

RESOLUTION NO. 1350

A RESOLUTION ADOPTING A ZONE ORDER AMENDING THE OFFICIAL ZONE MAP FROM RA-1 TO PDR; APPROVING A STAGE I MASTER PLAN, AND STAGE I PRELIMINARY SUBDIVISION PLAT APPROVAL FOR UP TO A 45-LOT, TOWNHOUSE SUBDIVISION LOCATED ON 4.8 ACRES OF PROPERTY PROPOSED ON THE EAST SIDE OF BROWN ROAD, NORTH OF WILSONVILLE ROAD AND SPECIFICALLY IDENTIFIED AS TAX LOT 701, SECTION 14, T3S-R1W, CLACKAMAS COUNTY, OREGON. (GREENHOUSE ESTATES SUBDIVISION)

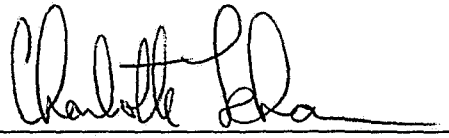
WHEREAS, upon due notice, a public hearing on Zoning Order No. 96DB35 has been scheduled and heard on January 23, 1997; which order proposes that the Council adopt application of James M. Martin, for a zone change and order amending the official zoning map from Residential Agriculture 1-Acres (RA-1) to Planned Development Residential (PDR) for a 4.8 acre parcel identified as Tax Lot 701, Section 14, T3S-R1W; Clackamas County, Oregon, and for preliminary plat approval for up to a 45 lot townhouse subdivision named Greenhouse Estates Subdivision.

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

1. Zoning Order No. 96DB35 attached hereto and incorporated by reference as fully set forth herein, is adopted and so ordered;
2. Stage I and Stage I Site Development Plans are approved and the City Council adopts the Development Review Board's approved staff report attached hereto as Exhibit "A", with the findings and recommendations contained therein.
3. Sections 1 and 2 are to be implemented as follows:
 - A. The Planning Director is hereby authorized to issue a Site Development Permit consistent with approval of Stage I plans after separate site and design review approval by the Development Review Board.
 - B. The Planning Director is authorized to amend the official Zoning Map in keeping with the decision herein.

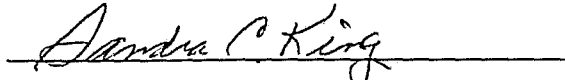
- C. The property owner(s) of the parcel (and any future owners) shall accept the City Council's Conditions of Approval and such acceptance shall be placed and kept with the City Recorder. Any proposed amendments or modifications of any condition shall be brought back to the Council for their approval and shall be subject to the public hearing notice and process as set forth in the Wilsonville Code.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 23rd day of January, 1997, and filed with the Wilsonville City Recorder this same date.



CHARLOTTE LEHAN, Mayor

Attest:


Sandra C. King, CMC, City Recorder

SUMMARY of Votes:

Mayor Lehan Yes
Councilor MacDonald Yes
Councilor Luper Yes
Councilor Helser Yes
Councilor Barton Yes

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

In the Matter of the Application of)
James. M. Martin)
for a rezoning of land and amendment of) ZONING ORDER NO. 96DB35
the City of Wilsonville Zoning Map as)
incorporated in Section 4.102 of the)
Wilsonville Code

The above entitled matter came before the Wilsonville City Council on January 23, 1997, to consider the application and request of James M. Martin 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 4.8 acres of land identified as Tax Lot 701; Section 14; T3S-RIW; Clackamas County, Oregon. The property is generally located on the east side of Brown Road, north of Wilsonville Road. This application includes a request for the City Council to approve a Stage I Master Plan and a Stage I Preliminary Plat for up to 45 lot townhouse subdivision named Greenhouse Estates Subdivision.

The Wilsonville Development Review Board held public hearings on this application on November 25, 1996, and after closing the hearing, adopted Resolution No. 96DB35 which recommends that the Council approve the Zone Map Amendment; Master Plan and Preliminary Subdivision Plat subject to Conditions of Approval for the subdivision along with findings as proposed by Planning staff and modified by the Board.

It appears to the City Council that the Development Review Board's record of proceedings, along with the Boards recommendations which have been forwarded to the Council, is complete and factual and having taken public testimony and received exhibits, the City Council hereby adopts the Findings (Exhibit A as recommended by DRB) and Conditions of Approval and, in doing so, finds that this application should be APPROVED with conditions, as follows:

96DB35

**Greenhouse Estates Subdivision
Stage I, Preliminary Plan,
Zone Map Amendment,
and
Stage II, Preliminary Subdivision Plat
City Council Adopted
Conditions of Approval
(Approved by the DRB, Nov. 25, 1996)**

