS
AVERAGE SIZE = 6,100 SQ.FT.



VICINITY MAP
N.E.S.

- OWNER: Starline Savings and Loan Society, 200 Northpark Parkway, P.O. Box 3700, Portland, OR 97208
- APPLICANT-DEVELOPER: Century 21 Properties, 1000 SW Bond Street, Portland, OR 97205 (503) 831-3700
- ENGINEER: Alpha Engineering, Inc., 1210 SW Canyon Blvd., Portland, OR 97221 (503) 831-1000
- PROPOSED USE: Single Family Dwelling Units (147 Lots) (15 Units/acre)
- LOT SIZE: 6100 Square Feet minimum 1000 square feet minimum
- EXISTING ZONING: Planned Development Residential (PDR)
- UTILITIES: Sewer, Water, Gas, Electric, Cable TV, and gas to be underground located.
- STREET LIGHTING: Installed following street construction
- WATER SUPPLY: City of Wilsonville
- SEWER: City of Wilsonville
- PRIVATE UTILITIES: Sewer, Water, Gas, Electric, Cable TV, and gas to be underground located.
- EXISTING CONDITIONS: City of Wilsonville.

<p>ALPHA ENGINEERING INC. 1700 SW. BOVING DR. PORTLAND, OREGON 97201 PH 503 837 4400</p>	<p>DESIGNED BY: E.N.I.</p>	<p>DATE: FEB 1996 SCALE: 1" = 100' PROJECT NO: 1019</p>	<p>PROJECT: THE PARK AT HECKYFIELD</p>	<p>PRELIMINARY PLAN</p>	<p>SHEET 1 OF 2</p>
	<p>APPROVED</p>	<p>DATE: FEB 1996 SCALE: 1" = 100' PROJECT NO: 1019</p>	<p>PROJECT: THE PARK AT HECKYFIELD</p>	<p>PRELIMINARY PLAN</p>	<p>SHEET 1 OF 2</p>

EXHIBIT 'B'

Wilsongreen
RESIDENTIAL

Parkwood
Estates

1-3 DU/AC

PRIMARY
OPEN
SPACE

1-3 DU/AC

COMPREHENSIVE
PLAN MAP.

1" = 400'

EXHIBIT 'C'

INZA WOOD
MIDDLE SCHOOL

1-3
DU/AC

7-12
DU/AC

3-5
DU/AC

Willamette Village

PLANNING COMMISSION
RESOLUTION NO. 89PC6

A RESOLUTION ADOPTING FINDINGS AND APPROVING CONDITIONS OF APPROVAL FOR STAGE I MASTER DEVELOPMENT PLAN AND PHASE I PRELIMINARY PLAT FOR THE PARK AT MERRYFIELD. - LINCOLN SAVINGS AND LOAN ASSOCIATION, OWNERS, LOCATED ON TAX LOTS 2200, 2701, 7200, T3S-R1W, SECTIONS 15 AND 15D.

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(4) and 4.139(1), (2), and (3) of the Wilsonville Code, and

WHEREAS, the Planning Director has prepared a report on the above-captioned subject which is attached hereto as Exhibit "A", and

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on February 13, 1989, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) 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 Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the findings, recommendation(s), and Conditions of Approval contained therein and further authorizes the Planning Director to issue a:

Stage I Master Development Plan and Preliminary Plat
consistent with said recommendation(s).

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof, this 13th day of February, 1989, and filed with the Wilsonville City Recorder this same day.



Chairman, Planning Commission

Attest:



Judice Emison, Planning Secretary

DEVELOPMENT APPLICATION
THE PARK AT MERRYFIELD
(FORMERLY WILSONGREEN)
WILSONVILLE, OREGON

APPLICANT

CENTURY 21 PROPERTIES
7160 SW HAZELFERN ROAD
TUALATIN, OREGON 97062
(503) 684-2762

PREPARED BY

ALPHA ENGINEERING, INC.
1750 SW SKYLINE BLVD.
PORTLAND, OREGON 97221
(503) 297-1458

(REVISED 1-12-89)

EXHIBIT A

INTRODUCTION

The subject property is designated Residential 1-3 units per acre on the Comprehensive Plan, and zoned PDR, Planned Development Residential.

The applicants are requesting PDR, Stage I, Preliminary Plat approval for a 149 lot subdivision and Stage II approval for Phase I development of 45 lots. The plat represents a modification of previous land use actions for this site. Prior actions were related to various development plans for Wilsongreen.

The present development plan will be known as The Park at Merryfield. It contains 49.83 acres and is designed at 3 units per acre, with a minimum lot size of 7000 square feet, and an average lot size of 8100 square feet.

PRIOR LAND USE ACTIONS

The property was originally zoned (R10PD) in 1979, under the provisions of Ordinance 136. It was subsequently legislatively rezoned to PDR when the City revised the Zoning Code, in 1980.

In May 1980 the Planning Commission reviewed and approved a preliminary plat for 150 units (33 MF & 117 SF), known as Wilsongreen. This development plan was never final platted. Although Stage II and Design Review Plans were approved for the 33 unit apartment complex.

In November of 1983 the Planning Commission considered and subsequently denied a revised preliminary plat for 210 lots. The denial was based on the fact that the proposal exceeded the allowable density based on the Comprehensive Plan. (83PC32).

It is presumed that the combination of prior actions for Wilsongreen confirms the allowable density at 150 units. It is further assumed that these prior actions affect the areas designated as primary and secondary open space, as well as modifications thereto. This matter is discussed in more detail under the subheading of Open Space.

COMPLIANCE WITH COMPREHENSIVE PLAN

LAND USE

The proposed plat contains 49.83 acres and is to be subdivided into 149 lots. This equals a density of 2.99 units per acre, based on the provisions of Section 4.136 of the Code. This is consistent with the designated density for the site, at 3 units per acre. It is also consistent with the density of prior approvals for this site.

OPEN SPACE

A portion of the site is designated open space on the Comprehensive Plan. This area includes some low lying, poorly drained woodland, open pasture and trees along the southern portion of the site. The designated area contains 14.97 acres.

The proposed plat seeks to modify the open area to accommodate the revised lot pattern. It identifies the majority, but not all, of the designated area as Tracts A and B. Tract A contains 9.1 acres, while Tract B contains 1.8 acres. Combined there is 10.9 acres of permanent, public open space, which equals 21% of the site. This area can be counted towards required outdoor living area. The open space is proposed to be dedicated to the City as permanent open space. Allowable density has been transferred from this area consistent with Section 4.136 (5) of the Wilsonville Code.

