

**RESOLUTION NO. 716**

**RESOLUTION TO AFFIRM AND ADOPT THE PLANNING COMMISSION'S INTERPRETATION REGARDING PRIMARY OPEN SPACE LOCATED ON TAX LOT 400, T3S-R1W, SECTION 13, MTW PARTNERS, APPLICANT**

WHEREAS, MTW Partners have 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 March 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 for an 110-unit apartment development on March 13, 1989, and

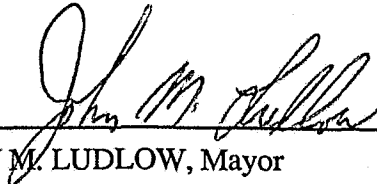
WHEREAS, the applicant demonstrated that an actual conflict existed between the Comprehensive Plan Map and the Comprehensive Plan text and policies concerning designated Primary Open Space on the subject property, and

WHEREAS, the Planning Commission found that the Primary Open Space designation on the MTW Partners' 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 shown to be located on Tax Lot 400, T3S-R1W, Section 13. 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 City Council of the City of Wilsonville at a regular meeting thereof this 1st day of May, 1989, and filed with the Wilsonville City Recorder this same day.

  
\_\_\_\_\_  
JOHN M. LUDLOW, Mayor

Attest:

  
\_\_\_\_\_  
PAMELA J. MOLES, City Recorder Pro-Tem

SUMMARY of Votes:

Mayor Ludlow	<u>ABSTAIN</u>
Councilor Edwards	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Dant	<u>ABSTAIN</u>

**PROPOSED ZONE CHANGE AND STAGE I**  
**CONDITIONS OF APPROVAL**  
**Change of Zone from PDC to PDR**

1. Submit to the Planning Director a true and accurate description of the property affected by the zone change.
2. The zone changes and amendments - expiration without notice.  
  
A zone change will expire two years after final approval or the enactment date of this Code, whichever is later. If no development has occurred on the property within that time, provided, however, upon good cause shown, the Planning Commission shall extend such zone change for an additional year. In the case of Planned Development zones, the zone change will not expire if substantial development has occurred on part of the land initially zoned and if development was contemplated in phases.
3. Stage I Preliminary Plan approval is contingent on the City Council approval of the proposed change of zone.
4. The applicant shall comply with all Conditions of Approval required by the City Engineering Department listed on Exhibit 4A. These Conditions of Approval are implemented when Building Permits are issued for construction.
5. The applicant shall waive right of remonstrance against any local improvement district which may be formed to provide public facilities to serve the subject site.
6. Prior to the sale or conveyance of the apartment site to MTW Partners, the applicant shall obtain a Minor Land Partition for the legal creation of the parcel.
7. This approval grants a waiver to the standard 25-foot rear yard setback to a minimum 12-foot setback.
8. Applicant shall comply with the Conditions of Approval required by the City Building Official.
9. Subject to the opinion of legal counsel for the City and prior to City Council approval of the zone change, the applicant's proposed access and the ingress and egress from the property does not violate any of the Conditions contained in the agreements between the City and the surrounding landowners.

PLANNING COMMISSION  
RESOLUTION NO. 89PC10

A RESOLUTION ADOPTING FINDINGS AND  
CONDITIONS OF APPROVAL RECOMMENDING  
APPROVAL TO THE CITY COUNCIL FOR STAGE I  
MASTER DEVELOPMENT PLAN AND A CHANGE  
OF ZONE FROM PDC TO PDR FOR MTW PARTNERS,  
TO BE LOCATED ON TAX LOT 400, T3S-R1W,  
SECTION 13, WILSONVILLE, OREGON.

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 March 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 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 Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A, with the findings, recommendation and Conditions of Approval contained therein and further recommends to the City Council an approval of the following actions:

Stage I Master Development Plan  
Zone Change from PDC to PDR

consistent with said recommendations.

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

Attest:

  
\_\_\_\_\_  
Judge Emison, Planning Secretary

  
\_\_\_\_\_  
Chairman, Planning Commission

**PLANNING DEPARTMENT  
STAFF REPORT**

**DATE: March 13, 1989**

**TO: Planning Commission**

**PREPARED BY: Blaise Edmonds**

**REQUEST: 89PC10 MTW Partners - Change of zone from PDC  
to PDR and Stage I Master Development Plan for 110-  
unit apartment complex proposed in Town Center**

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**SUMMARY AND RECOMMENDATIONS:**

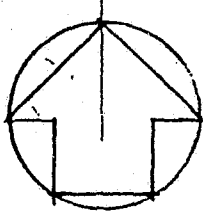
This request is a Zone Change and Stage I Master Development Plan for a 110-unit apartment complex on a 5.74 acre parcel in Town Center. The applicant also seeks to encroach an area designated in Primary Open Space for development of apartments. This encroachment also raises a concern on how much open space should be preserved in order to meet the outdoor recreational needs of the City Center Master Plan. The applicant has prepared findings addressing key criteria of the Comprehensive Plan for deletion of 2.4 acres of the open space area.

Applicant is requesting that a rear yard setback waiver be granted from the Code-required 25-foot setback to allow a 12-foot setback.

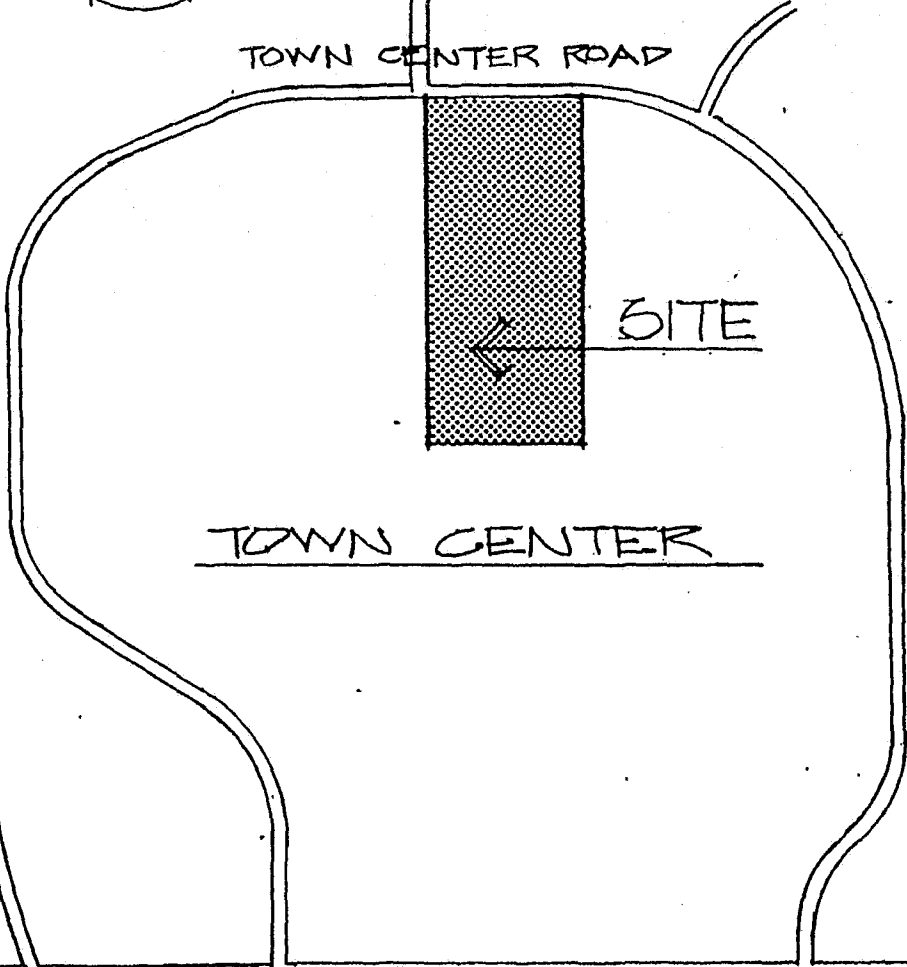
The location, design, size and uses are such that the project to be accommodated will be adequately served by existing or immediately planned facilities and services.

**RECOMMENDATION: Under Section 4.138(4)(d)WC: "In the case of a zone change and zone boundary amendment, City Council is required to authorize a Stage I Preliminary Plan and must be obtained prior to approval of Stage II Plans."**

**Based upon the Planning Commission conclusion findings and findings found in the Staff Report, the Planning Commission and Planning staff recommend that City Council approve the proposed Zone Change and Stage I Master Development Plan.**



TOWN CENTER ROAD



I-5

TOWN CENTER

MARKET ROAD

VICINITY MAP

SCALE : 1" = 50' ± 1-20-89

WILSONVILLE OREGON

APARTMENT COMPLEX PROPOSAL  
FOR HILLER - HINTON

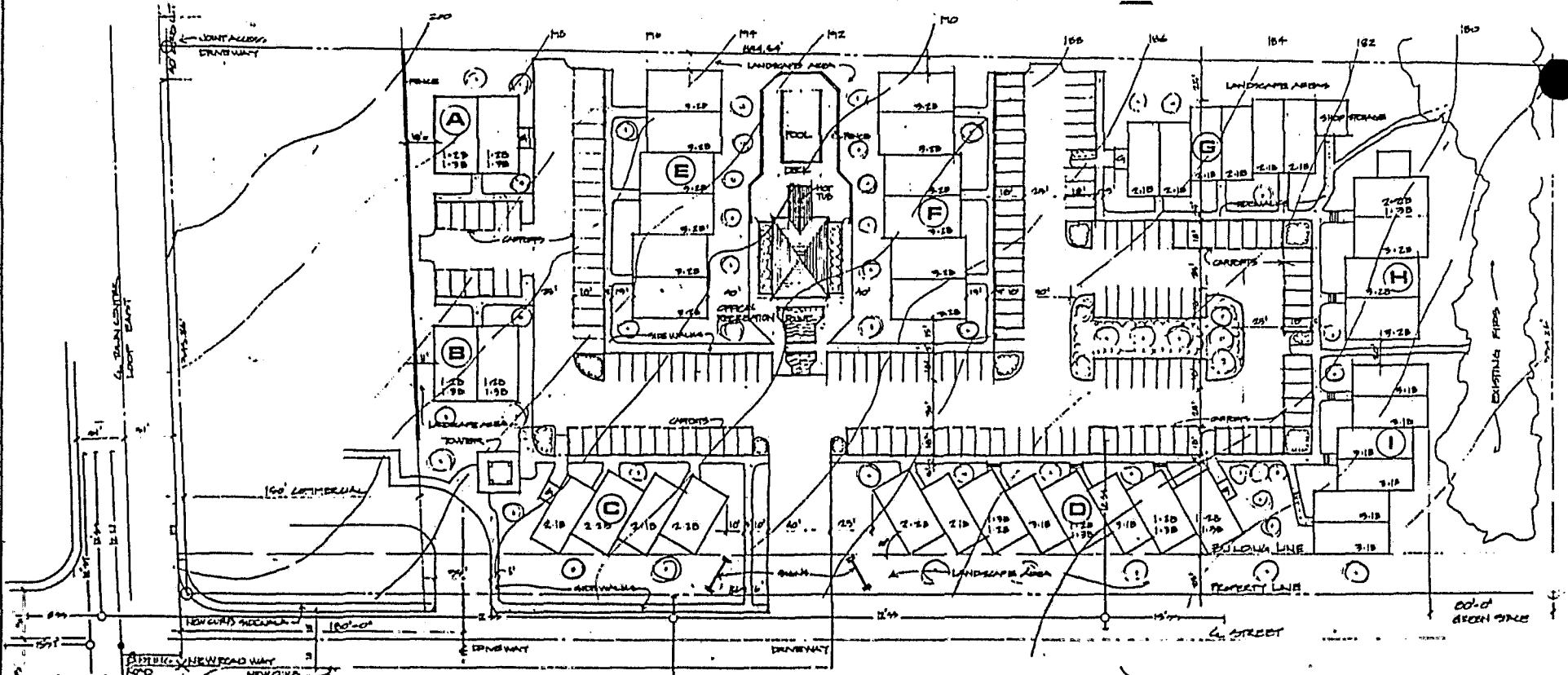
APARTMENT UNITS

BLDG	1 BR	2 BR	3 BR
A	4	2	2
B	6	4	1
C	12	10	10
D	6	9	3
E	10	10	10
F	10	10	10
G	10	10	10
H	10	10	10
I	10	10	10
TOTAL	40	57	11

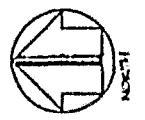
PARKING

1.5 SPACES PER UNIT  
 WITH 1 GARAGE PER UNIT  
 TOTAL SPACES REQD = 165  
 TOTAL SPACES AVAILABLE = 174

TOTAL = 110 UNITS TOTAL



SITE PLAN - WILSONVILLE



<b>TCP</b> TOWN CENTER PLAZA	HILLER-HINSON CONSULTANTS	LAYNE A. ASPLUND AIA • ARCHITECT	600 NORTH EAST STREET WASHINGTON • WASHINGTON 20002 (202) 637-0100	6 92 21	2
	WILSONVILLE, OR				