1. Stage II preliminary subdivision plat, Design Option 'C' dated 1/23/97 comprised of up to 45 lots, is hereby approved for single family townhouse development. The Stage I, Preliminary Plan together with Zone Map Amendment to convert the RA-1 zone to PDR is also hereby approved.
2. The applicant shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site. No final plat until provisions are formed for sanitary sewer and storm drainage, subject to Section 4.126 WC., or with a development agreement.
3. The subdivision lots shall not be sold or conveyed until such time the final plat is recorded with Clackamas County.
4. Approved Waivers:
 - a). Allow approximately 2380 sq. ft. per lot, one unit per lot. Code minimum is 8,000 sf.
 - b). Reduce the minimum width at building line to 28 feet. Code minimum is 60 to 65 feet.
 - c). Reduce minimum street frontage to 28 feet. Code minimum is 60 feet.
 - d). Approve 20' front yard setback for house only; Garages shall maintain the Code minimum which is 25 feet from the front property line, 20 feet behind sidewalk or as determined at Site Design Review.
 - e). Side yard setback - zero in all cases.
 - f). 25' rear yard setback is required or as determined at Site Design Review.
 - g). Increase lot coverage to approximately 50%. Code maximum is 25%.
 - h). Allow private streets. Allow 28' paved street within a 30' ROW. The 28 foot paved street would allow parking on only one side. The stub street shows 24' travel lanes and 26' ROW. The 28 foot paved area would allow parking only on one side.
5. The applicant shall submit an application to the Development Review Board for residential architecture, street tree program, neighborhood park, bicycle and pedestrian way design details, landscape plan for outdoor living areas, proposed signs, and fence/wall details. Demonstrate to the DRB that open space areas, the neighborhood park (including tot lot area at the east end of the greenspace), landscaping, bicycle and pedestrian ways, and the private streets, will be maintained through a home owners association. The application must be approved by the DRB prior to occupancy of any house in the subdivision.
6. Prior to site grading and tree removal, the applicant shall provide the Development Review Board with a tree survey to determine what trees to be preserved and trees to be removed. The applicant shall install temporary fencing along the boundary of significant trees of 6" or greater caliper. The applicant shall retain a licensed arborist to

assure trees designated to be preserved will not be disrupted or injured from site and building construction.

7. This Stage II approval is given with the understanding and limitation that no more than 22 PM peak hour trips will travel through the Boones Ferry Road/Wilsonville Road intersection from the subject property.
8. Parking: Section 4.150(2)(b) Wilsonville Code requires each dwelling unit to have (2) off-street parking spaces.
9. The applicant shall construct a 5' wide, 5' offset, concrete sidewalk along the entire west side of the subdivision fronting Brown Road. The sidewalk shall be constructed prior to any residential occupancy in the subdivision.
10. The applicant shall coordinate with US Postal Service about the locations of mail box stations. The US Post Master has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, the mail stations shall be located as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants, public and private utilities.
11. The zone map amendment and Stage II approval will expire two years after final approval if no development has occurred on the property within that time; however, upon good cause shown the Development Review Board shall extend such zone change for 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 completed in phases.
12. The subdivision must be part of a homeowners' association as required in the PDR zoning regulations as stated below:

"Deed restrictions. A copy of all protective deed restrictions proposed for the subdivision area shall accompany the final plat and specifications of all easements and dedications as required by the Development Review Board."
13. These conditions of approval shall be recorded in the deed records together with the final plat at Clackamas County. This condition is intended to disclose all of the conditions in the title reports.
14. Final Plat shall not be approved until assurances are available that Brown Road/Wilsonville Road center turning lanes will be available prior to dwelling unit occupancy.
15. All construction and worker vehicles associated with this project shall be parked on premise.
16. The developer shall protect trees and tree roots on adjacent properties.
17. The developer shall coordinate with adjacent property owners exterior lighting and fence design and present same as part of the Design Review Application.
18. The applicant shall construct a five-foot wide concrete walkway within a ten-foot easement to connect with Park Village Apartments to the east. Locked gates are not permitted.

19. No fences shall be constructed adjacent to the open space as set forth in Design Option "C".
20. Gating or blocking ingress or egress to and from the private streets shall not be permitted (applicant concurs). A once a year temporary blocking of the private streets which shall not be in excess of 24 hours shall be permitted.
21. The location and size of street trees and the location and size of the sidewalks shall be submitted with the site and design review application and approval to be a function of the Development Review Board.

ENGINEERING DEPARTMENT CONDITIONS OF APPROVAL:

PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from mainline extensions. Staff has concerns on the adequacy of the existing public improvements to serve the site. Separate Engineering Drawings reflecting the installation of these public utilities may be required.

No construction of, or connection to, any existing or proposed public improvement will be permitted until all plans are approved by the Engineering Division, all fees have been paid, all necessary permits, right-of-way and easements obtained and the applicant notifies the Engineering Division a minimum of 24 hours in advance.

PF 2. The Engineering Division reserves the right to revise or modify the public improvement plans and improvements to see if additional modifications are required, particularly the site distance onto adjacent streets.

PF 3. All public improvement plans submitted for review shall be based upon a 24" x 36" format and shall be prepared in accordance with the City of Wilsonville Public Works Standards.

PF 4. Record drawings are to be furnished by the applicant for all public improvements (on 3 mil. mylar) before the final Punch List Inspection will be performed.

PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the applicant shall, at his cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to the Engineering Division.

