

AFFADIVIT OF POSTING

ORDINANCE #198

STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 10th day of November, 1981, I caused to be posted copies of the attached Ordinance #198, an ordinance amending the Zoning Map of the City of Wilsonville (Application of Falcon Construction Co., for a Zone Change and a Minor Land Partition, said zone change from RA-1 to PDR), in the following four public and conspicuous places of the City, to wit:

- WILSONVILLE POST OFFICE
- WILSONVILLE CITY HALL
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 16th day of November, 1981.

Deanna J. Thom
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 13th day of November, 1981.

Dera A. Rojas
NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 198

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE AND AUTHORIZING MINOR LAND PARTITION (APPLICATION OF FALCON CONSTRUCTION CO., INC., FOR A ZONE CHANGE AND MINOR LAND PARTITION INVOLVING TAX LOTS 1400 AND 1500, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 23BD, SAID ZONE CHANGE BEING FROM RA-1 TO PDR).

WHEREAS, application was filed with the Wilsonville City Recorder by Russell A. Lawrence on behalf of Falcon Construction Co., Inc., Applicant, for the purpose of changing the classification of zone for parcels of real property known as TAX LOTS 1400 AND 1500, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 23BD, within the City of Wilsonville, Clackamas County, from RA-1 (Rural Agricultural) to PDR (Planned Development Residential), and further for a minor land partitioning of Tax Lot 1400 into two lots and Tax Lot 1500 into three lots, pursuant to the reasons and in accordance with the procedures set forth in Article 6 of the Wilsonville Zoning Ordinance No. 154 and the Wilsonville Comprehensive Plan. The application fee, as required by Article 16 of Zoning Ordinance No. 154, has been paid. The description of the real property which shall be zoned PDR pursuant to Ordinance No. 154, and for which this application for zone change was filed is as follows: Lots 2, 4, 5 and 6, Block H, Wilsonville, a plat of record in Clackamas County, Oregon; together with abutting vacated areas in the City of Wilsonville and the County of Clackamas.

WHEREAS, the Wilsonville City Planning Commission scheduled and held a public hearing on the matter as required by the provisions of Article 12 of said Zoning Ordinance No. 154, and said hearing was held on June 8, 1981, commencing at the hour of 7:00 o'clock p.m., at the Wilsonville City Hall. Notice of the time, place and purpose of said hearing was duly and regularly given in the manner and for the time required by the provisions of Article 13 of Zoning Ordinance No. 154. The required newspaper affidavit of publication and the City Recorder's affidavit of mailing are on file in the City Recorder's records in the file with this zone change matter; and

WHEREAS, the Wilsonville City Planning Commission, after said hearing, reviewed the records and files of this matter and considered and discussed the submittals of the applicant and reports of the Planning staff and the public testimony given by the applicants, and by those stating they were opponents and by those stating that they fit into the other classification, and upon conclusion of the hearing, voted to approve the requested zone change, subject to conditions, and recommended to the City Council that the change be made subject to said conditions. The findings of the Planning Commission, procedures it followed, the exhibits and other evidence it considered, the conclusions it reached and recommendations it made are set forth in its resolution entitled "PLANNING COMMISSION RESOLUTION ZONE CHANGE, MINOR LAND PARTITION AND STREET VACATION TAX LOTS 1400

AND 1500, T3S-R1W, SECTION 23BD FALCON CONSTRUCTION COMPANY, INC., APPLICANT", which was finally completed, dated as of June 6, 1981, and filed in the Planning Commission's records and filed with this zone change herein; and

WHEREAS, the City Council met at a regular session of public hearing on August 3, 1981, and reviewed the records and files in this matter and findings, conclusions and recommendations of the Planning Commission and also the reports of City staff and Planning Department and also heard and considered public testimony on the matter. The journal of the meeting was duly kept, recording those who spoke as proponents and opponents and recording and filing of supplemental exhibits, if any, entered during the hearing. Thereafter, the City Council determined to continue the zone change request until August 17, 1981, for the applicant to review and submit alternative lotting patterns. The Council further set the date of September 21, 1981, as a date for particularized public hearing to hear any objections or remonstrances with regard to the street vacation proposed, subject to the street vacation proposal being referred to the Planning Commission for their review and for their input; and