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 RA1, R, PDR

NA = NOT APPLICABLE  
DRB2 DESIGN REVIEW BOARD  
STAGE II REVIEW

	Required	Proposed	Yes	Code Compliance No, see additional Finding no.
<u>A. Land Use</u>	<u>EXISTING PDC</u>			
Zoning	<u>PDR</u>	<u>PDR</u>	<input type="radio"/>	<u>1 thru 30</u>
Comprehensive Plan Designation	<u>RESIDENTIAL &amp; PRIMARY OPEN SPACE</u>		<input type="radio"/>	<u>↓</u>
<u>B. Land and Building Improvements</u>				
1. Lot size				
A. Total site area (acreage)	<u>(MINIMUM) 2 AC.</u>	<u>5.74 AC. 249,900 SF</u>	<input checked="" type="radio"/>	<u>1</u>
B. Lot sizes	<u>NA</u>		<input type="radio"/>	<u>NA.</u>
Average lot size	<u>NA.</u>		<input type="radio"/>	<u>NA</u>
C. Density (units/acre)(MAX)	<u>12-20 du/AC.</u>	<u>19.16 du/AC.</u>	<input checked="" type="radio"/>	
2. Lot coverage				
A. Dwellings	<u>NOT SPECIFIED %</u>	<u>- % - sf.</u>	<input checked="" type="radio"/>	<u>STAGE II</u>
B. All buildings	<u>↓ %</u>	<u>19.2 % 48,000 sf.</u>	<input checked="" type="radio"/>	<u>↓</u>
C. Parking/paved	<u>↓ %</u>	<u>26.2 % 66,120 sf.</u>	<input checked="" type="radio"/>	<u>↓</u>
D. Landscaping				
1. Total site area	<u>15 %</u>	<u>- % - sf.</u>	<input type="radio"/>	<u>DRB</u>
2. Parking area	<u>10 %</u>	<u>- % - sf.</u>	<input type="radio"/>	<u>DRB</u>
3. Outdoor living area	<u>25 %</u>	<u>44 % 109,780 sf.</u>	<input checked="" type="radio"/>	
4. Screening/buffering	<u>OPTIONAL</u>	<u>RECOMMENDED</u>	<input type="radio"/>	<u>DRB.</u>
5. Irrigation system	<u>REQ'D</u>	<u>-</u>	<input type="radio"/>	<u>DRB</u>
[3. Building setbacks (MINIMUM) PARKWAY AV.				
Front (NORTH) R side	<u>25' ft.</u>	<u>25' ft.</u>	<input checked="" type="radio"/>	<u>STAGE II</u>
(SOUTH) L side	<u>11' ft.</u>	<u>11' ft.</u>	<input checked="" type="radio"/>	
(EAST) Rear	<u>11' ft.</u>	<u>20' ft.</u>	<input checked="" type="radio"/>	
	<u>25' ft.</u>	<u>12' ft.</u>	<input type="radio"/>	<u>↓</u>
4. Building height	<u>35 ft 1/2 str.</u>	<u>28 ft 3 str.</u>	<input checked="" type="radio"/>	
5. Off-street parking				
A. Standard (9'x18')	<u>105 1.5 PER DU.</u>	<u>174 SHOWN</u>	<input checked="" type="radio"/>	<u>STAGE II</u>
Compact (8 1/2'x17') (30% over 10 allowed)	<u>OPTIONAL</u>	<u>NOT SHOWN</u>	<input type="radio"/>	<u>-</u>
Handicapped (12'x18') (1 to 50 required) publicly funded	<u>NA</u>		<input type="radio"/>	<u>NA.</u>



Code Compliance  
 No, see additional  
 Finding no.

	Required	Proposed	Yes	No	Finding no.
6. Access/Egress					
A. No. curb cuts	NOT SPECIFIED.	3	<input checked="" type="radio"/>	<input type="radio"/>	
B. Width of curb cuts	24' MINIMUM	33 & 40'	<input type="radio"/>	<input type="radio"/>	TO BE DETERMINED BY CITY ENGINEERS
C. Distance fm. intersection	260'	180'	<input type="radio"/>	<input checked="" type="radio"/>	
D. Vision Clearance	20' TRIANGLE	+20'	<input checked="" type="radio"/>	<input type="radio"/>	
E. Clear travel lane width	24'	35 & 40'	<input checked="" type="radio"/>	<input type="radio"/>	
F. Pavement width.	-	-	<input type="radio"/>	<input type="radio"/>	TO BE DETERMINED BY CITY ENGINEERS.
G. Pedestrian pathways	REQUIRED..	PROPOSED	<input checked="" type="radio"/>	<input type="radio"/>	
7. Open space/Slope protection					
A. Existing vegetation protected			<input type="radio"/>	<input type="radio"/>	SEE ZONE CHANGE FINDINGS
B. Slopes over 20% restricted to 30% impervious coverage			<input type="radio"/>	<input type="radio"/>	NA.
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 type="radio"/>	<input type="radio"/>	NA.
2. Bulk storage area provided		<input checked="" type="radio"/>	<input type="radio"/>	
3. Safety/crime prevention				
A. Location of addressing	BUILDING OFFICIAL ASSIGNS ADDRESS.	<input checked="" type="radio"/>	<input type="radio"/>	
B. Natural surveillance		<input checked="" type="radio"/>	<input type="radio"/>	
C. Type of exterior lighting		<input type="radio"/>	<input type="radio"/>	DR33

D. Public Facilities

1. Streets	Right-of-Way Width			Pavement Width		
	Existing or New	CIP Std.	Proposed	Existing	CIP Std.	Proposed
A. <u>Public Streets</u>						
<u>Name</u>						
TOWN CENTER LOOP.	12'	12'	12'	5 LANES	-	
PARKWAY AVE.	Approx. 70'	TO BE DETERMINED BY CITY ENGINEERS.				

B. Traffic Impact Analysis

Name	Existing Capacity	Existing Volumes	Phase One	Level of Service	All Phases		See Addl. Finding #
					Yes	No	
TOWN CENTER LOOP.	-	PM PEAK W ← 260/10 → E ↑ 215/20 ↓ → 220/14 ←	-	A	<input checked="" type="radio"/>	<input type="radio"/>	_____
PARKWAY AV.	-	↓ 135/50 ↑	-	A	<input checked="" type="radio"/>	<input type="radio"/>	_____
_____	_____	_____	_____	_____	<input type="radio"/>	<input type="radio"/>	_____
_____	_____	_____	_____	_____	<input type="radio"/>	<input type="radio"/>	_____

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

\_\_\_\_\_

D. Consistent with minimum street width standards

EXHIBIT 4a

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)

\_\_\_\_\_

3. Public water line size 12" φ distance from site TOWN CENTER.

\_\_\_\_\_

4. Sanitary sewer line size 12-15" φ distance from site PARKWAY AV.

\_\_\_\_\_

5. Storm drainage

Drainage basin Seely , Boeckman , Willamette

Number of on-site catch basins @ PERMIT REVIEW BY BUILDING OFFICIAL

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

\_\_\_\_\_

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

NOT B.E.D.S.

6. The public facilities existing and proposed improvements comply with the CIP

EXHIBIT 4a

E. Previous approval actions and applicable Conditions of Approval

1. Zoning  None  File No. \_\_\_\_\_

\_\_\_\_\_

2. Design Review  None  File No. \_\_\_\_\_

\_\_\_\_\_

3. Planning Commission  None  Preliminary, File No. \_\_\_\_\_

\_\_\_\_\_

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

**ZONE CHANGE FROM PDC TO PDR**  
**STAGE I PRELIMINARY DEVELOPMENT PLAN**

**Site Description**

1. The subject site consists of Tax Lot 400, Section 13. Said Tax Lot is approximately 7.63 acres. 5.74 acres is proposed to be partitioned from the 7.63 acre lot for the multi-family project. The remaining 1.89 acre parcel will be retained by Mr. Vlahos for future commercial development along Town Center Loop Road. The site is near the center of the area designated as the City Center District. By extending Parkway Avenue to the site, the site will have immediate access to a intersection at Town Center Loop.

**Application Request**

2. This application is for a zone change from the current PDC zone to PDR, which is consistent with the Comprehensive Plan designation of Residential. Included with the application is a Stage I Preliminary Development Plan. This Preliminary Plan provides a conceptual layout for the proposed use of the site.
3. The applicant for the zone change is MTW Partners of Wilsonville. MTW Partners has secured an option to purchase the site from Mr. Vlahos.

**Comprehensive Plan and Zoning Compliance**

4. The subject site is designated for Residential, 12 to 20 dwelling units per acre, use on the Comprehensive Plan, but is currently zoned PDC. The PDC zone is in direct conflict with the residential plan designation in terms of land uses. The very southerly end of the subject property is planned for Primary Open Space.
5. The City's Plan states that zoning is to be considered on a case-by-case basis. The purpose of the case-by-case review is two-fold. First, the zoning is intended to serve as an administrative procedure to evaluate the conversion of urbanizable land to urban land consistent with the conversion criteria set forth in the LCDC Urbanization Goal 14. Because the service levels vary throughout the City, the zoning process will allow for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions in terms of phasing of development related to needed facility improvements.

Secondly, not all types of developments create equal community impact. Therefore, each development must be evaluated on its own merits and liabilities. For this reason, a case-by-case Site Development Plan review is intended to provide site specific analysis of impacts related to particular development proposals, rather than general use categories such as residential, commercial or industrial.

All land development proposals shall be reviewed for conformity to the Plan and specific standards set forth in implementing ordinances.

6. Section 4.187 of the Wilsonville Code sets forth the approval criterion for proposed zone map amendments. They are as follows, along with response findings:

**Criterion 1**

The application is submitted in accordance with the procedures set forth in Section 4.008, or, in the case of a Planned Development, Section 4.138.

7. Compliance - A pre-application conference was held with the City's Planning staff. Required submittal documents identified by the Director have been provided consistent with the planned development regulations.

**Criterion 2**

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

8. Compliance - The site is designated for residential use on the Plan. The use of the proposed apartments would be in compliance with the Residential plan designation.
9. The portion of the site designated in Primary Open Space has been surveyed and delineated on Exhibit 3A. This area includes Douglas Firs, Maples, Oaks and Alders. The applicant wishes to develop apartments within the Primary Open Space and retain 80 feet of the Primary Open Space in its natural state. This area can be counted towards required outdoor living area. The remaining open space area can be dedicated to the City as permanent open space for park use. Allowable density has been transferred from this area consistent with Section 4.136(5) of the Wilsonville Code.
10. When there is reason 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.

11. 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.

- 12. The applicant seeks to demonstrate that a Primary Open Space interpretation ambiguity exists for that portion of the property planned for apartments (refer to Exhibit 3C, Applicant's Findings).
- 13. According to the Comprehensive Plan, the criteria for which to define Primary Open Space areas are as follows:

- 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 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.

**CONSIDERATION OF OPEN SPACE CRITERIA**

**14. Primary Open Space**

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, 410015 0005 B) as a Zone C, or areas of minimal flooding. There is no defined floodway or flood plain for this area.

15. There are no areas with slopes greater than 20%. The subject site is relatively level for development.
16. Several significant stands of trees are on the site. These trees are primarily Douglas Firs standing along the lower portion of the site. These trees are within 80 feet of the southerly property line. Seven Maples, two Oaks and two Alder trees of significant size are dispersed north of the Douglas Fir trees. It is these deciduous trees the applicant proposes to incorporate or remove for development of the apartments.
17. There are no major drainage channels on the site. Storm water would be diverted to an open drainageway that is more clearly defined along Wilsonville Road and Town Center Loop East.

### Criterion 3

In the event that the subject property, or any portion thereof, is designated as Residential on the City's Comprehensive Plan Map, specific findings shall be made addressing substantial compliance with Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text, and

Goal 4.3 Plan for and permit a variety of housing types consistent with this Plan and a balance between the economics of building and the cost of supplying public services. This goal recognizes the need for a variety of housing types to meet various personal preferences and income levels. It also, however, recognizes the fact that in order to maintain a decent living environment, adequate public facilities must be available.

### Compliance

18. The applicant has prepared a report demonstrating that a balance of housing types will be maintained in Traffic Zone 5 in accordance with City Ordinance No. 318 by the development of this project. The applicant has not indicated the target income level for apartment rates.

Policy 4.3.3 Applications for proposed developments will be accompanied by site plans which, at minimum:

- a. Identify and protect adjacent properties.
- b. Designate access points, and where possible, coordinate these points with adjacent uses.
- c. Provide for adequate on and off-site vehicular and pedestrian/bike circulation.
- d. Identify proposed building locations, heights, setbacks and landscaped areas, architectural drawings or sketches sufficient to demonstrate the intent, impact character and intensity of use of the proposed development. Detailed specifications will be required as part of final development plans, which may occur in phases.

### Compliance

19. The applicant has submitted complete Site Development Plans that satisfy a, b, c and d of Policy 4.3.3.

Policy 4.3.4 In reviewing proposed developments, the City will examine:

- a. The intensity of use, which includes percent of lot coverage.
- b. Number of employees per acre.
- c. Peak vehicle trips per hour per acre.
- d. Total trips per day per acre.

### Compliance

20. The proposed apartments and associated buildings will cover 19.2% of the site which is a lower lot coverage than many single-family residential developments in Wilsonville. This is accomplished by building vertical to preserve more land area.
21. There will be no employees associated with the apartment complex except for rental management and grounds maintenance.
22. The applicant is prepared to provide general traffic volumes generated by the proposed apartments by the Planning Commission hearing date.

- Policy 4.4.2
- a. The City will provide for development of mobile home parks and subdivisions by establishing them as outright permitted uses in urban medium density residential areas. Where economically feasible and where adequate compatibility provisions can be made, existing mobile home parks shall be protected and allowed to continue.
  - b. Recognizing the transitional nature of some of the existing mobile home parks, the City will work closely with mobile home park owners and prospective developers to attempt to provide existing mobile home dwellers with suitable relocation sites prior to the phasing out of existing parks for other uses.

### Compliance

23. This policy is primarily oriented towards protecting existing mobile home parks, but is not intended to guarantee relocation sites to existing mobile home dwellers should existing parks be redeveloped. Providing for future development of mobile home parks or subdivisions is intended to allow for development of replacement parks as well as to respond to market demands for lower cost housing.

Policy 4.4.8 Apartments and mobile homes should be located to produce an optimum living environment for the occupants, but also to produce the least adverse effects upon single-family areas. Development criteria should include:

- a. Buffering by means of landscaping, fencing and distance from conflicting uses.

- b. Compatibility of design, recognizing the conflicts of mass and height between apartment buildings and houses.
  - c. On-site recreation space as well as pedestrian and bicycle access to parks, schools, mass transit stops and convenience shopping.
  - d. The siting of buildings to minimize the visual effects of parking areas and to increase the availability of privacy and natural surveillance for security.
  - e. All mobile homes shall be located in parks or subdivisions specifically designed for them.
24. Development criteria a, b, c, d and e of Policy 4.4.8 is more of an architectural review in nature under the scope of review by the Design Review Board.

