

RESOLUTION NO. 1173

A RESOLUTION ADOPTING A ZONE ORDER AMENDING THE OFFICIAL ZONE MAP FROM RA-1 TO PDR; APPROVING A STAGE I MASTER PLAN AND STAGE II PRELIMINARY PLAT APPROVAL FOR A 111 LOT, SINGLE-FAMILY SUBDIVISION LOCATED ON 27.04 ACRES OF PROPERTY THAT IS ON BOTH SIDES OF WILSONVILLE ROAD, SOUTH OF BOECKMAN ROAD AND NORTHEAST OF WILSONVILLE MEADOWS SUBDIVISION, AND IS SPECIFICALLY IDENTIFIED AS TAX LOTS 100, 200 AND 400; SECTION 13A; T3S-R1W; CLACKAMAS COUNTY, OREGON (LANDOVER SUBDIVISION).

WHEREAS, upon due notice, a public hearing on Zoning Order No. 95PC05 has been scheduled and heard on May 15, 1995; which order proposes that the Council adopt the Planning Commission's Resolution recommending approval (with conditions) of the application of Benchmark Land Company for a zone change and order amending the official zoning map from Residential Agriculture 1-Acre (RA-1) to Planned Development Residential (PDR) for a 27.04 acre parcel identified as Tax Lots 100, 200, and 400; Section 13A; T3S-R1W; Clackamas County, Oregon; and for preliminary plat approval for a 111 lot single family subdivision named the Landover Subdivision.

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

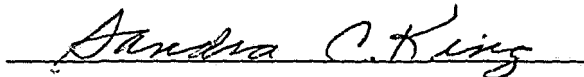
1. Zoning Order No. 95PC05, a copy of which is marked as Exhibit A attached hereto and incorporated by reference as fully set forth herein, is adopted and so ordered;
2. The planning director is authorized to amend the official zoning map in keeping with the decision herein;
3. The property owner (s) of the parcel (and any future owners) shall accept the City Council's Conditions of Approval and such acceptance shall be placed and kept with the City Recorder. Any proposed amendments or modifications of any Condition

shall be brought back to the Council for their approval and shall be subject to the public hearing notice and process as set forth in the Wilsonville Code.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 15th day of May, 1995, and filed with the Wilsonville City Recorder this same date.


GERALD A. KRUMMEL, Mayor

ATTEST:


SANDRA C. KING, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>
Councilor Leo	<u>Absent</u>
Councilor Leahy	<u>Yes</u>

City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

NOTICE OF DECISION

Project Name: Landover Subdivision

Appellant: Benchmark Land Company, Bonnie and Marvin
Wagner and Bruce and Mary Schroeder

Proposed Action: Rezoning of Land and Amendment of the
Wilsonville Zoning Map as set forth in Section 4.102 of
the Code from Residential Agriculture-One Acre Minimum
(RA-1) to Planned Development Residential (PDR).

Property Description: Tax Lots 100, 200 and 400; Section 13A; T3S-
R1W; Tax Lot 2200; Section 18; T3S-R1E; Clackamas
County, Oregon. The property is generally located on
both sides of Wilsonville Road, south of Boeckman Road,
northeast of the Wilsonville Meadows Subdivision and
north of Knight's Castle apartments and contains 27.40
acres.

On May 15, 1995, at the meeting of the City Council, the following decision
was made on the above-referenced Proposed Development Action:

Approval with Conditions

This decision has been finalized in written form and placed on file in the
City records at the Wilsonville City Hall this 15th day of May, 1995, and is
available for public inspection. The date of filing is the date of the
decision. Any appeal(s) must be filed with the Land Use Board of Appeals
(LUBA) in accordance with ORS Chapter 197.

A written decision is on file and available for inspection and/or copying.

For further information, please contact the City Recorder at City Hall or
phone 682-1011.

Attachments: Applicable Conditions, if any.