WHEREAS, the City Council met at a regular session of public hearing on August 17, 1981, and further reviewed the records and files in this matter and findings, conclusions and recommendations of the Planning Commission and also the reports

of City Staff and Planning Department and also heard and considered public testimony on the matter and reviewed the applicant's alternative lotting patterns. Upon conclusion of the meeting/hearing, the City Council determined to remand the zone change and minor partition request to the Planning Commission in order that the Planning Commission establish findings relative to a modified lotting pattern or Stage I preliminary planning, including waiver of front and side yard setbacks under the provisions of Section 6.07.B1 of Ordinance No. 154; and

WHEREAS, the Planning Commission scheduled and held a public hearing on the matter as required by the provisions of Article 12 of said Zoning Ordinance No. 154, said hearing was held on September 14, 1981, commencing at the hour of 7:00 o'clock p.m., at the Wilsonville City Hall. Notice of time, place and purpose of said hearing were duly and regularly given in the manner and for the time required by the provisions of Article 13 of Zoning Ordinance No. 154. The required newspaper affidavit of publication and the City Recorder's affidavit of mailing are on file in the City Recorder's records in the file with this zone change matter; and

WHEREAS, the Wilsonville City Planning Commission, after said hearing, reviewed the records and files of this matter and considered and discussed the revised submittals of the applicant and reports of the Planning staff and the public testimony given by the applicants, opponents and others who appeared,

voted to approve the requested zone change and modified lotting patterns so as to divide Tax Lot 1400 and Tax Lot 1500 into four lots, subject to the Council's authorization of certain portions of streets and alleyways to be vacated adjacent to the affected properties. The Planning Commission also made their approval subject to further conditions and recommended to the City Council that the zoning change and the lotting pattern of the minor petition be adopted, subject to the conditions set forth. The findings of the Planning Commission, procedures it followed, the exhibits and other evidence considered, the conclusions it reached and recommendations it made are set forth in its resolution entitled "REVISED PLANNING COMMISSION RESOLUTION ZONE CHANGE, MINOR LAND PARTITION AND STREET VACATION TAX LOTS 1400 AND 1500, T3S-R1W, SECTION 23BD FALCON CONSTRUCTION COMPANY, INC., APPLICANT", which was finally completed, dated as of September 14, 1981, and filed in the Planning Commission's records and files with the zone change herein; and

WHEREAS, the City Council met at a regular session of public hearing on October 19, 1981, and passed on first reading Ordinance No. 194, an Ordinance vacating a portion of Second Street, a portion of Third Street and 16 foot alleyway connecting Second Street and Third Street. Final reading is scheduled for November 2, 1981. Ordinance No. 194 is the street vacation action taken in response to the Falcon Construction Co., Inc.,

street vacation request and modification thereto by the City Council; and

WHEREAS, the City Council met at a regular session of public hearing on October 19, 1981, and reviewed the records and file in this matter and findings, conclusions and recommendations of the Planning Commission and also the reports of City staff and Planning Department and also heard and considered public testimony on the matter. The journal of the meeting was duly kept, recording those who spoke as proponents opponents and others and recording and filing of exhibits, if any, entered during the hearing. Upon conclusion of the meeting/hearing, the City Council determined the zone change request and minor partition request should be approved, subject to conditions, and in support of its decision, upon motion duly made, seconded and adopted, the Council adopted the Planning Commission's findings, conclusions and recommendations as set forth in the aforementioned Revised Planning Commission Resolution of September 14, 1981, marked Exhibit "A", attached hereto, and incorporated by reference as if fully set forth herein, save and except the Council adopted additional conditions as recited in the Memorandum from the Planning Director, Ben Altman, dated September 21, 1981, and setting forth further conditions of approval that had been recommended by the Planning Commission at its September 14, 1981 meeting, but which had not been typed in the "Further Action" portion of its recommendation. Many of