#### Criterion 4

The existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and area of adequate size to serve the proposed development, or that adequate facilities can be provided in conjunction with project development. The Planning commission shall utilize any and all means to insure that all primary facilities are available and are adequately sized.

#### Compliance

25. Sheet 2 of the submittal plans shows the location of primary facilities relative to the subject site. Adequate water, sanitary sewer and storm drainage are available and located in Parkway Avenue and Town Center Loop. Town Center Loop is a major arterial with a designated F section for lane configuration.

#### Criterion 5

The proposed development does not have a significant adverse effect upon primary open space, an identified natural hazard, or an identified geologic hazard.

#### Compliance

26. Findings pertaining to Primary Open Space are discussed in Criterion 2.

#### Criterion 6

The applicant is committed to development within two years of the initial approval of the zone change.

#### Compliance

27. The applicant is planning to develop this site in 1989. They will proceed with Stage II and Design Review application as soon as a decision is made on the zone change.



### Criterion 7

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

### Compliance

28. Preliminary review with the Planning staff indicates that this development can be designed within the allowed standards of the PDR zone. As shown on the preliminary plan, it is anticipated that a waiver to the standard 25-foot rear yard setback is needed.

### Town Center Master Plan

29. In 1976, the City Council adopted Ordinance No. 55 amending and supplementing Ordinance No. 23, the previous Zoning Ordinance, and established the "City Center District" or "Town Center Master Plan". Town Center is the area identified on Exhibit 4C.

The purpose of the City Center District is to:

"The purpose of this zone is to permit and encourage a City Center District, adhering to planned commercial and planned development concepts, including provision for commercial services, sales of goods and wares, business and professional offices, department stores, shopping centers and other customer-oriented uses to meet the needs of the Wilsonville community, as well as to meet the general shopping and service needs on an area-wide basis, together with such multiple family residential facilities, open space, recreational and park areas, and public use facilities as may be approved as part of the City Center District compatible with the Comprehensive Plan of the City."

30. Apartment use and site location complies with the R - Residential designation as conceived by the City Center District. However, it is unclear from the purpose statement and from the City Center District map on how much open space should be preserved for urban relief of the built environment. The proposal, as presented, seeks to substantially reduce the three-acre open space area to a .61 acre wooded lot. In the event the .61 acre parcel is dedicated to the City for future park use, the park may be undersized for urban park demands. The reduced open space also conflicts with the vision of the City Center District Master Plan to have a moderate-sized open space area for recreational or park uses as reflected by the size of the lake or open space area shown on the City Center Master Plan map. It appears that the Comprehensive Plan embodied the City Center Open Space area, even though the majority of this open space does not have significant vegetation or trees.

**ADDITIONAL FINDINGS AND CONCLUSIONS**

Yes    No, see Finding no.

A. 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.

1 thru 30.

B. 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.

\_\_\_\_\_

C. 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.

\_\_\_\_\_

## EXHIBITS

The following Exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents.
  - 3a. Site development plans.
  - 3b. Project description.
  - 3c. FINDINGS RELATED TO ORD # 318, THE PRIMARY OPEN SPACE AND TRAFFIC.
4. Others:
  - 4a. City Engineering Department Report.
  - 4b. Building Department Report.
  - 4c. TOWN CENTER DISTRICT ORD. # 55

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February 23, 1989

Michael L. Williams, Chair  
Wilsonville Planning Commission  
City of Wilsonville  
Wilsonville, Oregon 97070

Re: Town Center Plaza/Planned Development

Dear Chair Williams:

We represent the applicant in the above proceedings to secure approval by the City of Wilsonville for a residential development in the Town Center Loop area.

The matter which we have been asked to discuss is whether there is a conflict between the plan map which designates some of the subject site as "primary open space" (because of a stand of trees in the area) and plan policies which deal with the preservation of primary open space. The question is whether the proposal, as submitted, can be developed consistent with the Wilsonville plan.

The proposed Town Center Plaza project can be developed in a manner consistent with Wilsonville's Comprehensive Plan. The proposed buildings include an area which is designated "Primary Open Space" on the City's Comprehensive Plan Map. However, according to the definitions in the text of the Comprehensive Plan Policies, the area which includes the buildings does not meet the definition of "primary open space" and development cannot be restricted on that basis. If open space at all, the subject area is more accurately described as "secondary" open space which provides a buffer to the primary open space, and therefore, is available for development in accordance with special development standards under the City's Comprehensive Plan Policy 4.5.1.(c). See Proposed Findings enclosed herewith.

The City's Comprehensive Plan Map designates a stand of fir trees, and the area surrounding those trees on the subject site, as "Primary Open Space." However, the area into which the actual development extends does not fall within the definition of

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Michael L. Williams, Chair  
February 23, 1989  
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"primary open space" under the City's Comprehensive Plan Policy 4.5.1 (b).

The City's Comprehensive Plan provides:

This Plan consists of general background and explanatory text, City of Wilsonville Goals, Objectives and Policies and a Plan Map. 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. \* \* \* [T]he lines separating uses on the map are not rigid and inflexible.

Wilsonville Comprehensive Plan, Procedures, Pages 3-4.

The above procedure provides a method for the City to resolve conflicts (without a comprehensive plan amendment) through an interpretation of the text and map when the goals, objectives and policies of the plan are in apparent conflict with each other or the map. This process has been used by the City in the past and is applicable in this case.

Further support for the precedence of the Comprehensive Plan text over the map is found in the Plan's definition of "The Plan Map:"

The Plan Map represents a visual illustration of the general land use concepts presented in the Plan. It establishes a basic land use pattern by allocating specific areas or districts to various land uses, including residential, commercial, industrial, public and open space. The map illustrates a typical separation of uses, consistent with conventional zoning. However, the Plan text recognizes that certain combinations of uses can be beneficial and, therefore, language in the text provides for a mixing of those combinations through a Planned Development Review process. When interpreting the intent of the Plan, the text dominates the map in the event of a conflict. [emphasis added].

Wilsonville Comprehensive Plan, The Plan Map, page 87.

Based on the conflict resolution procedure referred to above, Applicants request that the City interpret the

Michael L. Williams, Chair  
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Comprehensive Plan to designate only that portion of land with the significant stand of fir trees as "primary open space."

Applicant recognizes that the stand of fir trees may be properly designated as primary open space under Plan Policy 4.5.1 (b) (3) which includes "significant stands of trees," as primary open space, which is intended to remain undeveloped. Applicant's proposed development will preserve the significant stand of fir trees identified. However, the area surrounding this stand of trees does not meet the definition of primary open space and applicant seeks to develop a portion of it. Even if the area is considered "secondary" open space under Plan Policy 4.5.1. (c), it may still be available for development in accordance with the City's special development standards.

See Wilsonville Comprehensive Plan, pages 81-82.

Plan Policy 4.5.1. (c) provides that:

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 part of a planned development.

Id.

The proposed project is part of a planned development which will leave an adequate buffer between the "primary" open space and the proposed structures comprising the development plan before the Commission. The Applicant requests that the following procedure be used to resolve the conflict between the Comprehensive Plan map designation as "primary open space" and the fact that the subject area does not meet the definition of "primary open space" as defined by the Comprehensive Plan Policy text:

1. Applicant has submitted a land use application for Planned Development Residential (PDR) approval for Town Center Plaza pursuant to the City's Zoning Regulations.
2. In considering the application, Applicant requests the City to resolve the conflict between the map and the text of the City Comprehensive Plan by interpreting its Plan to recognize that the area surrounding the significant stand of fir trees is not primary open space and that the proposed

MITCHELL, LANG & SMITH

Michael L. Williams, Chair  
February 23, 1989  
Page 4

development of this area would not be inconsistent with the policies of the Comprehensive Plan.

3. The Planning Commission is requested to consider the application and resolve the conflict between the Comprehensive Plan map and text at a public hearing. If approved, the decision would then be considered by the City Council because the Comprehensive Plan provides that "[t]he City council shall have final authority for the interpretation of the text and/or map." Wilsonville Comprehensive Plan, page 4.

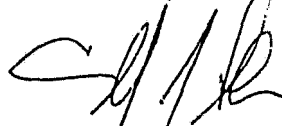
This procedure would provide an efficient resolution of the conflict between the Comprehensive Plan map and text without the necessity of amending the Comprehensive Plan. We note that the City has apparently contemplated these types of conflicts in establishing a procedure for resolution through interpretation rather than plan amendment.

We ask the Commission to review the outlined procedure and determine whether it is an acceptable means of resolving the conflict between the Comprehensive Plan map designation of primary open space and the text policy definition of primary open space.

Thank you for your consideration of this matter.

Very truly yours,

MITCHELL, LANG & SMITH



Edward J. Sullivan

EJS/mw  
Enclosure  
cc (w/enc.): Clients

## Project Description and Statement of Issue Presented

The proposed Town Center Plaza project has been conceived as a high quality apartment community of 110 oversized units. The master plan encompasses heavy landscaping and preservation of trees and open spaces. The accompanying drawings provide design information as required by the Wilsonville Code. The Planning Commission must interpret, and the City Council agree, that the Wilsonville Comprehensive Plan does not include the a portion of the area at the south end of the site as "primary open space," if this development is to proceed as planned.

## Open Space - Comprehensive Plan Issues

A large area at the south end of the subject site is designated "Primary Open Space" on the City's Comprehensive Plan Map. As demonstrated by the fact that the proposed site plan provides for over 50% of the site to consist of open space, the applicant agrees with the preserving open space and significant natural features. However, because the area proposed for building at the southern end of the site does not constitute "primary open space" as defined by the Comprehensive Plan Policy text, literal implementation of this aspect of the Comprehensive Plan map is not required. Applicant's site plan calls for an adequate buffer between the proposed structures and the "primary open space" as defined by the Comprehensive Plan policy. The site plan provides landscaping in the buffer area which will ensure the preservation of the primary open space.

The Comprehensive Plan map designation of "primary open space" includes a significant stand of fir trees (appropriately designated as primary open space, see CP Policy § 4.5.1.) and a substantial area surrounding that stand of trees, which may fall into the category of secondary open space but does not meet the definition of primary open space. The proposed site plan will allow reasonable development of the site while maintaining a protective buffer of at least 45 feet for the stand of fir trees in the appropriately designated primary open space.

Comprehensive Plan, Policy § 4.5.1 (b) defines the types of areas that constitute "primary open space" as follows:

- (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.

The portion of the site plan on which buildings are proposed does not extend to the "significant stand of [fir] trees" in the



center of the plan map's "primary open space" designation. However, the plan for the buildings does include an area surrounding the trees, which has been included in the comprehensive plan map designation as "primary open space," but does not meet the plan policy text definition of "primary open space." At most, the area may be considered "secondary open space" to serve as a buffer to the primary open space. See CP, Policy § 4.5.1 (c). Even so, secondary open space may be developed in accordance with special development standards. The proposed plan for this area includes a landscaped area to serve as a buffer for the stand of trees.

A conflict exists between the Comprehensive Plan Policy text defining "primary open space" to include "significant stands of trees," and the plan map which includes a substantial amount of land surrounding the "significant stand of trees" as primary open space. The City's Comprehensive Plan recognizes a procedure to resolve conflicts between plan policies and the plan map:

"This Plan consists of general background and explanatory text, City of Wilsonville Goals, Objectives and Policies and a Plan Map. 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 enables the City to resolve these kinds of conflicts through the interpretation of the text and map, allowing adjustments to the map without a comprehensive plan amendment in the event of such conflict.

Therefore, it is appropriate to evaluate the open space requirements applicable to the southern portion of the proposed site with respect to the criteria in CP Policy § 4.5.1 (b). The following findings are made with respect to the standards for primary open space:

1. 100 year floodways.

There is no 100-year floodplain indicated within the vicinity of the site.

2. Slopes greater than 20%.

The topographic survey map prepared for this site and included in the planning commission materials shows that slopes in the designated open space area are substantially less 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.

The proposed development does not extend to the significant stand of trees within the area designated as primary open space and the subject site is not within 150 feet of the Willamette River.

4. Major natural drainage channels.

There are no major natural drainage channels on the site.

Therefore, it is concluded that the southern end of the proposed development does not extend to an area meeting the City's Comprehensive Plan Policy definition of primary open space. Under these circumstances, the policy taking precedence over the plan map, the "Primary Open Space" designation beyond the stand of fir trees on the southern end of the site need not be reflected in the site development for consistency with the City's Comprehensive Plan.

#### Summary

Applicant respectfully request that the Planning Commission approve the proposed Planned Development-Residential, and interpret CP Policy § 4.5.1 (b) to take precedence over the plan map. Then the Primary Open Space designation, beyond the significant stand of fir trees, need not be reflected in the site development, and the proposed development would be in conformity with the City's Comprehensive Plan.

WILSONVILLE HOUSING BALANCE ORDINANCE

## Town Center Park Apartments

This profile is being submitted to the City to address the policies of the City of Wilsonville's ordinance #318. The purpose of this ordinance "to assure balance in location of housing types . . ." within the city as a whole and within individual traffic zones.

Objective 4.3.4 of Ordinance #318 state:

Balance Ratios (targets) are to be set as follows:

<u>Type</u>	<u>%</u>
Multi-family	50
Single-family	40
Mobile Homes	<u>10</u>
	<u>100%</u>

Because of normal building cycles it can be expected that any single-family projection for a specific type of housing might vary by as much as 50% from the units calculated for a specific housing type. Interim targets are to be set for a five year interval and will be recalculated at each periodic review board. The building average will be allowed to vary by as much as 30% but shall not exceed the long term goal. Permits which exceed the long term goal maybe specifically excepted by the City Council on a case by case basis.

