

AFFIDAVIT OF POSTING

ORDINANCE #241

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 31st day of August, 1983, I caused to be posted copies of the attached Ordinance #241, an ordinance declaring the Day Dream Ranch Townhouse Plat undeveloped, recommending vacation of said plat and approving replatting in accordance with preliminary plat for the Day Dream Ranch River Estates and adopting Planning Commission Resolution No. 83 P.C. 16, in the following four public and conspicuous places of the City, to wit:

WILSONVILLE CITY HALL

WILSONVILLE POST OFFICE


LOWRIE'S FOOD MARKET

KOPPER KITCHEN

The ordinance remained posted for more than five consecutive days prior to the time for said public hearing on the 6th day of September, 1983.

  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me  
this 1st day of September, 1983.

  
NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 241

AN ORDINANCE DECLARING THE DAY DREAM RANCH TOWNHOUSE PLAT UNDEVELOPED, RECOMMENDING VACATION OF SAID PLAT AND APPROVING REPLATTING IN ACCORDANCE WITH PRELIMINARY PLAT FOR THE DAY DREAM RANCH RIVER ESTATES AND ADOPTING PLANNING COMMISSION RESOLUTION NO. 83 P.C. 16

THE CITY COUNCIL OF THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

WHEREAS, the City Council of the City of Wilsonville finds that the Wilsonville Planning Commission on May 9, 1983, duly adopted Planning Commission Resolution No. 83 P.C. 16, together with the exhibits thereto, and that said City Council made findings and conditions of approval in accordance with the provisions of ORS 92.225 for subdivision vacation and replatting.

WHEREAS, the City Council of the City of Wilsonville finds that due notice in accordance with ORS 92.225(4) has been given in writing to each owner of record of lands described in the plat of the subdivision under review inclusive of the date, place, time and purpose of the public hearing on this matter; and

WHEREAS, the City Council of the City of Wilsonville finds that a duly constituted public hearing was held in regard to this matter on August 15, 1983 at the hour of 7:30 p.m. at the Willamette Valley Wesleyan Church, of Wilsonville, Oregon, at a duly called meeting of the City Council;

NOW, THEREFORE, the City of Wilsonville ORDAINS AS FOLLOWS:

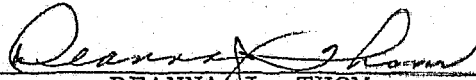
1. Wilsonville Planning Commission Resolution No. 83 P.C. 16, together with the exhibits attached thereto, recommending the Day Dream Ranch Townhouse Plat be declared undeveloped, recommending vacation of said plat and approving replatting in accordance with the preliminary plats of the Day Dream Ranch River Estates, together with its findings and conditions of approval is hereby adopted. A copy of said Resolution is attached as Exhibit 1 and incorporated herein by reference.

2. City Staff is directed to review and cause the submittal requirements for the subdivision final plat to be finalized inclusive of routing same to the assessor for purposes of vacation.

3. In accordance with the above, the Day Dream Ranch Townhouse plat is declared undeveloped and replatting in accordance with the preliminary plat on file in this matter for the Day Dream Ranch River Estates is hereby approved.

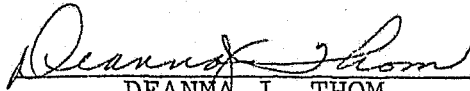
4. It being determined by the Wilsonville City Council that an emergency exists, this ordinance shall take effect immediately upon final reading and final passage by the Wilsonville City Council.

SUBMITTED to the Council and read the first time at a regular meeting thereof on the 15th day of August, 1983, and scheduled for a second reading at a regular meeting of the Council on the 6th day of September, 1983, commencing at the hour of 7:30 p.m. at the Willamette Valley Wesleyan Church.



DEANNA J. THOM  
City Recorder

ENACTED by the Council on the 6th day of September,  
1983, by the following vote: YEAS 4 NAYS 1 ABSTAIN     .



DEANNA J. THOM  
City Recorder

DATED and SIGNED by the Mayor of the City of Wilsonville  
on the 7th day of September, 1983.