those conditions of approval actually applied to the street vacation request and are satisfied through the legal description of the portions of Second Street, Third Street and 16 foot alleyway to be vacated as set forth in Ordinance No. 194. The remaining conditions to be addressed as Condition of Approval are one (1), the applicant is to install a four foot high Cyclone fence, extending from the northeast corner of Second Street underpass to a point 25 feet east of the railroad right-of-way. The purpose of the fence is to provide a safety barrier to prevent potential conflicts with vehicles exiting the underpass. Two (2), the applicant shall provide a twelve foot private access easement from Third Street across proposed Lot 4 and Lot 3 to the property line of Lot 3 and Lot 2 along the westerly most property lines of the proposed Lots 4 and 3.

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

Section 1: That the zoning map of the City of Wilsonville, dated August 26, 1980, and adopted as part of the City Zoning Ordinance No. 154, adopted on the same date, shall be and the same is hereby amended and changed so that the zone boundaries of the City's PDR (Planned Development Residential) zone shall now include the real property hereinabove described, and upon final reading and enactment of this Ordinance, said property shall thereupon be classified as PDR (Planned Development Residential) and not as RA-1 (Rural Agricultural) zone.

Section 2: The zone change and partitioning request are approved, subject to full compliance with all of the conditions set forth in Exhibit "A", the Planning Commission Revised Resolution, together with the following additional Conditions of Approval:

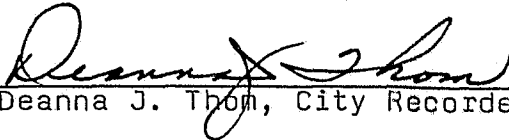
- "5. That in order to provide a safety barrier to prevent potential conflicts with vehicles exiting the underpass, the applicant shall construct a four foot high Cyclone fence, extending from the northeast corner of the Second Street underpass to intersect the property line of Lot 1 at a point 21 feet east of the railroad right-of-way at such time as construction shall begin on the proposed lots."
- "6. That the applicant shall provide a 12 foot private access easement from Third Street across proposed Lot 4 and Lot 3 to the property line of Lot 3 and Lot 2 along the westerly most property lines of proposed lots 4 and 3.

Section 3: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City Zoning Map in compliance with the dictates of Section 1 of this Ordinance.


Section 4: An emergency is hereby found to exist and that it is in the interests of the public health and welfare of the citizens of Wilsonville to have construction of the planned residences occur in the immediate future while the weather for the construction still permits.

Submitted to the Council and read the first time at a regular meeting thereof on the 2nd day of November, 1981, and scheduled for second reading at a regular meeting of the Coun-

cil on the 16th day of November, 1981, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 16th day of November, 1981,
by the following votes: YEAS 4 NAYS 0.


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 20th day of November,
1981.


William G. Lowrie, Mayor

REVISED PLANNING COMMISSION RESOLUTION
ZONE CHANGE, MINOR LAND PARTITION AND STREET VACATION
TAX LOTS 1400 AND 1500, T3S-R1W, SECTION 23BD
FALCON CONSTRUCTION COMPANY, INC., APPLICANT

WHEREAS, Russ Lawrence, representing Falcon Construction, Inc., has submitted planning exhibits for a zone change from RA-1 to PDR in accordance with the procedures set forth in Wilsonville Zoning Ordinance No. 154, and

WHEREAS, the Planning Commission held a Public Hearing on June 8, 1981, at which time the Commission adopted Planning Commission Resolution, 6-8-81, adopting findings and recommending to the City Council approval of the zone change and street vacation request and approving the minor land partition conditioned upon approval of the zone change, and

WHEREAS, on August 3, 1981, the City Council held a Public Hearing on the proposed request at which time said hearing was continued to August 17, 1981, for consideration of a revised lotting pattern. Based on the Planning Commission's recommendations and additional testimony presented on August 3 and 17, the City Council voted to remand the application back to the Planning Commission for consideration of a revised lotting pattern and to develop findings related to reduced front and side yard setbacks, and

WHEREAS, based on the City Council's action, the applicant has submitted revised planning exhibits identifying a new lotting pattern hereinafter referred to as Stage I Preliminary Plan to create four lots out of Lots 1400 and 1500, all fronting on Boones Ferry Road, and