Further, to assure balance in location of housing types, no traffic zone shall have a single housing type exceeding 60% of the long term goal calculated for the sum total of the primary traffic zone and all adjacent traffic zones.

Specifically, the traffic zone #5 chart (attached) compares the existing housing ratios with those that would be in effect should Town Center Park Apartments be constructed. The existing figures include the Village at Wilsonville (78 MF-owned by an affiliate of the Developer), Boeckman Creek Condominiums (58 MF), Wilsonville Mobile Home Park (30 MH), and a fully built out Courtside Estates as well as the Proposed Vlahos Village Retirement Center.

TRAFFIC ZONE #5 HOUSING RATIOS

<u>Type</u>	<u>Target</u>	<u>Existing # of units</u>	<u>%</u>	<u>With Town Ctr Park</u>	<u>%</u>
MF	50%	220	60	330	69
SF	40%	117	32	117	25
MH	10%	30	8	30	6
TOTAL	<u>100%</u>	<u>367</u>	<u>100%</u>	<u>477</u>	<u>100%</u>

By including the proposed Town Center Park Apartments we are still under the allowable 30% deviation for any one housing type permitted under Objective 4.3.4. The total of 477 housing units is also well under the long term goal total of 647. The long term target for multi-family housing in traffic zone #5 is (647 x 50% = 323). The address of Town Center Park Apartments would bring the total multi-family units in Zone #5 to 330 units or 246 without the inclusion of Vlahos Village, again well within the projected total.

SURROUNDING ZONES/LONG TERM GOALS

<u>Zone</u>	<u>Built as of 1/1/89</u>	<u>Long Term Goals</u>
4	339	1,161
5	261	647
6	139	1,530
8	10	318
9	77	1,094
11	167	327
15	<u>64</u>	<u>76</u>
TOTAL	<u>1,057</u>	<u>5,153</u>

Objective 4.3.4 permits any single traffic zone and housing type a maximum of 60% of the surrounding zones allotment. Therefore:  $5,153 \times .50 = 2,577 \times .60 = 1,546$  multifamily units permitted in Zone #5. The addition of Town Center Park Apartments would bring the total multifamily units to only 330 and just 110 within the boundaries of Town Center Loop. These two charts and narrative show that the addition of Town Center Park Apartments will comply with the objectives of the City of Wilsonville's Ordinance #318.

MEMORANDUM

**TO:** Wayne Sorensen, Planning Director  
**FROM:** R. L. Drinkwater, City Engineer  
**DATE:** March 13, 1989  
**RE:** MTW Apartments

The applicant is proposing to construct a 110-unit apartment complex on the southerly portion of Tax Lot 400, T3S-R1W, Section 13. The north 150 feet of the subject site will be reserved for a future commercial development.

The Conditions of Approval should require the applicant to construct a full street improvement - 48 feet to face of curb in a 62-foot right-of-way. If implemented, this design will allow the intersection of Parkway and Town Center Loop to operate at D traffic level or better. However, the future commercial site will have to be evaluated at the time of application.

rld:jme

ORDINANCE NO. 55

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE V OF ORDINANCE NO. 23, "WILSONVILLE, OREGON, ZONING ORDINANCE", TO ADD THERETO SECTION 5.035 ESTABLISHING THE "CITY CENTER DISTRICT" TO ENABLE RECLASSIFICATION OF LANDS IN CONFORMANCE WITH THE WILSONVILLE GENERAL COMPREHENSIVE PLAN; DEFINING PERMITTED, ACCESSORY AND CONDITIONAL USES; RECLASSIFYING LANDS WITHIN THE SAID DISTRICT TO CONFORM TO THE GENERAL COMPREHENSIVE PLAN; FIXING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The City Council finds that the General Comprehensive Plan of the City, as amended at a meeting of the City Council on September 25, 1972, designates certain areas for City Center purposes, and the Council further finds that after public hearing on June 28, 1973, the Planning Commission unanimously recommended to the Council City Center Commercial Zoning designation for ten (10) parcels of land in the Northeast quadrant of the intersection of I-5 and Wilsonville Road, and the Council further finds that after public hearing on July 23, 1973, the Council by Resolution approved and adopted the recommendation of the Planning Commission.

Section 2: The Council further finds that an Ordinance conforming the zone and use designation of said lands to the Comprehensive Plan has not heretofore been adopted and that pursuant to ORS 197.175(2) (b) and decisions of the Court of Appeals and Supreme Court of Oregon, it is required that the City enact zoning ordinances to implement the Comprehensive Plan and to bring the authorized land uses into conformity with the Comprehensive Plan.

Section 3: The City Council finds that the City of Wilsonville Zoning Ordinance No. 23 does not now include provisions for a "City Center" Zone District, and it is necessary, therefore, that the text and map of the City of Wilsonville Zoning Ordinance be amended and supplemented to give effect to the Comprehensive Plan.

Section 4: The Zoning Ordinance No. 23, commonly referred to as the City of Wilsonville Zoning Ordinance, adopted by the Council on the 1st day of June, 1971, as heretofore amended, be and the same is hereby amended and supplemented to add to Article V thereof a new Section reading as follows:

"Section 5.035. CC CITY CENTER DISTRICT:

1. PURPOSE:

- A. The purpose of this zone is to permit and encourage a City Center District, adhering to planned commercial and planned development concepts, including provision for commercial services, sales of goods and wares, business and professional offices, department stores, shopping centers and other customer-oriented uses to meet the needs of the Wilsonville community as well as to meet the general shopping and service needs on an area wide basis, together with such multiple family residential facilities, open space, recreational and park areas, and public use facilities as may be approved as part of the City Center District compatible with the Comprehensive Plan of the City.

2. PRINCIPAL USES PERMITTED (As part of the City Center District):

- A. As part of planned development, all principal uses permitted outright in C-1 limited commercial district.
- B. As part of planned development, all principal uses permitted in C-2 commercial district.
- C. Planned commercial uses, shopping center development, including department stores and shopping centers.
- D. Banking and investment services.
- E. Public facilities complex, Governmental offices and facilities, hospitals, health centers and office complex for the furnishing of professional services, including but not restricted to medical, legal, architectural and engineering.
- F. Planned multiple dwelling facilities, including motels, apartments and condominiums as may be approved by the Planning Commission.
- H. Such other and further uses as may be approved by the Planning Commission compatible with the Comprehensive Plan.

3. RECOMMENDED USES: (As shown for the areas on the attached Zoning Diagram Exhibit "A")

CENTRAL COMMERCIAL (CC)

Typical Recommended Uses:

- Department Stores
- Florist Shop
- Interior Decorating Shop
- Retail Stores
- Banks, Loan companies, other financial institutions
- Bird store, pet shop or taxidermist
- Blueprinting, photostating, other reproduction process
- Business machines, retail sales & service
- Cleaning and pressing establishments
- Commercial schools, such as business colleges, music conservatories, trade schools
- Custom tailoring, dressmaking or millinery shop
- Film Exchange
- Furniture Store
- Gunsmith or Locksmith
- Household Machines, retail sales and service
- Photographer
- Radio or Television studio
- Watch and clock repair shop

Other uses similar in character of predominantly retail or service establishments dealing directly with ultimate customers.

SERVICE COMMERCIAL (SC)

Typical Recommended Uses:

Building materials, retail outlet only  
Cabinet or carpenter shop  
Feed store, retail only  
Fuels, solid, retail outlet only  
Furniture store  
Upholstering shop  
Automobile Service Station  
Bicycle, Motorcycle, trailer - (other than house and truck trailers) retail sales and service, rental  
Garage, parking or repair  
New automobiles and trucks, if not more than 1½ tons capacity, retail sales and service  
Tire sales and service  
Self-service car wash  
Building contractors and related subcontractors

FOOD AND SUNDRIES (FS)

Typical Recommended Uses:

Bakery, retail  
Barber shop  
Beauty parlor  
Bookstores  
Clothes Cleaning Pick-Up Agencies  
Clothes Pressing establishment  
Confectionary  
Custom dressmaking  
Delicatessen  
Drug store  
Dry goods store  
Florist shop  
Grocers, fruit or vegetable store  
Hardware store  
Meat market  
Notions or Variety Store  
Shoe repair shop

Other uses in character of neighborhood food and services.

FAST FOOD SERVICE (FF)

Typical Recommended Uses:

Free-standing fast food take-out type restaurant, with the uses being limited to that type of food service establishment catering to a take-out trade.

OFFICE PROFESSIONAL (OP)

Typical Recommended Uses:

Accountants  
Architects  
Artists  
Attorneys  
Authors and writers



Dentists  
Designers  
Engineers  
Investment Counselors  
Landscape Architects  
Management Consultants  
Ministers  
Physicians & Surgeons  
Psychiatrists

OFFICES FOR GENERAL USE (OG)

Typical Recommended Uses:

Title Insurance  
General Insurance  
Secretarial Services  
Collection Agency  
Rental Agency

HIGH DENSITY APARTMENTS (APT)

Typical Recommended Uses:

Apartment, condominium townhouse, or any other multiple density housing use at 25 units per acre.

4. ACCESSORY USES PERMITTED:

- A. Any accessory use and structure not otherwise prohibited customarily accessory and incidental to any permitted principal use.
- B. Temporary buildings and uses incidental to the development of principal facilities, such temporary structures to be removed upon completion of the work or abandonment of the project.

5. CONDITIONAL USES PERMITTED:

- A. Any use compatible with the principal uses hereunder permitted which may be approved by the Planning Commission pursuant to Article VIII, Section 8.01 of the Wilsonville, Oregon Zoning Ordinance.

6. PROCEDURES, REGULATIONS AND RESTRICTIONS:

- A. The procedures, regulations and restrictions applicable to the City Center District shall conform to those set forth in Article XIII of Zoning Ordinance No. 23 as the Planning Commission may deem necessary to achieve the purposes of the zone.

7. CITY CENTER DISTRICT DESCRIBED:

- A. Pursuant to ORS 197.175(2) (b) and appellate court decisions of the State of Oregon, all those certain lands in the East Half (E-1/2) of Section 14 and the West Half (W-1/2) of Section 13, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described on


Exhibit "B" headed Description, and by this reference made a part hereof, are hereby reclassified to City Center Zone (CC) to conform to the Comprehensive Plan of the City of Wilsonville. The zone boundaries are shown on the attached "Control Map" also identified as Exhibit "C."

The Planning Commission shall first approve all uses of property in the CITY CENTER DISTRICT, and in doing so, shall follow as closely as possible the recommended uses and types of use as specified in this Section 4 (3) and for each of the various areas in the District as shown on the attached Zoning Diagram which is marked Exhibit "A" for identification purposes and expressly made a part of this Ordinance. Any change of a recommended use or similar type of recommended use or of an approved use from one area to another in the CITY CENTER DISTRICT shall first be passed upon by the Planning Commission.

Section 5: Amendment to Zoning Map. The Zoning Map of the City of Wilsonville dated June 1, 1971, and adopted as a part of the City Zoning Ordinance No. 23 adopted on the same date, shall be and the same is hereby amended and changed so that the zone boundaries of this newly created City Center Zone (CC) shall include all of the lands as described in the attached Exhibit "B," and appropriate changes are to be made on and to said Zoning Map.

Section 6: Effective Date. Inasmuch as it is necessary for the peace, health and safety of the people of the City of Wilsonville, and to comply with statutory directives to thereby maintain the legislative integrity of the City's Comprehensive Plan and Zoning Ordinances, an emergency is hereby declared to exist, and this Ordinance shall be effective immediately upon its final reading and passage by the Council.

Passed on first reading of the Wilsonville City Council at a regular meeting of the Council on the 19th day of January, 1976, ordered posted as provided by the Wilsonville City Charter; and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on Tuesday, the 17th day of February, at the hour of 7:30 p.m. at the Wilsonville Grade School.

  
PHILLIP R. BALSIGER, Mayor

ATTEST:

  
DEANNA J. THOM - City Recorder

Passes on final reading of the Wilsonville City Council at a regular meeting thereof held on this 17th day of February, 1976, by the following vote; Yeas 4. Nays 1.