The western portion of the open space is designated primary open space on the Comprehensive Plan. The eastern portion is designated as secondary open space. According to the Comprehensive Plan:

- POLICY 4.5.1:
- a. The major natural drainage ways, environmentally sensitive areas and significant stands of trees or other vegetation shall be designated as primary or secondary open space.
 - b. Primary Open Space is intended to remain undeveloped with the possible exception of passive recreation and underground public facilities. These areas include the following:
 - (1) 100 year floodways.
 - (2) Slopes greater than 20%.
 - (3) Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.
 - (4) Major natural drainage channels.
 - c. Secondary Open Space is intended to serve a buffer to primary open space areas. They may be developed in accordance with special development standards and shall be evaluated through a conditional use

and design review process, except when the proposal is part of a planned development. These areas include the following:

- (1) Land within the Willamette River Greenway Boundary, but beyond the 150 foot line.
- (2) High voltage powerline easements.
- (3) The 100 year flood plain fringe.
- (4) Slopes between 12% and 20%.
- (5) Designated historic sites.
- (6) Small stands of trees and heavily vegetated areas adjacent to primary open space areas.

- d. Primary undeveloped portions of secondary open space may be used towards satisfaction of open space requirements. A density transfer credit of not more than 10% of the designated primary open space will be allowed.

NOTE: In vegetated areas the visual impact of the trees, etc., is to be preserved. Any clearing of trees for development should be from the interior of the stand.

The planning staff's report notes that Tracts A & B as proposed do not seem to conform to the Comprehensive Plan criteria for designation of open space, as either primary or secondary. They further do not precisely align with the designated area on the Plan Map. A search of the prior zoning and platting records for this site provide the explanation of this discrepancy.

The property was originally zoned in 1979 (79ZC1, ORD. 136). The City's Planning Commission held hearings in April and May of 1979 to consider the zone change from RA-1 to R-10 PD. They adopted their Resolution 79ZC1 on May 14, 1979. The Commission's findings and recommendations were then considered by the City Council on August 6 and 20, 1979. The Council took final action approving the zone change through adoption of Ordinance 136, on Oct. 1, 1979.

The on May 20, 1980 the Planning Commission considered and approved the Wilsongreen Preliminary Plat, 80PC9. The plat contained a proposed dedication of 14.86 acres of open space adjacent to the Parkwood Estate park dedication and along the southern portion of the site.

Subsequently, in May 1982, the City adopted its new Comprehensive Plan and Development Code, Ordinances 209 and 210. It was as part of this action that the open space area shown on the Wilsongreen Preliminary Plat was designated as open space on the new Comprehensive Plan map.

The western low lying area and the area abutting the Parkwood Estates dedication was designated as Primary Open Space. The treed eastern portion, where multi-family development had been approved, was designated as Secondary Open Space.

Therefore, the record reveals that open space designations, on the subject site, simply reflected the prior approved land use actions. This was apparently done to avoid conflicts between the approved preliminary plat and strict application of the open space criteria in the Comprehensive Plan.

In this regard, the current preliminary plat is proposed as a modification of the Wilsongreen Stage I Master Plan. This subsequently leads to a modification of the Comprehensive Plan Map to reflect the present development pattern for open space. The proposed plat conforms generally to the Wilsongreen open space, but not precisely. Never the less, it is assumed that such flexibility is appropriate, given the history of prior actions on this property.

It is understood that the record reflects an intent to provide certain areas for permanent open space and others for selective removal of trees for development. Further, these specific areas do not conform strictly to the criteria for primary and secondary open space, set forth in the Comprehensive Plan.

Therefore, it is assumed that minor modifications to the specific configuration of open space could be adjusted through preliminary plat review, without the necessity for a Comprehensive Plan Map amendment. The Plan Map should, however, be legislatively corrected based on the modifications approved for the plat.

Specifically, the proposed plat provides for a similar open space configuration adjusted to accommodate the new lot and street pattern. It maintains an expansion of the Parkwood dedication along the north east boundary, but provides for single family lots in the southeast portion, where 33 multi-family units had previously been planned. The change in lot pattern results in a reduction of open space by 4.07 acres.

CONSIDERATION OF OPEN SPACE CRITERIA

Primary Open Space

- (1) There is no 100 year floodway, as defined by Federal Flood Insurance Rate (FIRM) Maps, affecting the subject property. This general area is designated on the FIRM Map (Panel 4 Of 5, 410025 0004 B) as a Zone C, or areas of minimal flooding. There is no defined floodway or flood plain for this area. The lower portion of the site is, however, poorly drained and subject to seasonal flooding or ponding.

The staff report references a 170 foot flood elevation. However, the record provides no documented evidence of a defined flood elevation. The area is poorly drained. Proposed cuts, fills and drainage improvements will alter the flood of ponding pattern. The degree of drainage improvements necessary will depend in part on how the open area is to be used, if at all. No specific use of this low lying area is proposed by the applicant.

- (2) There are no major areas with slopes greater than 20%. There is a small portion of the site, immediately south of the Lehan property, that approaches 20% for a short distance. These steeper slopes are within the area to be set out as permanent open space. All other portions of the site are considerably flatter than 20%.
- (3) There are significant stands of trees on the site. The southeast area is heavily wooded with a mix of conifers and deciduous trees. This equals about one fourth of the designated open space. The southwest portion, approximately 37% of the open space, is predominantly deciduous and riparian vegetation. The south central, 37%, is open pasture with scattered trees.

A strict reading of the open space criteria would apply primary designations to both the east and west treed areas, but not the central pasture land. However, the prior plat approval allowed for development to occur within the eastern treed area. It provided for an extension of the park dedication from Parkwood Estates, but allowed development to the south. Therefore, the southern portion was designated as secondary open space.

The proposed plat provides a similar open space configuration, but moves Camelot Street south and provides single family lots instead of apartments. This allows for a 1.8 acre addition (Tract B) to the

Parkwood open space and results in continuity of the visual and functional aspects of the open space. This 1.8 acres conforms to the heavily treed area with a primary designation.

To the west, the southern lot lines of lots 26, 27, 28 and 29 are very close to the lot lines of lots 25, 26 and 27 of the Wilsongreen plat. They encroach into the trees to about the same degree.

The central pasture area has only scattered trees and therefore would not conform to the primary designation criteria.

- (4) There are no major drainage channels on the site. It is a low lying, poorly drained area at the head of a minor drainage channel that is more clearly defined south of the subject site.