WHEREAS, the applicant is further requesting a vacation of portions of 2nd Street, 3rd Street and a connecting north-south alleyway, and

WHEREAS, in an effort to expedite the review process and minimize unnecessary delays, the applicant is further requesting Stage II Final Development Plan approval to authorize the development of four single-family residences consistent with the proposed lotting pattern, and

WHEREAS, said planning exhibits were considered by the Planning Commission at a regularly scheduled meeting conducted on September 14, 1981, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Planning Commission finds the application to be consistent with the Comprehensive Plan and in conformance with

applicable Zoning Standards.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Wilsonville Planning Commission does hereby approve Stage I Preliminary Plan creating four lots out of Tax Lots 1400 and 1500 as herein described.

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend to the City Council approval of the zone change from RA-1 to PDR and vacation of portions of 2nd Street, 3rd Street and the north-south connecting alleyway as identified on the applicant's submittal documents.

BE IT FURTHER RESOLVED that conditioned on the City Council's approval of the zone change and vacation request as submitted based on the single-family residential nature of the proposed development, the Wilsonville Planning Commission does hereby conditionally grant Stage II Final Development Plan approval and a Planned Development Permit in accordance with the Stage I lotting pattern.

FINDINGS

The following findings are hereby adopted by the Planning Commission and entered into the public record as confirmation of its consideration of the planning exhibits as submitted in compliance with the Comprehensive Plan, Zoning and Subdivision Regulations and applicable LCDC Goals.

1. That the subject property is located on S. W. Boones Ferry Road between 3rd Street and 2nd Street and abuts the Burlington Northern Railroad right-of-way. The property consists of two Tax Lots, 1400 and 1500, containing approximately .84 acres and is located in an area of the City commonly known as Old Town.

2. The subject property is designated as Residential, 7 to 12 dwelling units per acre on the City's Comprehensive Plan and is currently zoned RA-1, Residential Agricultural.

The Planning Commission further finds that the subject property is designated as an Area of Special Concern (Area no. 6) with the following design objectives:

"1. Provide a facilities master plan coordinating Wilsonville Square with Old Town. The alignment and improvement of proposed and existing streets should be carefully planned and scheduled prior to further extensive development of this area.

2. Maintain the integrity of the Old Town area and preserve its historic nature. Protection and enhancement of the existing residential character is a priority concern.

3. Minimize the disruptive and incompatible nature of the railroad tracks which abut this area.

4. Minimize non-residential traffic impacts on Boones Ferry Road south of 5th Street and reduce the adverse impacts created by American Hardwoods, Inc. operation on adjacent residential development.

5. Capitalize on the recreational potential of Willamette River access."

The Planning Commission further finds that Section 5.02.C.2 of the Zoning Ordinance requires any residential development located in a designated Area of Special Concern to be reviewed as a Planned Development.

3. That Section 8.01.A.1 of the Zoning Ordinance reads as follows: "Existing Lots of Record: (a) It shall be a violation of this Ordinance to partition a parcel of land into a parcel smaller than the lot size required in the Zoning Ordinance. No conveyance of any portion of a lot for other than a public use shall leave a structure on the remainder of the lot which is less than the minimum lot size, width, depth, frontage, yard or setback requirements. (b) In any zone where dwellings are allowed, a one family dwelling may be erected on a lot that has been recorded in the office of the County Assessor and was not contiguous to other property under legal control of the same owner or owners prior to the effective date of this Ordinance. Irrespective of the lot width, depth or area, a single-family dwelling may be erected on each lot of a recorded plat. However, no dwelling shall be built on a lot less than 3,000 square feet in area. In any case of a dwelling constructed on a lot smaller than that allowed by a zone, building setbacks must be adhered to."

Planning Commission further finds that the subject property is affected by this section of the Zoning Ordinance in that Lots 1400 and 1500 were under contiguous

ownership of the same party on the effective date of the Ordinance. Therefore, any residential development must conform to the requirements of the RA-1 zone unless the property is rezoned in conformance with the Comprehensive Plan densities.