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

In the Matter of the Application of)
BENCHMARK LAND COMPANY for a)
rezoning of land and amendment of) **ZONING ORDER**
the Wilsonville Zoning Map as set) **95PC05**
forth in Section 4.102 of the Code)

The above entitled matter having been duly noticed, came on for public hearing May 15, 1995, before the Wilsonville City Council to consider the application and request of Bonnie and Marvin Wagner and Bruce and Mary Schroeder for a zone change and order amending the official Zoning Map from **RESIDENTIAL AGRICULTURE-One Acre Minimum (RA-1)** to **PLANNED DEVELOPMENT RESIDENTIAL (PDR)** for 27.40 acres of land identified as Tax Lots 100, 200 and 400; Section 13A; T3S-R1W; Tax Lot 2200; Section 18; T3S-R1E; Clackamas County, Oregon. The property is generally located on both sides of Wilsonville Road, south of Boeckman Road, northeast of the Wilsonville Meadows Subdivision and north of Knight's Castle apartments. This application includes a request for the City Council to approve a Stage I Master Plan and a State II Preliminary Plat for a 111 lot single-family subdivision named LANDOVER Subdivision.

The Wilsonville Planning Commission held a public hearing on this application on April 10, 1995, and, after closing the hearing, adopted Resolution No. 95 PC 05, which recommends that the Council APPROVE the Zone Map Amendment; Master Plan and Preliminary Subdivision Plat subject to fifty-four (54) Conditions of Approval for the subdivision along with findings as proposed by Planning Staff and modified by the Commission.

Having taken public testimony, reviewed exhibits and having fully reviewed the record herein, and upon motion duly made and seconded, the City Council hereby, by a vote of 4-0, approves the Benchmark Land Company land-use application 95PC05, upon the following conditions:

1. The recommendation of the Planning Commission, including its findings and conditions are adopted and incorporated herein, a copy of which was made a part of the record in this matter and is on file with the City Recorder, subject to the additional findings and conditions as hereinafter made.

2. Planning Commission conditionals of approval No. 18, shall be amended to add the following sentence:

“The proposed fence and materials in the landscape strip shall be designed to meet ASHTO Engineering Standards for intersection site distance.”

3. The DRB in making its determination on the street tree and fencing plan should be guided by knowing that the City Council prefers the street trees be in a planting strip next to the curb, then the side walk, then the fencing, in order to provide the perception of a narrower street, which has a tendency to serve as a traffic calming affect to slow traffic as well as to provide some protective buffering for pedestrians.

4. The City Engineering Department shall review the use of the cul-de-sac radius standard which results in a 95 foot wide diameter cul-de-sac when the cul-de-sac is as short in length as cul-de-sac “E” with Tualatin Valley Fire and Rescue and the applicant, and the diameter shall be shortened as may be in keeping with acceptable fire and emergency service practices.

5. The open space as shown on applicant’s plans appears to be separated into two separate spaces at the eastern property line confluence of Lots 80 and 81. The applicant shall redesign these lots to provide an access way to connect the open spaces. An access way between Lots 29 and 30 shall be provided in accordance with applicant’s testimony that it was included, but inadvertently left out of the revised plan submitted.

6. Several of the planned lots on the eastern side of Wilsonville Road which border the open space appear to present potential building conflicts with trees within the open space. The developer shall have an arborist consult on methods of preserving trees where earth moving and construction could endanger them, provide a brief report to the Planning Department in this regard and provide follow-up information to the developer on preservation of the trees for the resident/occupants.

7. The planned street fencing along Wilsonville Road shall be continued along the northern property lot lines on Boeckman Road so it wraps around the full length of the property from Wilsonville Road both to the east and to the west on Boeckman Road.

8. This approval is based on the applicant's agreement to continue the hearing and toll the 120 day time period only on neighborhood "G", Lots 1-18, south of the residential collector labeled "G", and the proposed park for 30 days, preferably to the June 5, 1995, City Council meeting, in order for the applicant to have time to confer with the Randall Group concerning the Randall Group's proposed adjacent neighborhood park, which is set for hearing June 5, 1995, in order to coordinate the integration, access facilities, buffering and maintenance CCR's for both parks. The CCR's for the Landover Subdivision need to address maintenance of outdoor living areas, open space and facilities, including, but not limited to, plant materials, fencing and landscaping.

In addition to having the opportunity for the applicant to fully address these issues, it is also the intent of the City Council to allow the applicant to proceed with the remainder of the development in order to develop the Wilsonville Road infrastructure in a timely manner, given the Oregon construction season and to lessen the overall impact of road construction in the community given the fact other major road projects are going forward in the near future.