While this low lying area is not a major drainage it is poorly drained. Further, flat topography creates limitations for street and utility services for development of the lower pasture area. Therefore, the lower flat areas have been included within the open space, even though it doesn't meet the primary criteria.

Secondary Open Space

Lots 1-8 and 143 - 149 are within the area designated as secondary on the Plan Map. While this area has significant trees, it was previously approved for development. The proposed plat provides for 15 single family lots instead of 33 apartments. In addition to the public open space, setback standards provide for 65% of each lot to remain open through building location. These lots conform as close as possible with the area designated as secondary open space.

Lots 9, 10 - 16 and 138 - 142 are proposed within the area designated as primary, but do not conform to any of the primary criteria. This area further does not conform to the criteria for secondary open space. This portion of the site contains no Willamette Greenway, no high voltage powerline easements, no slopes between 12% and 20%, and no designated historic sites. Again, however, the lowest, flatter portions are difficult to serve for development and have been left as open space.

These lots can be served with utilities and they result in a more economical usage of the street improvements. The open area between lots 9 and 10, and 142 and 143

has been provided to link the open space on both sides of the street.

We believe the proposed lot and open space pattern complies with the Comprehensive Plan criteria and is a reasonable modification of the prior Wilsongreen plat.

HOUSING DEVELOPMENT

The City's Plan seeks to provide for diverse housing types coordinated with the social and economic needs of the community. It further provides for various densities throughout the city. The area surrounding the subject site is designated Urban Low Density Residential.

"The purpose of this district is to provide for low density single-family residential areas.

The following areas should be designated and developed at urban low density:

- a. Areas with access to a minor arterial, collector, or local streets. However, direct vehicular access from individual lots onto a minor arterial will be restricted.
- b. Undeveloped areas adjacent to existing suburban low density developments, or near the fringe of the urban growth boundary.
- c. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density.

In order to encourage originality, flexibility, and innovation in land development, and minimize monotonous standardized subdivisions, all subdivisions will require a Planned Development Review (PDR)."

FINDINGS

The following Findings are hereby adopted by the PLANNING COMMISSION and entered into the public record in consideration of the application as submitted in conformance with the City's Comprehensive Plan and Zoning Regulations.

RESIDENTIAL DEVELOPMENTS RAT, R, PDR

PHASE 1, PRE-PLAT.
43 LOTS.

DRB = DESIGN REVIEW BOARD
NA = NOT APPLICABLE

Code Compliance

	Required	Proposed	Yes	No, see additional Finding no.
<u>A. Land Use</u>				
Zoning	<u>PDR</u>	<u>PDR</u>	<input checked="" type="radio"/>	<input type="radio"/> [<u>1, 2, 3, 23</u>
Comprehensive Plan Designation	<u>RESIDENTIAL</u>	<u>RESIDENTIAL</u>	<input type="radio"/>	<input checked="" type="radio"/> [<u>24, 25, 26</u>
	<u>1-3 du/ac.</u>	<u>2.99 du/ac.</u>		<u>27</u>
<u>B. Land and Building Improvements</u>				
<u>1. Lot size</u>				
A. Total site area (acreage)	<u>NOT SPECIFIED</u>	<u>49.83 ac.</u>	<input checked="" type="radio"/>	<u>---</u>
B. Lot sizes	<u>5,000 SF</u>	<u>7,000 - 22,000</u>	<input checked="" type="radio"/>	<u>---</u>
Average lot size	<u>MINIMUM 5,000 SF.</u>	<u>8,300 SF</u>	<input checked="" type="radio"/>	<u>---</u>
C. Density (units/acre)	<u>1-3 du/ac</u>	<u>2.99 du/ac.</u>	<input checked="" type="radio"/>	<u>2, 3</u>
<u>2. Lot coverage</u>				
A. Dwellings	<u>25-30 %</u>	<u>35 %</u>	<input type="radio"/>	<u>8</u>
B. All buildings	<u>30-35 %</u>	<u>35 %</u>	<input checked="" type="radio"/>	<u>8</u>
C. Parking/paved	<u>---</u>	<u>NA %</u>	<input type="radio"/>	<u>NA.</u>
D. Landscaping				
1. Total site area	<u>---</u>	<u>NA %</u>	<input type="radio"/>	<u>NA</u>
2. Parking area	<u>---</u>	<u>NA %</u>	<input type="radio"/>	<u>NA</u>
3. Outdoor living area	<u>25 %</u>	<u>20 %</u>	<input checked="" type="radio"/>	<u>4, 5, 6</u>
4. Screening/buffering	<u>---</u>	<u>PROPOSED</u>	<input checked="" type="radio"/>	<u>7</u>
5. Irrigation system	<u>---</u>	<u>---</u>	<input type="radio"/>	<u>DRB</u>
<u>3. Building setbacks</u>				
Front	<u>20-25 ft.</u>	<u>20' ft.</u>	<input type="radio"/>	<u>8</u>
R side	<u>5-7-10 ft.</u>	<u>5-6' ft.</u>	<input type="radio"/>	<u>↓</u>
L side	<u>5-7-10 ft.</u>	<u>5-6' ft.</u>	<input type="radio"/>	<u>↓</u>
Rear	<u>20-25 ft.</u>	<u>20' ft.</u>	<input type="radio"/>	<u>↓</u>
<u>4. Building height</u>	<u>35 ft 2 1/2 str.</u>	<u>- ft - str.</u>	<input checked="" type="radio"/>	<u>---</u>
<u>5. Off-street parking</u>				
A. Standard (9'x18')	<u>2 PER HOUSE</u>	<u>2 PER HOUSE PLUS STREET PARK.</u>	<input checked="" type="radio"/>	<u>---</u>
Compact (8 1/2'x17') (30% over 10 allowed)	<u>NA</u>	<u>---</u>	<input type="radio"/>	<u>NA</u>
Handicapped (12'x18') (1 to 50 required) publicly funded	<u>NA.</u>	<u>---</u>	<input type="radio"/>	<u>NA.</u>

	Required	Proposed	Code Compliance		Finding no.
			Yes	No, see additional	
6. Access/Egress					
A. No. curb cuts	NO LIMIT	@ EACH LOT @ BROWN RD.	<input checked="" type="radio"/>	<input type="radio"/>	
B. Width of curb cuts	-	20-24'	<input checked="" type="radio"/>	<input type="radio"/>	
C. Distance fm. intersection	-	-	<input checked="" type="radio"/>	<input type="radio"/>	EXHIBIT 4a
D. Vision Clearance	DEPENDS ON TRAFFIC	-	<input type="radio"/>	<input type="radio"/>	CITY ENGINEER'S REVIEW.
E. Clear travel lane width	24' MIN.	50'-60'	<input checked="" type="radio"/>	<input type="radio"/>	EXHIBIT 4a
F. Pavement width	20' MIN.	32-36'	<input checked="" type="radio"/>	<input type="radio"/>	EXHIBIT 4a
G. Pedestrian pathways	REQUIRED	PROPOSED	<input type="radio"/>	<input checked="" type="radio"/>	20, 21, 22
7. Open space/Slope protection					
A. Existing vegetation protected			<input type="radio"/>	<input checked="" type="radio"/>	23, 24, 25, 26, 27
B. Slopes over 20% restricted to 30% impervious coverage			<input checked="" type="radio"/>	<input type="radio"/>	
C. River and stream corridors protected			<input type="radio"/>	<input type="radio"/>	NA.
D. Adequate erosion control provided			<input type="radio"/>	<input type="radio"/>	NA.