4. That the RA-1 zone allows a single-family unit on one acre of land which may be reduced to a minimum of 30,000 square feet when provided with public water and sanitary sewer. An attached family dwelling unit limited to two families maximum may be permitted as a conditional use.

5. That Section 6.04 of the Zoning Ordinance states as follows: "In any residential zone where the average depth of at least two existing front yards or adjoining lots or within 100 feet of the lot in question and within the same block front is less or greater than the minimum front yard depth described elsewhere in this Ordinance, the required depth of the front yard on such lot shall be modified. In such case, the front yard depth shall not be less than the average depth of the existing front yard on at least two adjoining lots within 150 feet or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining providing, however, the depth of the front yard on any lot shall be at least 10 feet and not exceed 40 feet."

The Commission further finds that the adjacent properties have developed with a 20 to 25 foot front yard setback. Side yard setbacks within the neighborhood are generally five feet.

6. That Section 6.07.B of the Zoning Ordinance allows the Planning Commission in order to implement the purposes of the Planned Development Regulations to waive the minimum lot area width and frontage, height and yard requirements which otherwise would apply and to locate individual buildings, accessory buildings, off-street parking and loading facilities, open space, landscaping and screening without reference to lot lines. This section also allows the Commission to adopt additional requirements and restrictions deemed necessary to implement the purposes and objectives of the Ordinance.

7. That the City Comprehensive Plan states that the Plan shall be administered through a case-by-case zoning and Site Plan review procedure and that the purpose of said case-by-case review is to apply general plan goals, objectives and policies to specific properties and development proposals . . . specific zoning objectives are as follows: "To provide a case-by-case analysis of impact on public facilities and services to determine specific conditions in terms of phasing of developments related to needed facility improvements and to provide for site impact analysis related to specific development proposals."

8. That the applicant's revised Stage I Preliminary Plan identifies a lotting pattern creating four single-family dwelling lots. All four lots would have a 43 foot frontage on S. W. Boones Ferry Road. Lot no. 1 is an L-shaped lot containing 12,668 square feet. Lots 2, 3 and 4 are rectangular lots each containing 7,568 square feet.

The Commission further finds that the applicant is requesting a waiver of setback standards under the provisions of Section 6.07.B of the Planned Development Regulations. All side yards are to be reduced to a minimum three foot setback. Lots no. 1 and 3 are proposed with a 15 foot front yard setback while Lot 4 is proposed with a 20 foot front yard setback. No. 2 would maintain the standard 25 foot setback.

The Commission further finds that the proposed lotting pattern is consistent with the established development pattern in the area and conforms to the design objectives as specified in Area of Special Concern No. 6 in the Comprehensive Plan. This lot configuration allows for four residential structures to be developed maintaining a maximum distance between the buildings and the Burlington Railroad right-of-way.

The Commission further finds that the waiver of setback standards will add to the aesthetic quality of the area by minimizing the row-house effect of a standardized setback on such narrow lots. The reduced side yard setback as well as the staggered front yard setback will allow for a more economical housing construction than would

be allowed if custom designs were required to meet the standard setbacks.

In addition, the revised lotting pattern maintaining all frontage on Boones Ferry Road helps to minimize the traffic circulation concerns noted in previous testimony related to 2nd Street and will further reduce street improvement requirements on the developer thereby further helping to reduce the cost of providing needed housing.

9. The Building Code requires one-hour fire resistant construction of exterior walls and openings in exterior walls are prohibited when located within three feet of the property line. The Code further restricts any projection including eaves into the reduced setback area to 12 inches and requires that such projection be of one-hour fire resistive construction.

URBANIZATION

10. That the subject property is located in the City's immediate growth boundary and is within the primary growth area as defined in the Comprehensive Plan.

The Commission further finds that as stated in the Plan, the intent of the primary designation is to place a priority on contiguous development and by so doing, capital improvements can be concentrated from the center portion of the City outward, thus providing for maximum efficiency of the public facilities and street system.

The Commission further finds the subject proposal conforms to the urbanization objectives of the Comprehensive Plan.