PF 6. Plans submitted for review shall meet the following general format:

- A. Composite Public Improvement Plan.
- B. Detailed Public Improvement Plan and Grading Plan.
- C. Public improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City and centered in a 15 ft. wide public utility easement (centered over the improvement) conveyed to the City on its dedication forms.
- D. Design of any public improvement shall be approved at the time of the issuance of a Public Works Permit.

- E. All proposed on and off-site improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- G. All new public improvements (except streets and noted otherwise) shall be installed underground.
- H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
- I. All plans, specifications, calculations, etc., prepared by a registered professional Engineer of the State of Oregon.

PF 7. The applicant shall install, operate and maintain adequate erosion control measures during the construction of any public utilities and building improvements until such a time as approved permanent vegetative materials have been installed.

PF 8. The applicant shall install City approved energy dissipaters and pollution control devices at each storm drain outlet point if appropriate as determined by the city engineer.

PF 9. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells on the site that are to be abandoned. Any well so abandoned shall be completed in accordance with the requirements of the Oregon Water Resources Department.

PF 10. At the Development Review Meeting Staff and the Applicant addressed the possible installation of wet wells for the disposal of storm water flows depending on the outcome of a study undertaken to determine the acceptability of this proposal. Supplemental information obtained from the City's Environmental Services Division now suggests that ground water conditions are far worse than originally envisioned. Staff still recommends that this study be completed.

The applicant shall construct a storm water disposal system from the site to an approved disposal point (Seely Ditch, etc.). This system shall be sized for a 25-year storm event.

PF 11. The applicant shall construct a minimum 24 ft wide concrete street improvement along the Brown Road frontage. In addition, the improvement shall include storm drain, curb, sidewalks and street trees. Improvements greater than 24 ft will be eligible for street system development charge credits. In lieu of the improvements outlined, a sum equal to the estimated cost of the street improvements shall be deposited with the City prior to occupancy being allowed.

PF 12. The applicant shall dedicate the right-of-way along Brown Road necessary for conformance with the applicable street section outlined in the City's Transportation Master Plan and an additional 6-foot public utility easement adjacent to the right-of-way.

PF 13. The applicant shall submit plans and construct a sanitary sewer and storm drainage system at locations to be approved by the City Engineer..

PF 14. The applicant shall retain the access to the parcel to the south as shown on the materials submitted.

PF 15. The applicant shall construct, or deposit with the city the estimated construction costs (to be reviewed and approved by staff), the following improvements to the intersection of Wilsonville Road and Brown Road prior to building occupancy:

- a. Southbound left turn lane and associated pavement tapers and lane markings.
- b. Westbound right turn lane and associated pavement tapers and lane markings.

- PF 16. If the Wiedemann Park Senior Apartments have not commenced construction of the proposed apartment development or not entered into a development agreement relating to the cost sharing of the Wilsonville Road and Brown Road improvements with the applicant, by the time building occupancy permits are requested within Greenhouse Estates, the applicant shall construct, or deposit with the city the estimated construction costs (to be reviewed and approved by staff), the following improvements to the intersection of Wilsonville Road and Brown Road:
- a. Eastbound left turn lane and associated pavement tapers and lane markings.
 - b. Westbound left turn lane and associated pavement tapers and lane markings.
- PF17 The Wiedemann Park Senior Apartments are already conditioned to construct the same improvements outlined in PF16A and B above. If the construction of the Wiedemann Park Senior Apartments commences prior to the commencement of the Greenhouse Estates improvements the applicant shall be relieved of requirements PF16 A and B above.
- PF18 The first of either the Wiedemann Park Senior Apartments or Greenhouse Estates projects to commence construction shall deposit with the city the costs associated with the modification of the signal at the intersection of Wilsonville Road and Brown Road to a 90-second cycle.
- PF 19. The applicant has illustrated that the installation of storm water and sanitary sewer improvements will require the acquisition of off-site easements from parties other than the applicant. Without these easements it appears that critical public improvements will be lacking. Staff recommends the applicant furnish satisfactory evidence of the ability to obtain these easements prior to application approval and assignment of trips.
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| PF 20. New P.M. Peak Hour Trips | 25 |
| New P.M. Peak Hour Trips through Wilsonville Road/I5 Interchange (subject to limitation) | 22 |

BUILDING DEPARTMENT CONDITIONS OF APPROVAL:

- BD 1. The grass paver emergency access must be a minimum of 20 feet in width.
- BD 2. There shall be a border placed on each side of the 20' paver section to direct fire department apparatus as to the location of the paver sections.
- BD 3. There shall be a 25 foot inside radius at the intersections of the emergency access road and the private streets.
- BD 4. Provide verification of easements across adjoining property.

ORDERED that the property above-described is hereby rezoned as follows:

from Residential Agriculture One Acre Minimum (RA-1) to Planned Development Residential (PDR)

and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102WC) and shall appear as such from and after entry of this Order.

The property subject to this Zoning Order is also subject to the Order of the City Council in respect thereto made.


DATED: This 28 day of January, 1997.



CHARLOTTE LEHAN, Mayor

Approved as to form:

ATTEST:
City Recorder
City of Wilsonville, Oregon

by: 

Sandra C. King, CMC, City Recorder