C. Other Planning Considerations

1. Consideration of sun exposure plan		<input checked="" type="radio"/>	<input type="radio"/>	
2. Bulk storage area provided		<input type="radio"/>	<input type="radio"/>	NA.
3. Safety/crime prevention				
A. Location of addressing	EACH HOUSE	<input checked="" type="radio"/>	<input type="radio"/>	
B. Natural surveillance	STREET LIGHTS	<input checked="" type="radio"/>	<input type="radio"/>	
C. Type of exterior lighting	-	<input type="radio"/>	<input type="radio"/>	DRB.

D. Public Facilities

	<u>Right-of-Way Width</u>			<u>Pavement Width</u>		
	Existing or New	CIP Std.	Proposed	Existing	CIP Std.	Proposed
1. Streets						
A. <u>Public Streets</u>						
<u>Name</u>						
<u>EAST BROWN ROAD</u>	50-80'	60'	20' DEDICATION	-	36'	NONE
<u>NORTH BROWN RD.</u>	40-50'	60'	NONE	-	36'	NONE
<u>PARKWAY LANE</u>	50	52'	50'	32'	32'	32'
<u>CAMELOT STREET</u>	0	52'	60'	0	32'	36'
<u>LOCAL STREETS</u>	0	50-52'	50'	0	28'-32'	32'

B. Traffic Impact Analysis

Name	Existing Capacity	Existing Volumes	Phase One	Level of Service	All Phases	See Addl. Finding #		TO BE DETERMINED
						Yes	No	
<u>BROWN ROAD</u>	-	-	-	-	-	<input type="radio"/>	<input type="radio"/>	↓
<u>PARKWAY LN.</u>	-	-	-	-	-	<input type="radio"/>	<input type="radio"/>	
<u>CAMELOT STREET</u>	-	-	-	-	-	<input type="radio"/>	<input type="radio"/>	
<u>LOCAL STREETS</u>	-	-	-	-	-	<input type="radio"/>	<input type="radio"/>	

C. Proposed streets provide for continuation of existing or proposed principle streets

10
 EXHIBIT 4a

D. Consistent with minimum street width standards

E. Conforms to street design standards set forth in Section 4.167 WC

EXHIBIT 4a

F. Street names are provided consistent with City and Fire District standards

2. Sidewalk and Pathway Standards

A. Pathways are provided consistent with Pathway Master Plan and design standards (Section 4.168 WC)

EXHIBIT 4a

3. Public water line size 8"φ distance from site BROWN RD. PARKWOOD

4. Sanitary sewer line size 8"φ distance from site PARKWOOD

↓
 ↓

5. Storm drainage

Drainage basin Seely , Boeckman , Willamette

Number of on-site catch basins TO BE DESIGNED

Nearest culvert/ditch - ft. size culvert/ditch - in.

On-site retention Yes No, storage capacity _____ cu. ft.

TO BE DESIGNED.
 ↓

E. Previous approval actions and applicable Conditions of Approval

1. Zoning None File No. _____

2. Design Review None File No. 21DR2, 21DR19

3. Planning Commission None Preliminary, File No. _____

 2A

F. Inter-Agency review comments None See Finding No. _____

G. Intra-Agency review comments, including City Engineer and other consultants None See Finding No. _____

H. Additional Findings - See next sheet

PRELIMINARY PLAT REVIEW OF 45 SINGLE-FAMILY RESIDENTIAL LOTS AND STAGE I MASTER PLAN REVIEW FOR 149 SINGLE-FAMILY LOTS

ADDITIONAL FINDINGS

1. The Park at Merryfield is a single-family residential development proposed on a 49.83 acre parcel located adjacent to Parkwood Estates, a 69-unit subdivision, with frontage on Brown Road on both the north and east side of the property. The applicant/developer, Century 21 Properties, is proposing the development on property owned by Lincoln Savings and Loan Association. The proposed plat is to be subdivided into 149 lots. Phase I of the plat, which is the Stage II review, will consist of 45 single-family lots.
2. The property in question is a 49.91 acre site designated by the City of Wilsonville Comprehensive Plan Map as Residential 3-5 dwelling units per acre and zoned PDR.
3. Planned density for the subject site is 2.99 dwelling units per acre. This density falls within the Comprehensive Plan density range at 1 to 3 dwelling units per acre. As in the previous subdivision reviews for the property, full density transfer is recommended from the open space area to bring the total housing count to 149 dwelling units.

Outdoor Living Area

4. Comprehensive Plan Policy 4.6 which states:

"Site plans will provide for adequate open space to (a) protect adjacent properties, and (b) provide ample yard space for residents and play space for youngsters. The residential character of established neighborhoods, particularly a low-density development, shall also be protected as surrounding development occurs. Site development standards shall be established to insure compatibility with adjacent land uses. High design standards will be established for signing and appearance, including the landscaping of setback areas and designation of access points."
5. The Development Code further requires that the minimum open space requirement is 25% of the proposed development. The applicant proposes 10 acres of open space or 20% of the site area. The proposed open space area is primarily low wet lands. In addition, the proposed open space land is contiguous with Inza R. Wood Middle School to the south and serves as recreational play area. Furthermore, Tranquil Park located near the proposed subdivision on Brown Road, when developed, could also provide additional outdoor recreational area. These areas, combined with the yard areas around the homes, should provide adequate outdoor living area for recreational use.

6. The 10 acre wet land area is proposed to be dedicated to the City. This proposal may burden the City with drainage improvements in the wet land which should be engineered and improved for adequate drainage by the applicant prior to dedication.

Screening/Buffering

7. The proposed open space land is contiguous with the Middle School to the south and would act as a natural buffer between the single-family building sites and the property owned by the school district.