PUBLIC FACILITIES

11. That Objective 3.1 of the Comprehensive Plan states urban development should be allowed only in the area where necessary services can be provided and that Objective 3.4 requires that primary facilities be available or under construction prior to issuance of the Building Permit. Primary facilities include sanitary sewer, water, roads, storm drainage, police and fire protection.

12. That the subject property can be served by an existing 30 inch sanitary sewer line located in Boones Ferry Road and that there is adequate treatment capacity to serve the proposed development.

13. That City water can be provided to the site via an 8 inch line located in Boones Ferry Road and that the City's water system is adequate to serve the proposed development.

14. That adequate storm drainage can be provided to the subject property consistent with the recently improved storm drainage system completed under a Community Development Block Grant Project. These improvements provided a 21 inch storm drainage line in Boones Ferry Road adequate to serve the proposed development.

15. That the four lots as proposed will front on Boones Ferry Road which consists of a 60 foot right-of-way and an existing 20 foot pavement section.

It is noted by the Planning Commission that Lot no. 1 would also have frontage on 2nd Street while Lot no. 4 would abut 3rd Street along the northern property line.

16. That both 2nd and 3rd Streets are existing 60 foot right-of-ways. 3rd Street is totally unimproved and 2nd Street is only partially improved with a 10 foot gravel surface that extends westward and provides access to the west side of the tracks via a substandard tunnel with minimal height and width clearance.

In addition, there is a 16 foot dedicated alleyway extending between 2nd and 3rd Street along the full length of the eastern property line of Tax Lot 1400.

17. That the applicant is proposing to vacate the entire 16 foot alleyway together with the northern 17 feet of 2nd Street and 22 feet from both the north and south sides of 3rd Street.

This would leave 43 feet of public right-of-way on 2nd Street and 16 feet of right-of-

way on 3rd Street as well as providing for continuous lots extending from Boones Ferry Road to the railroad right-of-way.

The Commission further finds that the City has previously vacated a portion of 2nd Street across the railroad property under the provisions of Vacation Ordinance No. 42.

18. That the full 60-foot right-of-way existing on 2nd and 3rd Streets are not necessary to serve the subject site or abutting properties including those to the west of the railroad track.

The Commission further finds that the proposed vacation has been supported by adjacent property owners and will provide adequate access to serve the property as proposed for development. It will result in a more desirable lotting pattern and subsequent utilization of available, buildable land.

The Commission further finds that the vacation of the southern 22 feet of 3rd Street is required to provide adequate buildable land for Lot no. 4 as proposed. The vacation of the northern 22 feet while not needed for building purposes, it would be consistent with the action recommended on the south side of the street. The vacation of the 17 feet on 2nd Street is also not needed for building purposes, but would provide more usable land to adjacent properties and would also benefit the City by placing excess right-of-way back on the Tax Rolls.

The Commission further finds that the vacation of the 16 foot alleyway is necessary to meet base lot area standards of 7,000 square feet. The Commission notes, however, that due to the long narrow configuration of the proposed lots, and the subsequent reduced setbacks, it is conceivable that the rear yards will be used for storage, particularly if the future property owners have recreational vehicles. The proposed

vacation in conjunction with the lotting pattern will not provide vehicular access to the rear of Lots 2 and 3. For this reason, the Commission finds that it would be appropriate to establish a new easement from either 2nd or 3rd Street or both to Lots 2 and 3 adjacent to the railroad right-of-way or eastern property line.

The Commission further notes that since the easement is not necessary for emergency access, but rather is provided for the convenience of the interior lot owners, it could be as narrow as 10 to 12 feet, and in fact, would not have to be improved. Improvements could be made at the option of the property owners.

19. That adequate access can be provided to the subject properties via Boones Ferry Road. However, the road is in a general state of disrepair. The development of additional single-family residences will accelerate the need for street improvements in this area.

However, because of the current sub-grade conditions of Boones Ferry Road, it is necessary that all road improvements in this area be carefully engineered and coordinated to insure proper grades and alignments and to insure consistency with the storm drainage work to be accomplished under the Community Development Block Grant Project. Therefore, it is appropriate to defer the improvement requirements to a later date as determined by the Capital Improvements Plan.