  
PHILLIP R. BALSIGER, Mayor

ATTEST:

  
DEANNA J. THOM - City Recorder

EXHIBIT "B"  
WILSONVILLE CITY CENTER DISTRICT  
Description

All those certain lands lying in the Southwest Quarter of Section 13 and in the Southeast Quarter of Section 14, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, bounded and described as follows:

Bounded on the West by the East line of Highway I-5;

Bounded on the South by the South lines of Sections 13 and 14, Township 3 South, Range 1 West, Willamette Meridian;

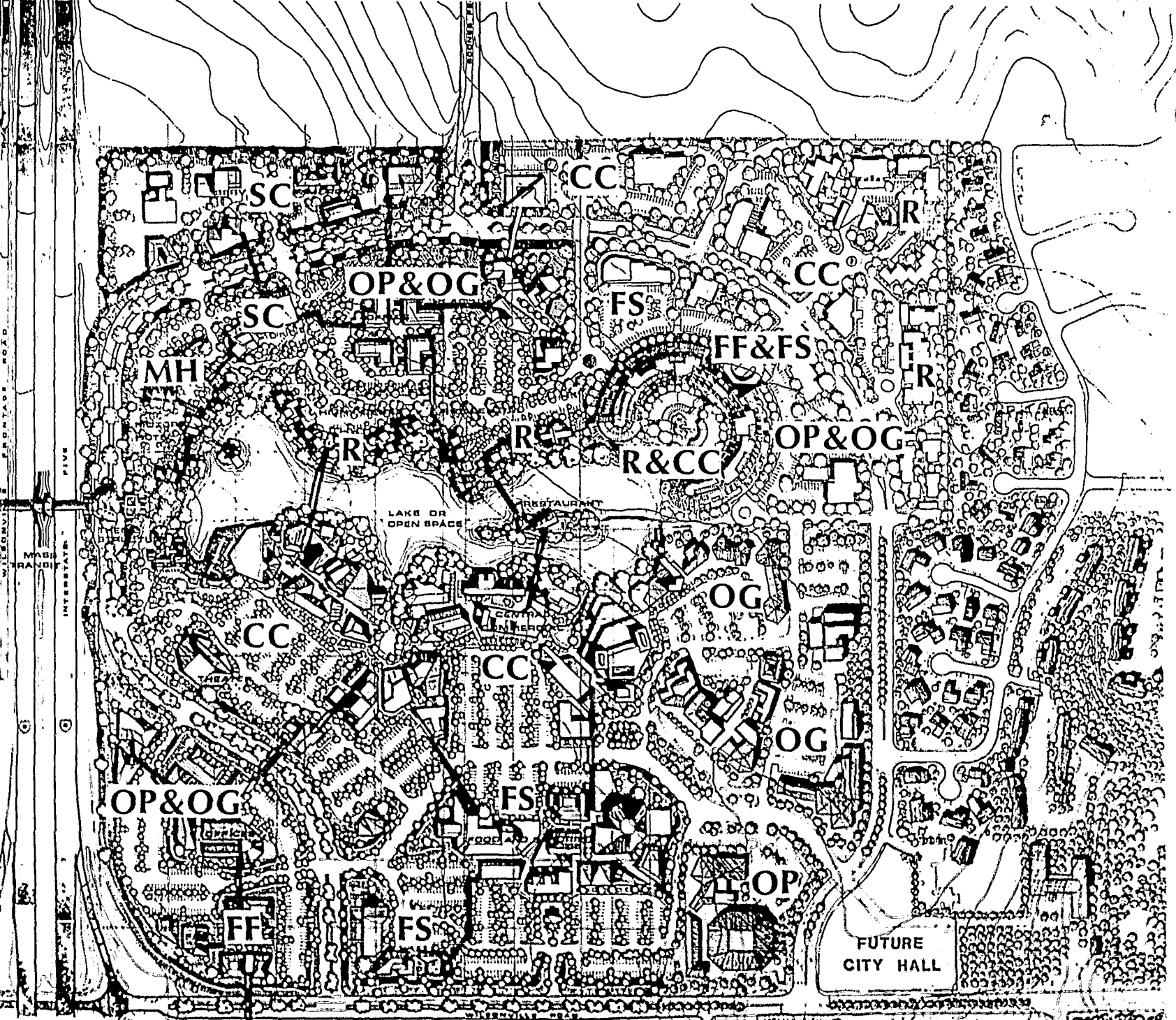
Bounded on the East by the East line of that certain tract contracted to be conveyed by Melvin F. Stangel to Jack E. Wright, et al by instrument dated July 18, 1974 and recorded as Document No. 74-21707, Deed Records of Clackamas County, Oregon, and the said East line extended North 1200 feet from the northeast corner of said Stangel tract to a point of intersection with the North line of the Southwest Quarter of Section 13, Township 3 South, Range 1 West, Willamette Meridian;

Bounded on the North by the North line of the Southeast Quarter of Section 14 and the North line of the Southwest Quarter of Section 13, Township 3 South, Range 1 West, Willamette Meridian, said line extending from the East boundary of Highway I-5 easterly 2400 feet, more or less, to the point of intersection with the East line of the lands hereby described.

# LEGEND

- C Central Commercial
- CS Service Commercial
- S Single-Family
- FS Fast-Food Service
- P Professional
- OG Office for General Use
- HD High-Density Residential
- H Hotel

EXHIBIT 4c



Wilsonville City Center Plan

Prepared by  
 Planning & Zoning  
 Department  
 City of Wilsonville  
 1998

**EXCERPT FROM PLANNING COMMISSION MEETING OF MARCH  
13, 1989:**

**Town Center Park Apartments - Change of Zone from PDC to PDR and  
Stage I Master Development Plan for 110-unit apartment  
complex in Town Center.**

Chairman Williams     The next item on the Agenda is a zone change from Planned Development Commercial to Planned Development Residential and a Stage I Master Plan development for a 110-unit apartment complex in Town Center. Bob Dant has declared a conflict of interest. I'll open the public hearing and ask Blaise to provide the Staff Report.

Blaise Edmonds        This is an apartment project in Town Center. I'm going to go over the processing plan map. I realize this is a pretty poor overhead, but it's photocopied directly from our Comprehensive Plan. The dashed line is Town Center Loop. This is Parkway. When this map was prepared, the Thriftway Shopping complex was not constructed yet. It's directly across the street. And the very faint blue line comes all the way down to the tip of my pen over and up - that's the property we're looking at tonight. You have three different Comprehensive Plan designations on the property. The front portion of it is Planned Commercial, which is about 150 feet deep. Then the green color is Primary Open Space and about 2.12 acres of that property is on the subject property and I'd like to make a correction to my Staff Report. I believe I had a larger acreage count on that. The total acreage for Primary Open Space that I've calculated is 2.12 acres of Primary Open Space and about another acre of Primary Open Space on the adjoining property which has been recently been conveyed to Clackamas Community College. So what we have is the center portion of the property that's master planned for 12 to 20 dwelling units per acre and the applicant is proposing to build to the maximum density of almost 20 units per acre.

I'll have to move up and down on the slides to see the commercial portion of the property up north. This portion of the property will be retained by Mr. Vlahos and the property, the partition to create the southerly portion of the property for the apartments. As part of this development, the existing road frontage along Town Center Loop will be a requirement to extend that road down to at least the first entrance, a whole street improvement, or they could dedicate a half-street improvement all the way down to the very southwest corner of the property. In our discussions with the City Engineering Department, they have chosen to construct the whole-street improvement half-way down through the property and when the adjoining property develops, the remaining segment will be constructed as a full street. A portion of this roadway has already been dedicated to the City. There will be requirements for more dedication or to bring it up to full City standard for access. So they'll have the access off the west entrance and an access off, closer to the intersection, but at least there is a City engineering standard for how far this access has to be from the intersection to provide adequate stacking of cars as that intersection volume of traffic builds up. So there will be access off the west side for the commercial and of course they can have additional access off the front, probably off the northeast corner of the commercial property to have through access for the commercial property. They propose 110 apartments. There are some apartments which appear to be three stories in height, but they are berming into the, they are digging into the site to create like a vacant apartment with, so it's not a full three stories in height, and there are two-story apartments. They will have a community center in the center which has a pool and saunas, and full recreational amenities for the residents.

What I have delineated on this map and the green line is what I have delineated as the existing line of the Primary Open Space. As part of this review, the applicant has prepared findings to demonstrate that there is an ambiguity between the Comprehensive Plan Map and the Comprehensive Plan Policies for Primary Open Space. Their

attorney, Mr. Sullivan, has prepared findings to demonstrate that this area down to this green line is, in fact, not Primary Open Space. It should be buildable property. If you will recall, those four criteria for review is the property within the 100-year floodway. This property is not identified as being in the 100-year floodway. Another criteria is the property in a major drainageway. It is not part of a major drainageway. There is drainage that flows down through a drainage ditch, a minor drainage ditch that flows through Town Center and connects up to the culvert at the intersection of Town Center Loop East and Wilsonville Road, but it's not a major drainageway.

Another question is, or criteria is, are there slopes greater than 20%. Clearly, if you have been in Town Center, there are not slopes greater than 20%. It's a fairly level site. And, of course, the fourth criteria, are there significant stands of trees. The applicant has prepared a tree survey of the site, which I'll pass around to the Commission, that identifies the trees on their property and on the adjoining properties on the Clackamas Community College site. Most of those trees, the significant trees, are the Douglas Firs which are on the lower 80 feet of the site. There are some deciduous trees, fewer than between eight to twelve trees, and maybe even fewer than that. First on the upper portion of the site which the architect is proposing to design into their parking plan to try to retain some of those trees. So the majority of the existing trees are on the lower 82 feet of the site and they are primarily Douglas Fir trees. Now they have brought the southerly building lines down to the 80-foot line which is probably the dew line of those Douglas Fir trees. The architect will go into further detail of his thinking of how those buildings will impact those trees or if they will endanger those trees, their rooting pattern, if that's a com-fortable distance away from those trees. So the four criteria for primary open space - It is my feeling that a good portion of the site is not primary open space and in fact is buildable property.

Another question has been raised which I have addressed in Findings 29 and 30 of the staff report is the Town Center Master

Plan which was approved by the City in 1976. This pre-dates our Comprehensive Plan. The Town Center Master Plan was originally the Master Plan area either for a lake or it could be open space. It had an option. There is some ambiguity as to how this plan was incorporated into our Comprehensive Plan. In my review of the Comprehensive Plan, there is no evidence that the primary open space was to be preserved for recreational uses as reflected on our -

Wayne Sorensen

Blaise, just for the sake of the Commission, would it be possible to pencil in the approximate boundaries of the Vlahos. Just so they have an idea -

Edmonds

The Town Center Loop really doesn't follow the alignment that we have out there on this map. It shows a tighter radius here. If the intersection of Parkway came down, we would probably be looking at an area something like this. So, in fact, what they show here on the Town Center Master Plan - that open space really doesn't fall on the subject property. This is an applicant's exhibit that shows the green area, that their site superimposed on the Town Center Master Plan. So I guess the point I'm trying to make is somewhere in the metamorphosis of where the Town Center Master Plan was approved or our Comprehensive Plan Map was approved, the configurations of the land use patterns changed and it's not clear or there is no evidence from my review of the Comprehensive Plan that there were any requirements to reserve that area for park, other than to preserve it for primary open space for natural area. There should have been some kind of policy incorporated, some plan to preserve that area for a park. But in my reading of the Comprehensive Plan this doesn't have any evidence that suggests that that area should have been preserved as a park and emulated in the Town Center Master Plan.

Marian Wiedemann

Does the design itself indicate that that was what was expected to be there?



Edmonds

Well, I'm going by what is the Comprehensive Plan right now versus our governing document which supersedes the Town Center Master Plan in terms of open space. We used the Town Center Master Plan because it was the adopted Ordinance for our overlay zone. Several overlay zones were proposed for Town Center such as fast food service and office professional space and we try to conceptually use that plan when new development comes into Town Center. But to rely on the Town Center Master Plan for accurate and legal delineation of these uses in terms of primary open space or recreational space, or other uses, it's not, in my thinking, a document that we could use closely. I have to go back to the Comprehensive Plan as the controlling factor in making those decisions.

Mike Kohlhoff

Blaise, will you put up the slide where you show the ingress and egress.

Edmonds  
Kohlhoff

Let's see, what slide is that now. Oh yes, that's the original slide. When that was designed, did staff review, because I don't recall the complex agreement that we entered into with adjacent property owners and the land trades that involved getting the alignment of the City Center Loop that has some language in there as to where their accesses will be.

Sorensen

You mean from the LID, from Town Center loop itself?

Kohlhoff

No, we did a separate agreement that involved the Youngs, Mala, the Pacific Horizon ownerships and all that and we did some land trades and the City acquired some land, and we received some land in order to do that intersection and there were some conditions on development and where the property to the west would take their access and I haven't looked at that in quite a while and so I don't know if there would be any conflict in your access to this property.

Sorensen

Well, I'm not aware of a specific agreement on - as part of the LID. It is apparent that there was an access in there. That's what part of this road right-of-way was dedicated by Mr. Mala I believe for an

ingress/egress at least partway into Town Center itself. In fact, this plan uses a part of that right-of-way for the road surface. That comes down to this point here. It's also apparent that on Town Center Loop, it's in and of itself, there's an ingress/egress - I think it's slightly off of this property right on the property corner at the extreme northeast portion.

Kohlhoff

It may not affect this at all. I just don't recall and I know that we went through a pretty elaborate situation where we had some pretty significant agreements involved and it may well be that this works out just perfectly with all that.

Sorensen

We have not reviewed this plan for compliance with that.

Kohlhoff

I was out of town at the end of the week and just received - was able to review the packet this afternoon, so that was - I didn't have a chance to determine that from the packet.

Edmonds

Okay, I've covered the major issues. Let's discuss a few of the minor issues. They are requesting a variance to the east property line for the apartments facing the east property line. Since they are taking access off this easement, I consider this area the front yard, this area the rear yard. Therefore, there is a 25-foot setback requirement by Code. They are proposing 12 feet to be set back on each side. So that would be in the form of a waiver to the Planning Commission. Since the sides of the building are parallel to the property line and there would be very few window openings, I think that waiver could be approved. They also have included the mathematical logic for illustrating that they have balanced housing which would be tracked in no. 5, as required by Ordinance 318. The short range, you would probably say that they are out of bounds for the short range goal, but it's the long-term goal that the City is concerned with on Ordinance 318 for the number of apartment units in traffic zone no. 5 and according to that, they are well within the limits of the long-term goal. If considering all of the multi-family, single-family, mobile homes that are constructed in the surrounding

zones between traffic zone no. 5, they would be in balance by the year, I don't know what it was designed for - 2010 or 2000, Wayne, do you recall?

Sorensen

2015.

Edmonds

2015. There is also a Memo prepared by the Engineering Department illustrating that the traffic volume generated by these apartments will be at or below level of service D, which is the important finding for approval for a planned unit development. The Conditions of Approval are attached to the rear of the staff report and are primarily basic boiler-type Conditions of Approval that the Commission has seen before for similar projects. My recommendations for approval of the 110-apartment project and since this is a zone change and it is an interpretation of the primary open space, you'll be proposing a recommendation to our City Council for a final decision to clarify the procedural aspect of this review.

Sorensen

Question of counsel - would it be possible given that the Planning Commission would forward a recommendation to the City Council that if there were some question about access or access agreements, but that could be reviewed at that level.

Kohlhoff

Well, you could make a condition subject to determination.

Sorensen

I was thinking there were some obvious conflicts that we'd find since we have not reviewed that agreement. If that could be resolved at the Council level, or would they have to return to the Planning Commission.

Williams

This is a public hearing. Would the applicant like to make a presentation?