Setbacks and Lot Coverage

8. The applicant is proposing standardized setbacks and lot coverage for all lots proposed in the subdivision. The setbacks and lot coverage listed below generally comply with the site development standards for single-family residential development, except for lots with areas between 10,000 and 20,000 square feet.

Proposed Setbacks and Lot Coverage

Setbacks

Front and Rear - 20 feet
Side - one-story - 5 feet
Side - two-story - 6 feet

Lot Coverage

35% maximum all lots for all buildings

Access

9. The subdivision will be served by Brown Road, a designated arterial road which will provide access to the property on the east side of the project which fronts on Brown Road. A second access will be at the intersection of Brown Road and the main residential collector running through the property at the northeast corner of the site. A third access will run via Parkway Lane through Parkwood Estates.
10. The main residential street serving the project has been designed so as to eliminate the potential for through traffic cutting through the subdivision.
11. Exhibit 4A identifies the standard of development for the street system which incorporates street improvements as per City standards on Brown Road.
12. As set forth in Section 4.139(4)(b) of the Wilsonville Code:

"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."

13. The applicant has not provided a traffic analysis report to satisfy Section 4.139(4)(b).
14. Provisions have been made to access Tax Lots 2700 and 7100 . The completion of the driveway access to Tax Lot 7100 will be the responsibility of the property owner.

Southern Pacific Gas Line Easement

15. The applicant has identified the 20-foot right-of-way line for the Southern Pacific pipeline indicating a southerly extension from Brown Road to the subdivision into the school property.
16. Under the Wilsongreen subdivision review, the Planning Commission found that the issue pertaining to the safety of the pipeline has been discussed at length with the representatives of the pipeline company and that findings have been established confirming the copatibility of this utility with residential and institutional land uses.
17. The Planning Commission, however, noted that the easement running north and south through the subdivision will most likely be affected by the construction of backyard fences since most single-family homeowners either develop property with fences for the purpose of achieving privacy or creating fenced-in areas for the safety of small children. To allow lot areas to overlap the gas easement does not seem feasible since continued access to the pipeline must be preserved for the maintenance and observation of the utility.

Water and Sanitary Sewer

18. Exhibit 4A identifies water and sanitary sewer availability and expected improvements. In general, the property in question may be adequately served by the extension of existing 8" water mains from Brown Road to the interior of the site. The property is proposed to be served with sanitary sewer by the extension of the main trunk line from Brown Road and Wilsonville Road into the interior of the site.

Storm Drainage

19. Once again, Exhibit 4A identifies storm drainage design concerns including the open space retention area on the subject property.

Pedestrian Pathways and Sidewalks

20. Five-foot wide off-set sidewalks are proposed along all interior streets in the subdivision. Sidewalk improvement is not shown on Brown Road fronting Lots 1 and 149 in Tract A. Since no direct pathway to Tranquil Park is being proposed from the subdivision, the sidewalk improvement along Brown Road is essential to access the park and for public safety concerns.
21. It appears that no pedestrian circulation system is being proposed for the subdivision to access adjoining public properties. Between Lots 9 and 10, there is a 130-foot wide opening which could serve as an entrance to the low wet land area and establishment of a pedestrian trail to connect with the Inza R. Wood Middle School property.

22. The Planning Commission imposed a Condition of Approval on the Wilsongreen project (83PC32) that stated the following:

"2. That the applicant construct a pedestrian walkway system of asphaltic material from Brown Road westward to the interior of the project through the open space and continue to provide a pedestrian system from the single-family area to join with the school district property. This system will be subject to the review and approval of the City Engineer and Superintendent of Public Works as to the method of the construction and materials used. Pedestrian markings and crosswalk markings should be added to Brown Road where this walkway system intersects Brown Road.

It is the purpose of this Condition to assure adequate pedestrian circulation through open space from adjoining residential developments and the project in question to the interior of the open space and the school site as referred to."

Planning staff concurs with this Condition of Approval and should be made as a Condition of Approval for the Park at Merryfield.

Primary and Secondary Open Space

23. The subject property has three separate Comprehensive Plan designations as follows:
- A. The major portion of the property is designated as Residential - 1 to 3 dwelling units per acre. Phases II and III encompasses most of this area.
 - B. The southerly portion of the property and near the east entrance at Brown Road is designated in Primary Open Space.
 - C. The area at the east entrance to Brown Road is designated in Secondary Open Space.
24. Within the Comprehensive Plan, a number of goal and policy statements address Open Space and apply to the subject property. The major ones are as follows:
- Goal 3.2 Conserve and create open space throughout the City for specified problems.
 - Goal 3.3 Identify and encourage conservation of natural, scenic and historic areas within the City.
 - Goal 4.5 Conserve and create open spaces throughout the City for specified objectives.
 - Goal 4.6 Encourage identification and conservation of natural scenic and historic areas within the City.

- Policy 4.5.1
- a. The major natural drainageways, environmentally sensitive areas and significant stands of trees or other vegetation shall be designated as primary or secondary open space.
 - b. Primary open space is intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:
 1. 100 year floodways.
 2. Slopes greater than 20%.
 3. Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.
 4. Major natural drainage channels.
 - c. Secondary open space is intended to serve as a buffer to primary open space areas. They may be developed in accordance with special development standards and shall be evaluated through a conditional use and design review process, except when the proposal is a part of a planned development. These areas include the following:
 1. Land within the Willamette River Greenway boundary, but beyond the 150-foot line.
 2. High voltage powerline easements.
 3. The 100 year flood plain fringe.
 4. Slopes between 12% and 20%.
 5. Designated historic sites.
 6. Small stands of trees and heavily vegetated areas adjacent to primary open space areas.

25. An issue has been raised regarding an ambiguity with an area designated in Primary Open Space with proposed lot locations in Phase I development. Data collected from the Comprehensive Plan Map, and a tree survey indicates that Lots 9 through 16, Lot 122, Lots 138 through 142 and portions of Lots 145 through 149 are proposed within the Primary Open Space area. Refer to Exhibits 1B, 4C, 4D and 4E for Primary Open Space delineation. Furthermore, Lots 1 through 8 are proposed in an area designated in Secondary Open Space. The Primary Open Space area is far more restrictive to development than areas designated in Secondary Open Space.
26. If there is evidence to question the accuracy of the Comprehensive Plan Map, the applicant may justify the buildability of the property by following the procedure to resolve conflicts between the Plan Map and Plan Policies found on page 3 of the Comprehensive Plan. This procedure states:

"When any ambiguity or conflict appears to exist, Goals shall take precedence over Objectives, Policies, text and map; Objectives shall take precedence over Policies, text and map; Policies shall take precedence over text and map. The land use map is only a visual illustration of the intent of the Plan." (emphasis added)

This procedure acknowledges the ability of the City to resolve conflicts through the interpretation of the text and map and allows adjustments when the policies of the plan are in conflict with the map. As a result, this procedure authorizes resolution through an interpretation and does not require an amendment to the Plan when a conflict exists.