20. That adequate police and fire protection are available to serve the proposed development.

PARKS AND OPEN SPACE

21. That the subject site is only a few blocks from the City's Boones Ferry Park and the Willamette River, as well as the Wilsonville Elementary School. In addition, the lotting pattern will provide considerable outdoor living area in the rear yards. Therefore, the

Commission finds that while the proposed development is on narrow lots, adequate parks, open space and recreational opportunities will be available to serve the subject development.

22. That the subject property does not contain any designated open space, flood plain or Willamette Greenway areas.

23. That the subject property is free of physical development restrictions with the exception of the Bonneville Power easement which crosses the western portion of Tax Lot 1400. The subject power line easement is for the Bonneville Power Vancouver, Eugene 115 k.v. line.

The Planning Commission further finds that Policy 4.5.1.B of the Comprehensive Plan restricts residential development within 250 feet of the outside phase of high voltage power line easements and that said easements shall be designated as open space.

The Commission further finds, however, that no specific implementation standards have been developed which define what is meant by high voltage power line. The Commission notes that considerable findings and public testimony were entered into the record during the adoption of the new Zoning Ordinance regarding this matter and no standards were included within the adopted Ordinance restricting development adjacent to a power line easement.

The Commission notes, however, that any development proposed within the power line easement must be approved by the Bonneville Power Administration.

HOUSING DEVELOPMENT

24. That the proposed development is consistent with the residential development policies of the Comprehensive Plan and is consistent with the established development pattern of the neighborhood.

25. That the proposed zoning and residential development complies with the intent of the Comprehensive Plan and is consistent with relevant LCDC Goals.

26. That Section 6.09.A.3 of the Zoning Ordinance requires Design Review Board approval for all planned developments except those whose size is two acres or less and are in an RA-1 or R zone.

The Planning Commission further finds that Section 4.A of the Design Review Ordinance No. 38 specifically excludes single-family dwellings in any residential zone from the provisions of the Design Review Ordinance. Therefore, Planning Commission finds that the proposed development of the four single-family dwellings are not subject to Design Review approval.

CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted by the Planning Commission to assure completion of the project in compliance with the Comprehensive Plan and Zoning Regulations.

1. That the Stage I lotting pattern and Stage II Final Development Plan approval and Planned Development Permit, together with reduced setbacks are approved contingent upon City Council's approval of the zone change and vacation of right-of-way as requested.

In case that the City Council approves the zone change but denies the vacation request or any part thereof, that in the opinion of the Planning Director substantially affects the lotting pattern and associated building area as approved in the Stage I and II documents, the applicant must submit a revised partitioning proposal to the Planning Department for approval prior to issuance of Building Permits.

If such a revised partitioning is necessary, no lot shall be created that contains a lot area less than 5,500 square feet.

2. That the applicant waive right of remonstrance against any local improvement district which may be formed to construct public improvements which would serve the subject property.

3. That upon final approval of the land partitioning, the applicant submit the appropriate documentation to the Clackamas County Assessor's Office for recordation of the newly created lots.

4. That no Building Permits be issued until final determination of the lotting pattern has been determined and appropriate recordation been completed.

EXHIBITS

The following exhibits are hereby entered into the public record as confirmation of the Planning Commission's consideration of the application.

1. City of Wilsonville Comprehensive Plan.
2. City of Wilsonville Zoning Ordinance No. 154, Map and Text.
3. Photographic slides prepared by the Planning Department.
4. Applicant's revised Site Plan and request for reduction of setbacks dated September 8, 1981.

ACTION TAKEN AT PLANNING COMMISSION MEETING OF SEPTEMBER 14, 1981:

5. 12' access be provided ~~to~~ +3, 4
Access from lot 1 be limited to
20 feet from east. street property
line.

Sketch 12 -

20' foot radius s. side 3rd
along east side 12'

Retain 12' strip N. side of 3rd
with 20' radius along

6. Cyclone Fence -

7. vacation 12'