Ed Sullivan

Good evening. Chairman Williams, members of your Commission, my name is Ed Sullivan. My office address is 101 S. W. Main Street, 2000, Portland 97204, and I represent the applicant in this

matter. Most of the issues that might be raised are covered in the staff report, with the exception of the open space issue, which I propose to cover in my closing remarks. I hope that the Commission has a fairly good idea of what's proposed. We would ask you that if you do have any questions in the presentation that we are about to make, that you let us know, either at the end of each presentation that is made, or at the close of our entire presentation.

We're in general agreement with the staff report. We have worked with the staff over these past few weeks to try to bring you a proposal that meets the City's needs, as well as our own. We'll have three speakers tonight. Mark Hinton will begin by giving an overview of the project and he'll summarize the discussions with your staff which led to the proposal that's before you tonight. Layne Asplund, an architect, will then follow and deal with the design of the project and its relationship with the adjacent open space and commercial and other uses.

When an applicant who builds residential housing in both Oregon and Washington, as this one does, chose this site, it looked at those things that a developer is expected to know. Is the land inside the Urban Growth Boundary? If so, and this is, of course, is there an assurance that the land can be developed at the densities indicated in the Plan and the zoning map? And the answer to that was yes. What was the surrounding area like? Here the applicant found an area which was only partially developed, but planned as part of the Wilsonville plan to be the centerpiece of the City. We knew that we'd have to work closely with your staff to assure that our development related to the planned open space thereby, as well as to the commercial areas around the Town Center.

The next thing we asked was whether there were sufficient public services and facilities. Again, we checked and worked with your staff and found that facilities are either at the site or will be extended as a condition of approval.

We then asked whether there was any environmental issue involving the development of the site. We found that there was one issue and that's the open space designation on the plan, which seemed to go beyond the stand of trees which were partially on our site. The City, we find, meant to retain those trees, and so do we. But the issue then crystallized as to whether the additional area which was not in trees was also meant to be retained as primary open space and that was the subject of the findings that I submitted and are attached to the staff report. We also knew that there were density transfers available from open space lands. We sought to have a low-rise development, compatible with the existing and desirable development for the Town Center area. We don't want to dwarf the trees. We don't want to have a bulky development. We want to use natural buffering and we want to have lot coverage which was at a fairly low ratio. We have achieved all of those ends from our standpoint and made a quality development. We have also achieved those things that the staff pointed out as important to the City. The staff did point out that the Town Center Master Plan was probably not part of the Comprehensive Plan. We use the map element of it to assist us in making the proposal. However, we have dealt primarily with the policies of the Wilsonville Comprehensive Plan in preparing the application that's before you tonight. I'm going to ask Mr. Hinton to come up now and before that, if there are any questions that you have of any of us, please let us know.

Mark Hinton

My name is Mark Hinton. I reside at 310 N.W. 89th Circle, Vancouver, WA. This is a rendering we have done of the project. Basically from the southwest corner looking to the northeast. When we originally sat down and designed this project, we envisioned a high-quality project and I think that's what the outcome is right now. One of my partners is now a landowner in Wilsonville. He owns the Village at Wilsonville, the condominium complex. We're very excited about working, being a part of the development of Town Center. We have one, two and three-bedroom units. The

one-bedroom is 800 square feet plus. It rents between \$465 and \$485 a month. The two-bedroom is a little over a thousand square feet - two-bedroom, two-bath. Rents in the \$575 per month range and the three-bedroom unit is a 1,325 three-bedroom, two-bath unit that's going to be running a minimum of about \$675. The amenity package - we have basically every amenity you can ask for, except for racquetball courts or tennis courts. The apartments are going to have their own washer and dryers in each unit and walk-in closets. A nice storage facility for each unit. Also, in the rec center we have a gunite pool, Jacuzzi, sunrooms, recreational rooms, office and weight room equipment. Basically, that's a brief overview of what we've designed here. You can see in the plan what we've done. Blaise mentioned a little bit about this. This is typically a 2-1/2 story unit. We feel the aesthetics are much greater. We're berming the front of this project. For one thing, there's the height restrictions and another thing is it has (unintelligible). I feel it has a very good feel for the landscaping. Landscaping we're very highly of. We intend to spend quite a bit of money and that's very important to our development. The actual street appeal is very important. I think when the project is done, you'll agree with us. Each unit will have its own carport and as far as the design criteria, I'll leave that up to Layne. He has a lot of detail that he can go over with you if you do have any questions. But, all in all, we're very excited about the area. Staff has worked very well with us and we're ready to get going on it. Are there any questions?

Layne Asplund

My name is Layne Asplund, architect. My address is 3630 N.E. 99th Street in Vancouver, WA 98665. I also have some legal aids that I'd like to use. I believe we have been through a site orientation. So everybody's quite familiar with it, but, just again that Town Center Loop at the north side of the development of the new Parkway street that will be coming to the south. The green area shows the proposed site that we are working on. The strip at the top or the north end is the area that will be left for commercial development. This shows it at a smaller scale, but a larger area and we'll come back to that a little bit later again.

This is orientated at 90 degrees from what we had here. North is to the left on the Site Plan. Again, the commercial section here and then the 5.74 acres that we're looking at developing for the apartments. Coming off of Town Center Road going to the south, as per the request in the staff report, we would be extending Parkway to the point where we would be entering onto the site and this land would be dedicated as required for the roadway extension and for a future roadway which would be continuing to the south. The entrance to the complex which comes in here is a 45-wide drive. It's designed to give a definite entrance, a very formal and a very nice feeling. When you come in, the buildings and landscape would be on either side. The drive is centered on the office and recreation building. There is a fountain pool in front of the building along with a landscaped planting area that would be annual flowers. So we have a very nice and very fresh feeling as we come into the project. The office building would be two stories. From the exterior, approaching it would relate as a one-story with a very steep roof.

On the ground floor, there would be an office, lobby, weight room, sauna room, sunrooms and showers. The second floor will have a small serving kitchen, recreation area and an outside deck on the east side of it that will be looking out over a hot tub and swimming pool area. So that will be designed and set up for the comfort and use of the tenants. Along with the space we have created in here and the different activities, Buildings E and F are orientated around that activity and the building and landscape that will be there and these, so this is going to create a real again feeling. It's not a touchy, it's an intangible thing, but it's trying to create spaces that people are going to be interested in and it's going to make them want to live here and enjoy living here.

As we come into the complex and turn and go either way to a living unit, you drive by landscape areas, street lighting and low-profile carports, which are the lighter brown color. The units themselves are designed on two different concepts. Number one is the two-

story building which has the ground floor at grade level and would be like a standard two-story building and the top of these are about 27 feet in height. The other concept is a two and one-half story building which we've touched on briefly and does show in the perspective that the ground floor is dropped down slightly below the grade and then we berm up to the building, have a few steps that you go up and up to the entrance door to go into the project. It gives a real nice feeling, you know the term, a basement unit. It really isn't that. It's berming, there's some energy conservation that's a benefit of berming and also one of the aesthetical considerations. When you approach the building, you go up a half-a-flight of stairs and to the entry doors, which will be glass paneled doors, and into a landing area and down one-half a flight to the lower units or you go up to the upper units. These buildings would be up to approximately 33 feet in height and this would be at the high point, the ridge, of the building.

The buildings are designed as low-rise buildings. Buildings that relate to a neighborhood setting. This is a design character that people relate to and feel comfortable with. Our units are designed and set up so that as you approach a unit, let's just say a unit here where you come into the entry. This side of the unit is where the bedrooms will be located. And then to the far side is where the dining and living rooms are located. So on the back side of a unit is the view side - the side where our living unit takes place. So in doing the Site Plan, we have orientated our buildings to create points of interest - things that people will enjoy being out on their decks and their patios and looking at trees, at scenery and different settings.

The overall Site Plan is designed around density, type and open spaces. We have provided for an open space 80 feet wide, or a green area, at the south end of the site. Let's switch plans again. This is a blowup of the south end of the site. Our property line runs at this point. These are the trees as taken from the tree survey that we had done and it shows the approximate location of the trees and



the drip line of the fir trees that are there. We have maintained approximately a 45-foot buffer strip between the buildings and the trees along for a secondary open space and then considering that the fir trees are the primary open space. This plan also shows how we have stepped the buildings and moved them back and forth at party wall breakline, so that rather than having one building that's a continuous line all the way across, we moved them to create vertical lines and points of interest in detail. Along with that, this is the site of the unit where we have our decks and the additional landscape that would be put in. This is all being done to enhance the project and also to help create more points of interest along the primary open space.

From our tree survey which located the Douglas fir at the south edge, we also, on the - I believe the survey was sent around that shows there's quite an extensive amount of trees there also to the east of our site. And some large ones out in here and the darker green trees here indicate existing trees that are 60 inches in caliper or more that we are working, have been working our design in an attempt to save those, so we do not take them out. Right now there should only be two trees right here that would have to come out of that section of land. And we're not taking any trees back in here out that are over six inches in caliper.

The site will be landscaped by professional landscapers using quality plant stock. We did submit a partial Landscape Plan - it still is not completed, but that will be part of the final documents.

On the question of open space, I'd just like to refer to this area Site Plan again for a moment. This being a proposal for Wilsonville City Center Plan, it shows preliminary layouts and preliminary design, but it shows the open space going east and west up through the center of the site like this, which is this space here. I wanted to put this on and show it so that this is the area where the trees are now as from the tree survey. And this design concept - initially this was all being developed into various uses and this was the border, the

southern edge of this site was the border of what at that time was being shown as a lake or a primary open space.

Referring to the question of the building setback, on a large site of this nature, we look at things a little different sometimes and we request your consideration for the setback for Building E and Building F. When we have smaller lots, we really get established as far as what's a front yard and a back yard and a side yard. So with a unit of this size, we can say this is a front, side, side, back, and yet the design approach or concept that I use is that we're looking at how does the property line relate to a building. So what we've done here is that where buildings are perpendicular, or the use space perpendicular to a property line, we've held that back to 25 feet or more as a back yard consideration. Here where we have a building where the end of a building abuts a property line such as it would with a side yard, then we have taken the design approach that that would be a side yard condition and we would request that type of design approach. With that, I will just ask for questions now or later, but rather than dwelling on things.

Lew Hendershott      Are any of those units equipped for handicapped access?

Asplund                Yes. There will be. The reason that our two-story type building will be equipped for handicapped can be, we have, I understand that in Oregon right now there is no requirement for that, but our typical approach is to provide some units - we haven't settled on how many.

Hendershott            You are required to have a certain number of handicapped parking spaces however. These maps do not designate any handicapped at all.

Asplund                And they would be, the handicapped parking would be in relationship to which exact units became handicapped.

Sullivan And we will deal with that in the design phase of the project, Mr. Chairman.

Chairman Williams Do you want to close?

Sullivan Yes, I'll close. Very briefly, I have as Exhibit 3C, as part of this staff report a letter and some suggested findings to resolve the issue of the open space. As you know, from the staff report, Findings 29 and 30, there is an apparent conflict between the policies of the plan and the plan map. The plan map was drawn as we see it conceptually. It was meant to preserve the stand of trees which is on the site and which you can see from the Town Center Plan illustration. We pointed out three issues which will help the Commission in resolving that apparent conflict. The policies of the plan take precedence over the text and the map. The text dominates the map in the event of a conflict and the statement in the plan that the land use map is a visual illustration of the intent of the plan and that the lines are not rigid and inflexible. And, indeed, if you look at the lines for the open space, you can see that they are meant to take care of the stand of trees that are on the site. Regarding the actual stand of trees, we propose to preserve all of the trees within that stand as you can see on the south end of the site. And the issue then becomes what happens within the area which is in the plan map illustration which is not also within the trees. We have suggested to you this is not primary open space and falls squarely within the plan's proposal that secondary open space may be developed and serve as a buffer for primary open space. We are, of course, complying with all special development standards and conditions established by the City in its development regulations and we have also provided in the Site Plan for the use of that intervening area as buffering to preserve the primary open space. We'd also mention that while the Town Center plan is not part of the Comprehensive Plan, the illustration does serve the purpose of showing that the area is to remain open space only at least so far as the trees are concerned and that, in addition to that, we have provided an additional buffer of .61 acres.

I'd also like to draw the Commission's attention to the fact that the stand of trees is generally not on our site, but is certainly partially on the site and we're prepared to work with other property owners who develop later and either to have the stand of trees dedicated to the City or a part of some maintenance program. We point out that only 19% of the lot is covered by buildings, that we have preserved that stand of trees, and that through working with your staff, we have come up with the proposal that is supported in the findings that you see in 3C. If there are any questions, we'd be glad to respond. Again, if there are any other concerns that are raised in the public hearing, we'd like the chance to respond to those as well. Thank you.

Chairman Williams Is there anyone else who would like to speak as a proponent? Is there anyone who would like to speak as an opponent?

Bob Dant I wouldn't call myself an opponent, but I just want to point out some things. My name is Bob Dant, 7200 Montgomery Way. I'm disturbed about the future of the Town Center open space. This is a very tough piece of property. I realize this because I looked at it myself. That's why I'm on this side of the table. It's a tough site because it's narrow, it's deep. It represents really 2/3 probably of the physically, real stand of trees in the Town Center. And for that reason, it's unique in the concept of the Town Center. To me it puts the whole issue of open space or water or whatever is supposed to be in that Town Center at risk. In fact, when you read literally the plan text, there is no open space in the Town Center. You look at the map, there's the Mala piece, the Young piece, the Lozo piece, ad nauseum. There's no floodway. There's no 100-year flood plain. There's no drainageway. There's no stand of trees. So when you look at this plan map, there really is no way to preserve any of the open space in the Town Center. So I don't know what to do about that. It was planned 15 years ago to have an open space in the middle of it. One of the problems that the Vlahos' have is that their site really is in the middle of it and it has, you know, out of seven acres of ownership, they have two plus acres of open space. It's an

issue that, again, I don't know if I were on that side of the table, how I would deal with that issue, but it's one that - I don't know why this wasn't addressed in the 1980 review when we rewrote the Comprehensive Plan. But it evidently wasn't addressed properly to preserve what could be an open space. What we're looking at now based on that, if virtual pavement throughout the Town Center, with the exception of an 80-foot strip and a few trees. I don't know what the difference is between an evergreen tree and a deciduous tree as to open space either and that's a primary tree to me, whether it's leaf-bearing or not.