Conversely, when no apparent conflict exists, the Plan Policies and Plan Map regarding Primary Open Space on the property should be strictly followed.

27. The applicant has prepared findings to demonstrate that a conflict exists between the Comprehensive Plan Map and the Plan Policies for the lots identified in Finding 25.

Flood Hazard

28. The Federal Emergency Management Agency Flood Insurance Map (Panel no. 410025-0004-C), which covers the subject area, does not indicate any 100-year floodplain in the vicinity of the site.

However, Alpha Engineering, Inc. has identified a 100-year floodplain at the 170 foot contour level on the Wilsongreen plat, proposed on the subject property in 1983. This flood hazard encompasses the low wet land area at the south portion of the site. The original lotting pattern for Wilsongreen designed around the flood hazard, which is not the case for proposed lots 5 through 11 in the Park at Merryfield.

29. Previous Planning Commission Reviews:

<u>File</u>	<u>Action</u>
79ZC1	Rezone R-10 to PDR
80PC9	Wilsongreen Preliminary Plat - 150 dwelling units
83PC32	Wilsongreen Preliminary Plat - 210 dwelling units - Planning Commission denied request.

Testimony to Wilsonville Planning Commission
February 13, 1989
Park at Merryfield

Mr. Chairman and Commissioners,

I am Ben Altman, Altman Urban Solutions
700 SW Taylor, Suite 305
Portland, Oregon 97205

Representing Alpha Engineering and the applicant, Century 21 Properties.

We have reviewed the staff's report and offer the following comments and recommendations regarding the findings and conditions of approval.

1. The Request title should be corrected to delete reference to Tract A for preliminary plat review. It should read as follows:

89PC6 The Park at Merryfield Stage I
Master Plan for 149 lots, and Stage II,
Preliminary Plat review for Phase I,
consisting of 45 single-family lots.

Further, finding 2, page 8 of 17 in the staff report should be corrected to reflect a Plan Map density of 1-3 dwelling units per acre, not 3-5.

2. During staff's preliminary review of the application some lot pattern issues were identified relative to designated open space and prior agreements with the Lehan's. Subsequently, a revised plat and supplemental findings were submitted to address staff concerns and the Lehan exception lot. Staff's report, as written does not address the revisions. To minimize confusion we want to make sure we are all talking about the same plat.

The correct plat shows lots 16, 17 and 18 directly abutting Camelot Street, just east of Lehan Court. The Lehan exception parcel has been enlarged, Tract A is 9.0 acres, Tract B is 1.8 acres, and the average lot size is 8100 square feet. (Handout)

3. Finding 6 of the staff report addresses dedication of the open space area, and raises concerns over transferring obligations to the City.

We have reconsidered this issue and now propose to retain ownership, development, including pathways and drainage improvements, and maintenance of Tract A through a Homeowner's Association.

Tract B can also be covered by the association, unless the City finds it desirable to secure dedication to expand Tranquil Park. We are flexible on this matter and ask for direction from the City.

4. Finding 8 addresses setbacks and lot coverage. In our revised application we have asked for a 15 foot setback on the side street of corner lots. This conflicts with the staff's condition # 4.

Further, condition # 4. needs to be corrected by reversing the setbacks listed for side yards, one and two stories.

5. Findings 12 & 13 speak to traffic impacts, relative to "D" level service. We have not completed a traffic analysis and ask for some flexibility in meeting this condition through future phases.

First current traffic counts are not readily available for Brown road and it's intersection with Wilsonville Road. This requires additional work and cost in preparing the traffic analysis and determining appropriate solutions.

Second, the first phase consists of only 45 lots and will include frontage improvements on Brown Road. This will help to mitigate the impacts of phase I traffic, which is not expected to be significant, approximately 300 to 400 trips per day. This is less than 10% of the total capacity of the roads present capacity. The costs of the analysis can better be absorbed by revenues generated from phase one development.

Based on the 1981 Buttke Report, the capacity of Brown road was calculated to be 6000 vehicles per day, with 10,000 per day for Wilsonville Road. The 1978 counts were 1000 per day on Brown Road and 4000 per day at Wilsonville Road. Service level "D" would calculate to approximately 5400 trips on Brown Road and 9000 trips on Wilsonville Road.

Third, ultimate solutions may involve other properties which will require support by the City to coordinate. We are agreeing to a non-remonstrance to formation of a local

improvement district. In addition, systems development funds will be generated from the development, \$22,500 in Phase I and \$74,500 total. These funds plus the provision for non-remonstrance provide ample security of reasonable financial contribution from this project for necessary road improvements.

Therefore, we ask that the requirement for traffic analysis be tied to phase II.

6. There were prior contractual arrangements made between Lincoln Savings (Randall/Environmental Neighborhoods) and the Lehans. Rather than holding strictly to these prior agreements, we have negotiated modified solutions to the Lehan's concerns. The major change to the plat was a reconfiguration of the lots around Lehan Court.

The result is a transfer of additional area to the Lehan's exception parcel. This protects their front yard view corridor and eliminates the need for the prior optional purchase agreement. General arrangements for utility connections have also been made. The details will be confirmed during final plat engineering. Provisions will be made for interim access during development of the first two phases, which will complete Lehan Court, establishing permanent right of way access.

7. Finding 15, 16 & 17 of the staff report and item 9 of the engineer's memorandum address the Southern Pacific pipeline easement that traverses the development. Staff recommends that this easement be physically separated from the abutting lots, finding 17.

This pipeline easement was established and is maintained under the provisions of a Right of Way Deed. The deed set forth the rights and obligations of the effected parties, including access, fencing, etc. This deed cannot and should not be altered, including transfer of ownership rights, by the platting of the property. Southern Pacific secured certain rights related to the under ground pipeline, but did not secure title to the property above it. Further, Southern Pacific has no authority to approve or deny subdivision plats. Their interests are protected by and limited to the right of way deed.

We do intend to coordinate with Southern Pacific relative to any standards for location and installation of fences.

8. Finding 21 refers to pedestrian circulation through the open space to Wood School.

We do not object to providing a pathway to the school, but are concerned over the appropriate location and design as it may effect user safety, school security and preservation of sensitive wetlands.