WILLIAM G. HOWRIE, Mayor

RESOLUTION NO. 338

A RESOLUTION DECLARING THE CITY'S INTENTION TO VACATE THE DAY DREAM RANCH TOWNHOUSE PLAT; SETTING A TIME FOR PUBLIC HEARING ON THE MATTER AND DIRECTING THE CITY RECORDER TO GIVE NOTICE OF SAID HEARING IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN ORS 271.110.

WHEREAS, in accordance with the findings set forth in Planning Resolution 83 PC 16, the Commission has recommended vacation of the Day Dream Ranch Townhouse Plat in order to allow for replatting of said property into the Day Dream Ranch River Estates; and

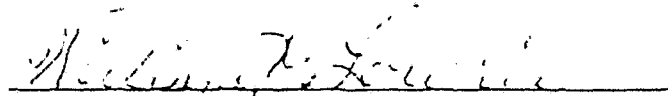
WHEREAS, based on the findings of the Planning Commission and under the authority granted by ORS 271.130, the City Council finds it reasonable and necessary to initiate a vacation of the Day Dream Ranch Townhouse Plat; and

WHEREAS, Edwards Industries agrees to pay a three hundred dollar (\$300.00) deposit plus actual costs incurred by the City to the vacation process.

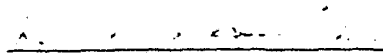
NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Wilsonville intends to vacate the Day Dream Ranch Townhouse Plat and sets a public hearing to consider remonstrances against said vacation on August 15, 1983, and further directs the City Recorder to give notice of said hearing in accordance with the procedures set forth in ORS 271.110 and further directs the Planning Director in coordination with the City Attorney to draft an ordinance to enact said vacation with a

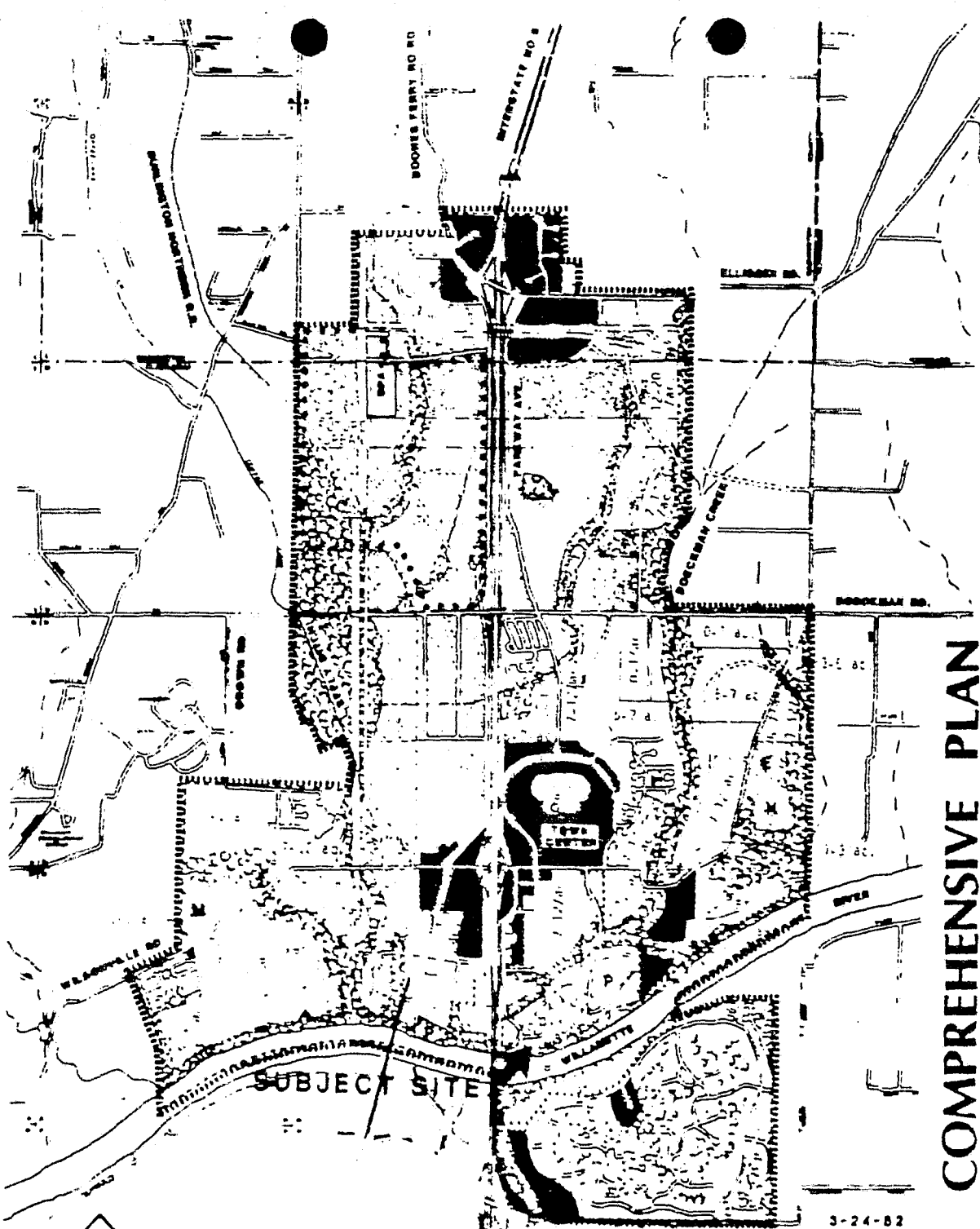
first reading of the ordinance to be scheduled at a regularly scheduled Council meeting on August 1, 1983, with a second and final reading subsequent to the hearing on August 15, 1983.