I'm just going to throw up some problems. And I really don't have any solutions. The issue of the text over the plan, etc. is certainly valid and I know Ed Sullivan's right. But, again, I think if there is no plan text that refers to that plan map, we made a mistake and maybe this is going to get shoved down our throat. But, again, I wonder how we deal with the issue of open space in the Town Center as to other pieces, when there are no significant stands of trees. Again, when you look at a stand of trees, what is significant and what's primary and what's secondary. Again, most everywhere else we have dealt with primary open space, we have not invaded that. We haven't built into it. We haven't nuked it. We haven't taken trees out. We haven't been in the middle of it. But, again, this particular site might be looked at differently than others as the Town Center particularly because of the size of it and the shape of it. But that's for you to decide.

Some references made in here to - I guess I really covered most of them. I guess the issue on page 10 of 16 in the Findings - no. 16 - the last sentence - it is these deciduous trees the applicant proposes to incorporate or remove for development of the apartments. I'd recommend that they incorporate all of them somehow and that they'd maneuver their buildings around it if they simply do that. Either they lose units or they maneuver the buildings around it. Again, I think that these people shouldn't be penalized for the amount of open space they have on their property, but I do think that

maybe there are fewer units that can physically be developed there. Again, to work totally around it, allowing them to invade that primary open space in doing so. And I guess lastly the issue of the setback. I don't know - there's no justification that I can see here at least in writing for wholesale approval of the setback which in the condition says 30 feet to 12 and Blaise mentioned this evening 25 feet to 12. Whichever it is I'd be concerned about the neighbor to the east and if this is set back 12 feet, well what does that mean for the next guy? Again, these are kind of strange shapes of parcels and I don't know what the east property looks like, but then they may be required to set back another 18 or whatever number of feet to comply with what should have been. So like I say, I didn't have any answers, but I'd thought I'd - I think there needs to be some consideration given to how on earth the Town Center is dealt with from here on out as to that open space. Do we just give it up now? Or do we make a provision in the Comprehensive Plan even to protect that. It's a beauty. It's a tough problem.

Chairman Williams Does anyone else want to testify? Opponent? Proponent?  
Whatever - if not, Ed, do you want to rebuttal?

Sullivan Very briefly. Bob raises some good issues. He's correct - this is a tough piece of property to develop. This is something that we worked real hard with the staff to get this proposal before you. What we tried to do is to save the stand of trees in the 80 feet to the south. Outside of that, there are only seven trees that are more than 6-inch caliper. We propose to save five of those seven and we hope to save all seven if at all possible. Now there's a problem in getting too close to building and putting trees in a way that they can't make either the building or the parking or the structures work with it. If we can save them, we will do it. But I want to give you some idea of the numbers of trees we are talking about. We don't try to differentiate evergreens and deciduous trees. What we try to do is to show you that the stand of trees is on the south and that there are seven isolated trees in the area which is proposed for this development. As far as the setbacks are concerned, you know there is a

street dedication. You know there was some controversy, some land went out. It's going to push the buildings back. I might point out that part of that property next door does belong to Clackamas Community College. So you are not creating another residential conflict by people being too close. We're willing to work with anybody to try to do what we can to make this a good development. We try to take advantage of the trees in making this development work. We think we have met all of the requirements. We have worked real hard with the staff to try to bring you something that the City could be proud of as its Town Center. And we think we have succeeded. If you have any other suggestions, we'd be more than happy to try to incorporate them. If you have any questions, I'd be glad to try to respond.

Kohlhoff

Ed, I have a question. With regards to the Town Center map, we incorporated that into our Zoning Code, correct?

Sullivan

No, you - I think what you've done in the Ordinance that Blaise mentioned a little earlier was to adopt a new zoning district to take care of this particular area.

Kohlhoff

The reason I'm asking that is my copy of the Zoning Code indicates that under 4.136, and unfortunately our design code is hard to follow in this area because we took this whole thing and stuck it - but I think it's under C-12 - and I'm not sure which number precedes the C - but I have a reference of page 156 in my copy - indicates that the Town Center note, the Town Center map shall be revised to state Town Center instead of City Center, amended Ordinance 254 on 4284, and then I have a page reserved for the map. So I assumed, and I'm trying to recall this - that we did incorporate the map into our Zoning Code.

Sorensen

We also incorporated a map into Ordinance 55 that preceded this Code. There's a couple maps, but you're right.

Sullivan                   And if so, we think that assists our proposal to you because of the smaller areas shown in the open space. And if that also assists you in interpreting the policies, that that's helpful.

Kohlhoff                   I think there was some indication that somewhere along the line we had dropped the reference to the map for the Town Center and I think that, in fact, we didn't drop it, we incorporated it into our Town Center.

Sullivan                   If you did, then that helps us.

Kohlhoff                   As a conceptualized for whatever the matter stood for at the time. Well, there's a question we didn't adopt the map into the planning or into the Comprehensive Plan and the reason is because it got pulled into the Zoning Ordinance.

Williams                   Okay. I'll close the public hearing. Luckily, whichever way this goes, the City Council can ultimately decide because they get paid to do it. Or elected to do it. It seems to me when the hard nut is obviously the open space and it seems to me that there's two ways to approach it. If one takes a look at this specific piece of property, I don't think there's much question, but that the significant stand of trees are within the 80 feet on the south. I suppose that opposing that if you took a look at this piece of property in conjunction with the property to the east, it looks to me like if one considers significant stand of trees in looking at those two parcels, it would go from the southwest corner of the applicant's parcel in a northeasterly direction. And it seems to me it depends on how big of a scope you take or how big of a range you take in looking at the open space from the tree survey. It seems to me if you combine the two pieces of property in trying to figure out what is the significant stand of trees, what you effectively do is take out a portion of the buildings on the north, excuse me, the southeast quadrant of the development.



Marian Wiedemann Do we have any kind of a map here that shows the shapes of the property adjacent to this particular piece of property? I'm wondering about the property to the south and how those pieces of property are shaped, and what we're apt to get into when we get those things before us. And the Clackamas Community College property and all of these adjacent properties. It makes a huge difference with this sticking right down in the middle just a straight shoot down there with this close building and just 80 feet of greenway down at the south end and that being the only open space incorporated in the thing. I think it'll stick out like a sore thumb in the overall picture unless the properties adjacent to them are at some kind of angle so it will make a more pleasing kind of -

Sorensen Blaise has left the room to go and get the tax assessor's map that will show this property and the ownership.

Arland Andersen Marian, one thing too, you can see that this stuff right in here and there are various (unintelligible) right here where the trees are so here's your designated open spaces below them.

Chairman Williams I think that what Marian is saying is if there are no trees on the parcel to the south, then what you end up having is an 80-foot by 345-foot finger of trees and nothing else.

Andersen We heard earlier testimony at our meeting though that this area next to it is the community college - east - and they want to maintain the trees as a campus-type setting in that area.

Sorensen There are no significant trees south of this property. For the main part, most of the significant trees, especially the Douglas Fir, are on or within the property boundary of this -

Wiedemann Yes, I don't really believe that there's anything of any size whatsoever that's south.

Chairman Williams But I suppose the only problem with that - the only concern then is if Clackamas Community College develops the property to the east and preserves the trees in some sort of campus-type setting, whether or not that does violence to our definition of open space. That seems to me its sort of like secondary open space - you leave the trees and make it nice for people to walk through rather than have the blackberry brambles and hedge rows.

Andersen I get back to the place too that I can't see that we can call it primary open space by our Comprehensive designation anyway. The 100 year flood plain that slopes better than 20% (unintelligible).

Hendershott It's just the significant trees.

Andersen No way, Jose.

Edmonds There are two maps you have to look at. This is the property.

Sorensen What Blaise is showing the Commission here are copies of the assessor's map.

Wiedemann Then this whole piece is community college property?

Chairman Williams 13-1/2 acres?

Edmonds 13-1/2 acres for the college property - I thought it was fewer acres that that - 7-1/2. I think they are purchasing the lower half of that, Wayne. I think you're coming across like this on the college property.

Kohlhoff One of the problems that you have is there's no real layout for internal circulation through the Town Center. That's because the issue was left open as to whether or not there would be finally required the water property in the development of it.

Wiedemann Well, certainly that doesn't indicate that there's any possibility of any open space in there.

Chairman Williams Lew, do you have any strong feelings one way or the other. Or do you want me to make a motion to see if it flies.

Hendershott Just one item and that is an additional Condition of Approval and that is that the comments of the Building Official relating to this project be incorporated in the conditions.

Chairman Williams What did he say?

Hendershott Well, it relates to fire hydrants and sanitary sewer and such.

Chairman Williams Fire hydrants, water meters and if the sanitary sewer under the building shall be of approved materials? Okay.

Hendershott That would be in Condition no. 8.

Chairman Williams As with Bob, I have some - I'll go ahead and make a motion - I've got some real concerns as to whether or not the southern portion of that property is really open space. If it is, what we may be doing by setting aside 80 feet, plus another 45, as sort of secondary, may do some violence to the open space. However, I think from the testimony, it's pretty clear that the only significant stand of trees on this property is on the southern 80 feet and that anything north of that doesn't really seem to fit within the plan policy definition. Perhaps when the property to the east develops, if we make sure that the southwesterly quadrant of that is developed, or is not developed as open space, that this will work. So what I would do is I would move to approve it. I would accept and amend into the staff report the proposed findings prepared by Mr. Sullivan regarding the conflict between the map and plan text, and make those as additional findings in fact. I would add an eighth Condition of Approval. I'd add two Conditions of Approval - the first Condition of Approval would be that the applicant shall comply with the Conditions of

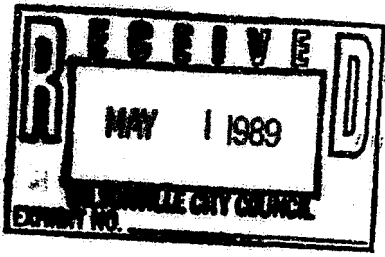
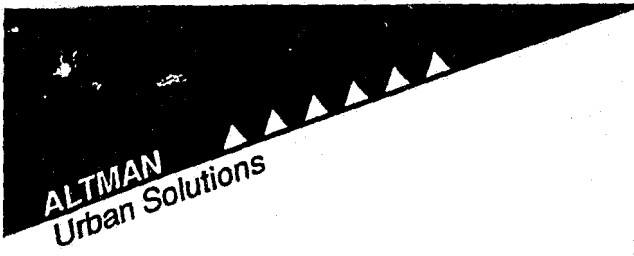
Approval required by the City Building Official. That would be Condition 8. Condition 9 would be subject to the opinion of legal counsel for the City, prior to the City Council approval of the zone change, that the applicant's proposed access, the ingress and egress from the property does not violate any of the conditions contained in the agreements between the City and the surrounding landowners.

Andersen I'll second.

Chairman Williams Do you want to vote? Okay - it has been moved and seconded to adopt the staff report with the amendments to the Findings of Fact and the addition of two Conditions of Approval. All those in favor signify by saying "aye".

Dant Aye  
Andersen Aye  
Hendershott Aye  
Ransom Aye  
Chairman Williams Aye  
Wiedemann I'm abstaining.

Chairman Williams So it carries four to zero to one abstention.



March 24, 1989

Mayor Ludlow and City Council  
City of Wilsonville  
30000 Towncenter Loop E.  
Wilsonville, Oregon 97070

RE: Comment and Concerns Regarding MTW Partners' Application for  
Towncenter Park Apartments, 89PC10.

My firm has been retained by the owners of Tax Lots 405 and 409, (known as The Wilsonville Project) to represent their interests relative to the above referenced development. The Wilsonville Project consists of the 6.26 acre parcel abutting the eastern property line of the TCP apartment project.

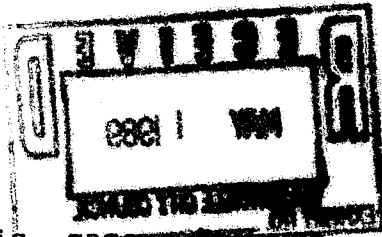
We were unable to attend the Planning Commission hearing on this matter. However, since then we have had time to review the Commission's action, together with the proposed development plans. In our review we have identified three areas of concern. They are as follows:

- 1. Reduction of the rear yard setback on buildings E & F (east side) below the standard 25 feet, to 11 or 12 feet.

The applicants have requested a reduction of the rear yard setback for buildings E & F to 11 feet. They suggest that the rear of these buildings are really the sides. Therefore, the side yard measurement should apply. They provide no further justification.

We disagree with this position. By code the front yard is determined by street frontage and not building orientation. The street frontage is on the west side of the development. Therefore the east side is clearly the rear.

Further, the subject property is being developed within a commercial area as a residential use. While the use is permitted, it is, in fact, regulated by more restrictive standards. Traditionally, residential zones are also protected from encroachment or impact from adjacent development that is more intensive. When commercial uses abut residential uses they are typically required to provide buffering in the form of increased setbacks and/or landscaping.



In this case, however, the residential use is being located within a commercial district. Therefore, we believe the buffering, screening, etc. should be provided on the residential site and not shifted to the adjacent commercial properties.

The allowed density within the Towncenter is higher than other areas of the city. This implies a recognition of a more intensive development than elsewhere. Therefore, compacting the development within its boundaries, to provide perimeter buffering would not be inconsistent with the Towncenter concepts.

The site plan provides for a 30 foot travel lane in the parking lot, and a 15 foot setback from the sidewalk on the west side of buildings E & F. These dimensions can reasonably be reduced to 25 feet and 6 feet to provide the additional 14 feet on the east side. The buildings would be close to the sidewalk, but well setback from the street frontage.

2. Appropriate provisions for access to storm drainage and sanitary sewer lines as needed to serve the Wilsonville Project.