The southwest portion of the Tract A is an un-inventoried, wetland area. Without further study we do not know what limitation or constraints this may place on location, design and use of a pathway.

We have discussed this matter with representatives from the school district. They generally support the concept of pedestrian access, but also voiced some concern over specific location, safety and security.

Therefore, we ask that flexibility be provided so that we are not obligated to provide something we cannot practically deliver.

9. Finding 23, 24, 25 & 26 of the staff reports identifies potential conflicts with open space designations. Pages 2 through 7 of our revised application address these issues.

We have modified the plat in an effort to better align with the open space criteria, as well as prior approval actions. We feel these revisions comply with the general intent of the open space policies while allowing some flexibility based on prior planning approvals. (exhibits)

10. Finding 28 identifies floodplain issues referencing a 170 foot elevation from a previous application.

We have researched both City and Alpha Engineering records and find no supporting documentation for this elevation. Other evidence would indicate that it is an incorrect figure. Based on FEMA, Flood Insurance Rate Maps there is no designated 100 year flood plain. The area is listed as a Zone C, area of minimal flooding, but no elevation is identified.

For comparison, however, it is noted that the flood elevation for Seely Ditch is only 145 Feet MSL, north of Wilsonville Road. It is further acknowledged that any flooding to 170 feet would have significantly greater downstream impact then on the subject lots.

No calculations of local flooding have been prepared. Current flooding conditions will be altered by drainage improvements. Storm drainage calculations will be developed and reviewed with the City Engineer to determine appropriate system design to ensure adequate drainage and protection of lots and the street from seasonal flooding. Based on preliminary evaluation, we do not anticipate any negative impact on the proposed street and lot pattern.

11. Based on the conclusions drawn from the above information we submit that the can make positive findings of compliance with the three permit criteria set forth on page 14 of 17 in the staff report. This satisfies requirements for approval of the preliminary plat as submitted.

Further, based on these conclusions we request the following changes to the recommended conditions of approval:

Condition 1. No change, unless the City wishes Tract B to be dedicated to expand the existing public park.

Condition 2. Change to read:

The applicant will construct a pedestrian walkway system connecting the single-family area with the Wood School property, if and as determined to be appropriate relative to security, user safety and preservation of wetlands. Determination of appropriateness will be subject to coordination with the City Engineer, West Linn School District staff, and appropriate wetland authorities, *if necessary.*

Condition 3. No change.

Condition 4. Correct side yard setbacks by reversing distances for one and two stories. Further, add an allowance to reduce the side street setback on corner lots to 15 feet, deleting the 20 foot standard.

Condition 5. No change

Condition 6. No change

Condition 7. No change to engineers conditions 1-6, Exhibit 4A.

Item 7. Change to read: Before the final

plat of phase III is approved the applicant shall insure that road right of way is dedicated from the state property, (intersection of 110th, Brown Road and Camelot Street).

Item 8. Delete completely.

Item 9. Delete completely.

Item 10 Renumber to 8. and Change to read: Prior to final plat approval, the applicant shall prepare a detailed drainage analysis to define the extent and effect of local seasonal flooding or drainage hazards. Appropriate drainage system improvements or other mitigation provisions shall be approved by the City Engineer to ensure adequate drainage protection of streets, lots and down stream properties from any seasonal flood hazard.

Condition 8. Change to read: The developer shall construct a sidewalk along Brown Road along the entire frontage of Lots 1 and 149, plus Tract B, as part of the subdivision infrastructure improvements. The City Engineer will review said improvement.

Condition 9. Delete items B and C. These have been addressed by modified agreement with the Lehans.

Condition 10. Correct the open space acreage to reflect the modified plat, with Tract A at 9.0 acres and Tract B at 1.8 acres.

Further, clarify if Tract is desired to be dedicated or maintained by the Association.

Condition 11. Change to read: Prior to or simultaneously with the application for phase II preliminary plat review the applicant will provide the Planning Director a traffic analysis for traffic generated by the Park at Merryfield, to satisfy Section 4.139 (4) (b)WC.

Condition 12. Delete

Condition 13. Renumber to 12. with no change.

EXCERPT FROM FEBRUARY 13, 1989 PLANNING COMMISSION MEETING:

The Park at Merryfield - Stage I Master Plan and Preliminary Plan review of Tract A - 45 single-family lots

Blaise Edmonds presented the Staff Report noting years ago the Planning Commission reviewed two versions of Wilsongreen. One version, which proposed 210 lots, was denied because the allowable density for the subdivision is one to three dwelling units per acre. The maximum buildout for single-family construction is up to 150 single-family homes. Under this request, they are proposing 149 lots. Phase I will consist of 45 single-family lots.

The main entrance to said subdivision will be on Brown Road. This entrance is heavily wooded with Conifer deciduous trees. Exhibit 1B points out the three Comprehensive Plan designations - Primary Open Space, Secondary Open Space and Residential. There are two dwellings on the property which would be surrounded by the subdivision. There is a retention area in the southwest section of the site where storm water discharges which is identified as Primary Open Space on the Comp Plan Map.

Edmonds noted that through working with Ben Altman, the applicant realigned Camelot Street further to the south which then created Tract B. If Tract B were dedicated to the City, it would be contiguous with a parcel which the City owns and is proposed for a City park. By realigning Camelot Street, the lotting patterns were pushed further into the area designated as Secondary Open Space and preserves more of the area designated as Primary Open Space.

If the Commission agrees with Ben Altman's findings to reduce the Primary Open Space area, a recommendation would go to City Council and they would make the final determination as to whether said Primary Open Space area should be reduced.

A 20-foot wide Southern Pacific gasoline easement traverses said property in the center of the property. Edmonds noted he sent a letter to the regional office in Los Angeles inquiring about the lotting pattern over and upon said easement. There is an 8" diesel pipeline located within said easement. There was no response to the letter. If SP should have to go in and maintain the easement, this would mean tearing up landscaping, fencing and out-buildings. He suggested that an alley would give separate access to the easement. Also, the easement could be flagged in the covenants and restrictions concerning what could be built over it. The applicant would like to work with staff regarding the easement.

Another issue which was raised in the Wilsongreen submittal was the need to have a pedestrian connector with the subdivision and the school property. Brown Road south of said property does not have a sidewalk, nor is there one on the north side of Wilsonville Road. There are design restrictions because of the retention area. Staff is proposing that a sidewalk be constructed along the west side of Brown Road and Tract B. There is a meandering sidewalk which dips into the City Park area which would connect with the sidewalk system on Brown Road. They could also construct a pedestrian path through Tract B. Tract A is also proposed to be dedicated to the City. A drainage system study needs to be performed prior to dedication. Streets and right-of-ways are proposed to be public.

Edmonds noted a correction in the Staff Report in Finding no. 8. Applicant is proposing that there be a 15-foot setback on the street side yard of a corner lot. Also, in Condition of Approval 4, a side yard setback for a one-story home should be five feet instead of six feet, and for a two-story home, six feet.

Another issue is traffic generated by this project. The applicant will provide a full traffic analysis at Phase II.

In the Wilsongreen review, Alpha Engineering indicated there was a flood plain at the 170-foot contour line which would jeopardize Lots 5, 6, 7, 8, 9, 10 and 11. Staff does not know where the flooding issue came from. The City's National Flood Rate Insurance Map gives no indication of a 100 year flood hazard on the south portion of the site.

Edmonds passed out revised Conditions of Approval proposed by Ben Altman. Staff feels comfortable with his Conditions. In Condition of Approval 4, revise the front and rear yard setbacks to read: Front yard - 20 feet and front side yard - 15 feet.

Lew Hendershott questioned Staff's recommendation on page 2 - Edmonds explained that he did not have applicant's findings to delete the primary open space area. He suggested deleting the Recommendation totally.

Chairman Williams opened the public hearing.

Ben Altman, Altman Urban Solutions, representing Alpha Engineering and the applicant, Century 21 Properties, corrected the title of the action to read: The Park at Merryfield Stage I Master Plan for 149 lots and Stage II Preliminary Plat review for Phase I consisting of 45 lots. Also, in the Additional Findings section of the Preliminary Plat review on page 8, Altman corrected Finding 2 - the density should read 1-3 dwelling units per acre.

Altman addressed the open space designations - the Comp Plan map shows an area along the southern portion of the property as primary open space, as well as a section in the southeast corner as secondary open space. Staff has indicated the plat, as proposed, does not conform to this configuration. Altman noted there was prior platting approval for the Wilsongreen development, and subsequent to that, the Comprehensive Plan was adopted. As a result, there was a mapping interpretation. If one applied the Comp Plan policies which speak to primary open space, the significant trees and some slopes in the western portion of the site would be involved. The area in the middle does not conform to any of the Plan policies' criteria for primary or secondary open space - it simply is a lower-lying area which does not fall into the flood plain, drainage areas, etc.

Altman further stated there was an open space provided in the Wilsongreen plat which separated the single-family section from the multi-family section. The open space line which Altman drew on the current plan follows generally the same line of open space which the Wilsongreen plat followed. Altman further stated he felt the conflict in the mapping was due to the reliance on the prior platting and not the Policy.

Marian Wiedemann felt there should be a buffer between the homes planned along Brown Road and the road.

Altman stated they did not know where the flood plain number came from either. From a flooding standpoint, this is a seasonal water ponding area because it is poorly drained from the south side.

Altman further stated the Lehans and Robert Randall Company had a prior agreement on an option to secure a lot to the east of the Lehan house. This lot is in lawn and is their primary view from their home. There are two springs in this area, one of which has been used for irrigation purposes. It has been worked out so that they will still maintain the rights to the use of the irrigation for their property. It is being suggested that Tract A will be maintained by a homeowners' association. This could also be worked out for Tract B, but they are leaving it to the City's discretion.

Altman noted they do have a right-of-way deed from Southern Pacific regarding the easement, which they will provide the City with. He also stated they did not have a problem with building a pathway, provided that it is determined to be appropriate. The applicant will be doing a full detailed drainage analysis and coordinating with the City Engineer on drainage improvement, as well as any mitigation that might be necessary to protect lots and streets from seasonal ponding.

Peggy Pfitzer, 32460 Armitage Court South, questioned the effect of this project on the schools and on Wilsonville Road. Chairman Williams stated that staff feels there will not be a significant impact on the roads from the first phase, and that a traffic analysis will be required when they return for the second phase of development. Wayne Sorensen noted that staff does track the City's population and building permits on a case-by-case basis and does provide this information to the schools.

Chairman Williams closed the public hearing.

Arland Andersen stated he felt that the Wilsongreen people were "drawing lines to suit their development at that particular time". He felt that Ben Altman was correct and that the City's designation of primary open space is open to interpretation.

Marian Wiedemann noted there was a lot of research and hard work put into the determination of a lot of the issues. She stated she remembered the lots were buffered with a significant amount of trees along Brown Road, and wanted this project to do the same. She noted there were a lot of large trees at the top of the wetland area which she hoped would not be cut down.

Helen Burns stated she shared Marian's concern regarding the grove of trees.

Bob Dant questioned how much of a setback should be set up for Wilsonville Road.

Chairman Williams noted if the lots were moved 50 feet to the west, at least 75% of the trees would be saved.

Bob Dant moved to approve The Park at Merryfield Stage I Master Plan for 149 lots and Stage II Preliminary Plat review for Phase I, plus the clarifications provided by Ben Altman of the findings, including the following changes:

Modify Condition of Approval 2 to read:

2. The applicant will construct a pedestrian walkway system connecting the single-family area with the Wood School property, if and as determined to be appropriate relative to security, user safety and preservation of wetlands, if necessary. Determination of appropriateness will be subject to coordination with the City Engineer, West Linn School District staff, and appropriate wetland authorities, if necessary.

Modify Condition of Approval 10 to read:

10. The 10-acre open space has been proposed and that the open space shall be maintained by the homeowners' association with Brown Road setback area.

Modify Condition of Approval 11 to read:

11. At the submittal of Phase II, provide the Planning Director a traffic analysis for traffic generated by the Park at Merryfield subdivision, to satisfy Section 4.139(4)(b)WC, prior to final plat approval.

Modify Condition of Approval 12 to read:

12. This approval neither creates nor eliminates any rights or obligations existing under the Southern Pacific pipeline easement, as referenced as Exhibit no. 5.

Add Condition of Approval 14:

14. That there be a 75-foot setback from Brown Road (dedication plus the 75-foot setback). Appliant shall be able to move the lots to the west if he so desires.

Arland Andersen seconded the motion which passed 7-0.

Lew Hendershott moved to amend the motion by adding Condition of Approval 15:

15. That the parking of recreational vehicles or travel trailers be prohibited from parking on the streets and that a secure, fenced area be set aside where said vehicles could be stored.

The amendment to the motion was voted upon and failed 4-3.

The motion was voted upon and passed 7-0.