The Wilsonville Project has substantial financial participation in LID #5 to provide street and utilities improvements. They have been assessed for some \$100,000 in off-site storm system. This storm system was intended to serve the Wilsonville Project, including the Community College site, as well as, properties to the south, not in the LID. However, due to an engineering design error, this storm drainage system was not constructed low enough to fully serve Tax Lots 405 and 409, without substantial additional costs. While they have been assessed for full service improvements they, in fact, must now jerry rig a storm system, at considerable cost, unless a more appropriate option is provided through other properties.

Further, there is an existing 8" sanitary sewer line within an easement across the subject property. This line and easement were designed to serve the parcels to the east (Clackamas Community College and Wilsonville Project). The proposed site plan does not recognize the line or easement. The sewer line lies under the middle of building D.

The City engineer indicates he does not have sufficient information to determine how service to the east should best be provided. Given the history of problems within the Towncenter and LID #5, it is imperative that the City ensure adequate provisions are made to service Tax Lots 405 and 409. Prior to approving any development the City must have the necessary information to make orderly facility system decisions. The conflict with the sewer line/easement must also be resolved.

3. Clarification that there will be no vehicle access or circulation to the east from the apartment site. The proposed site plan does not, in fact, provide for any such cross circulation. However, the parking lot design would easily accommodate such circulation. It almost appears that the back-up spaces at the end of each parking strip were designed to provide connection to the adjacent site.

Further, the easement around the sanitary sewer line mentioned above is actually 60 feet wide. This is obviously much wider than is needed for normal access to the sewer line. It appears this easement was designed to accommodate an internal circulation pattern.

We are concerned in both cases. We do not believe internal vehicular circulation is needed nor appropriate. We oppose any provision for such internal linkage, either through the existing easement or through the parking lot, assuming the easement is vacated.

Adequate access to the various sites has been designed from the Loop Road. Right of way for the Loop Road has been dedicated from the lots abutting it. This has obviously reduced building area on-site. Further reduction of building area to provide internal, cross circulation will unnecessarily impact remaining development potentials. Uncoordinated and arbitrary location of any such cross access, i.e., 60 ft. sewer easement will further complicate and restrict orderly site planning. Creation of such easements is equal to a defacto partitioning or subdivision. This is clearly inappropriate.

Therefore, it is important that the City, in approving development plans, place specific limit such access.

We believe these to be reasonable and necessary requests to protect the remaining development rights on the adjacent property. We respectfully ask that the Council carefully consider these important issues and attach appropriate conditions to the zoning order.

Sincerely,

*Ben J. Altman*

Ben J. Altman, Principal

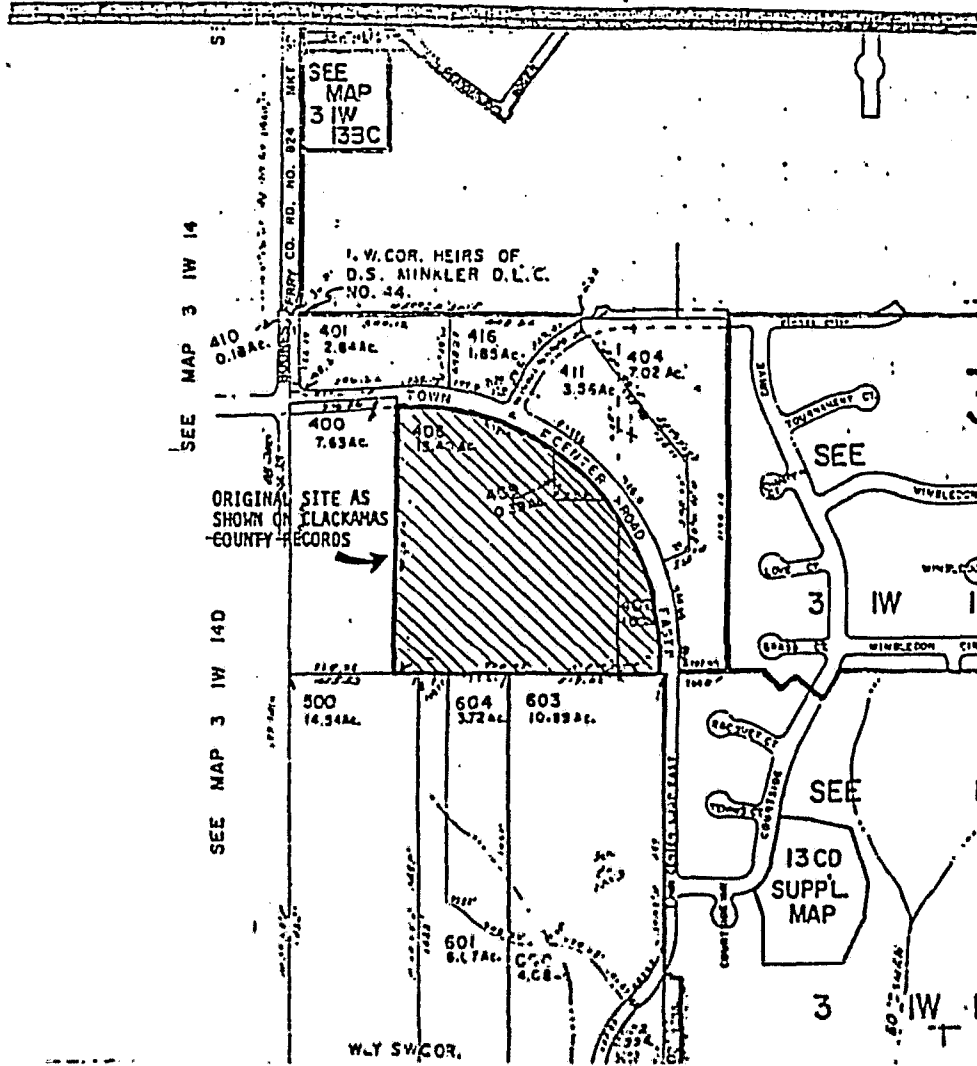
cc Planning Commission  
Design Review Board  
Terry Tolls, The Wilsonville Project



**Transamerica** SKETCH OF PROPERTY SET OUT IN ATTACHED ORDER



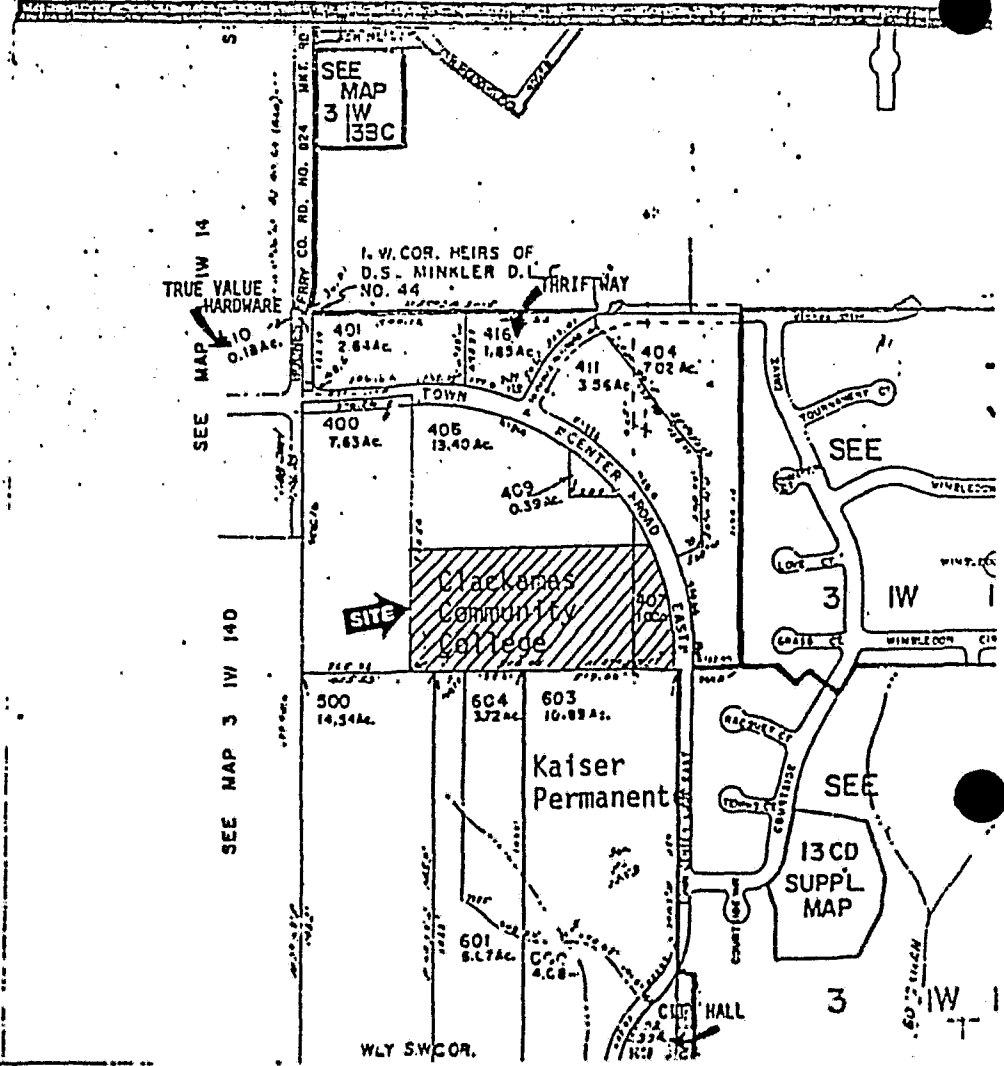
To assist in locating the premises. It is not based on a survey, and the company assumes no liability for variations, if any, in dimensions and location.



**Transamerica** SKETCH OF PROPERTY SET OUT IN ATTACHED ORDER



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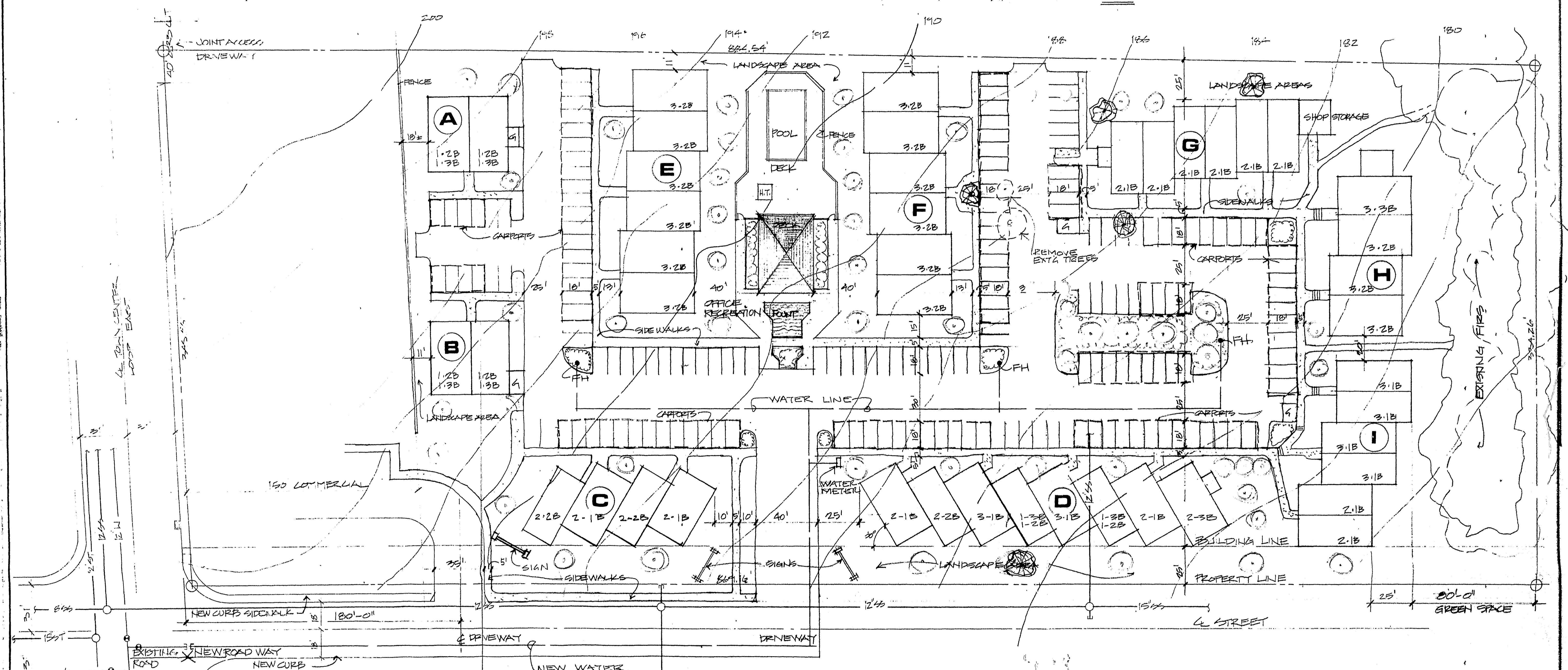


Resolution

716

APARTMENT UNITS			
BLDG	1BR	2BR	3BR
A		2	2
B	4	4	4
C		13	
D	12	9	3
E	16		
F	42	57	11
TOTALS = 110 UNITS TOTAL			

**PARKING**  
 PARKING = 1.5 SPACES PER UNIT  
 WITH .1 CARPORT PER UNIT  
 TOTAL SPACE REQD = 165  
 TOTAL SPACE W/ CARPORTS SHOWN = 174



**SITE PLAN - WILSONVILLE**

<b>TCP</b> TOWN CENTER PARK HILLER-HINTON CONSTRUCTION WILSONVILLE, OR	<b>LAYNE A. ASPLUND AIA - ARCHITECT</b> 3830 NORTH EAST 88 STREET VANCOUVER, WASHINGTON 98665 1-206-573-9184		<b>2</b> 21 21 85 2030
	SCALE: 1"=30' NORTH		