ADOPTED by the Wilsonville City Council at a regular meeting thereof on the 5th day of July, 1983 and filed with the City Recorder this same date.

  
WILLIAM G. LOWRIE, Mayor

ATTEST:

  
DEANNA J. THOM, City Recorder















COMPREHENSIVE PLAN

▲ NORTH  
 SCALE 1" = 2000'  
 0 1000 2000 3000 FT

# CITY OF WILSONVILLE

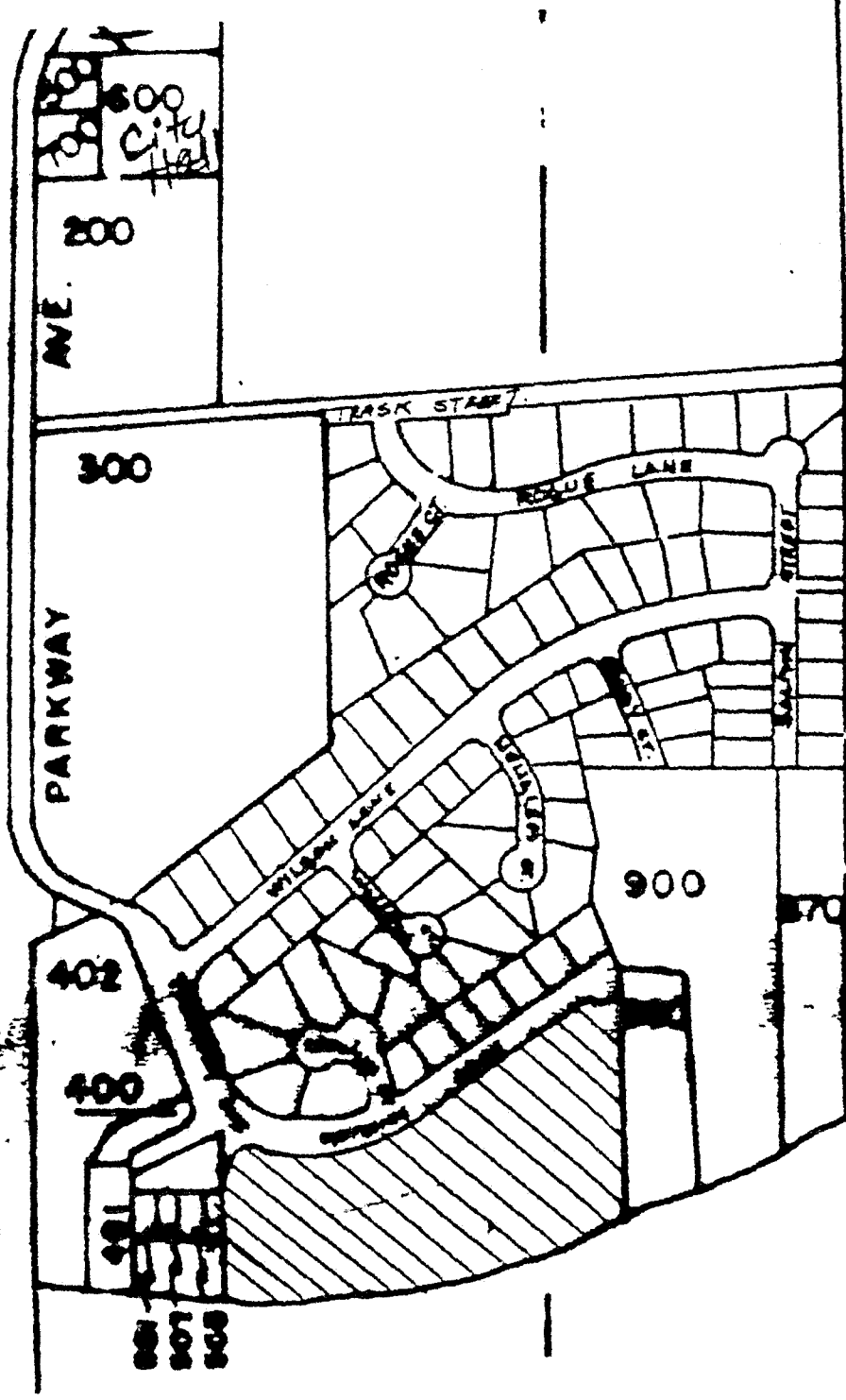
3-24-82

 RESIDENTIAL	 PUBLIC LANDS	 POWER LINE EASEMENTS
 COMMERCIAL	 CITY LIMITS	 WILLAMETTE RIVER GREENWAY BOUNDARY
 INDUSTRIAL PARK	P - PARKS	 PROPOSED STREETS
 OPEN SPACE	E - ELEMENTARY SCHOOL	 URBAN GROWTH BOUNDARY
 CONTINUING AGRICULTURE	M - MIDDLE SCHOOL	 FUTURE URBAN GROWTH BOUNDARY
	H - HIGH SCHOOL	



CH

I-5



CITY PARK



500 City Hall

200

AVE.

300

PARKWAY

TASK STREET

RESCUE LANE

WILSON LANE

WILSON LANE

900

870

402

400

401

403

404



PLANNING COMMISSION  
RESOLUTION NO. 83PC16

A RESOLUTION DECLARING THE DAY DREAM RANCH TOWNHOUSE  
PLAT UNDEVELOPED, RECOMMENDING VACATION OF SAID PLAT  
AND APPROVING REPLATTING IN ACCORDANCE WITH THE  
PRELIMINARY PLAT FOR THE DAY DREAM RANCH RIVER ESTATES

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 May 23, 1983, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

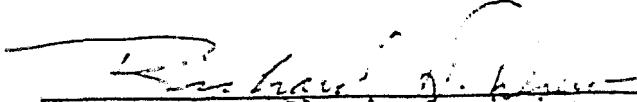
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the findings, recommendation(s) and Conditions of Approval contained therein and further authorizes the Planning Director to issue a:

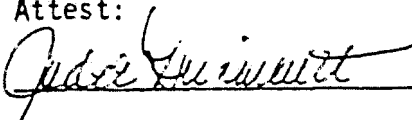
Site Development Permit  
Subdivision Permit

consistent with said recommendation(s).

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 23rd day of May, 1983, and filed with the Wilsonville City Recorder this same day.

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

Attest:

  
\_\_\_\_\_

CITY OF WILSONVILLE  
SUBMITTAL REQUIREMENTS CHECKLIST  
PRELIMINARY SUBDIVISION PLAT

The purpose of the Preliminary Plat is to present an early study of the proposed subdivision to the Planning Commission and to receive its approval or recommendations for revisions before preparation of a final plat. The design and layout of this Plan shall meet the guidelines and requirements set forth in Sections 4.240 to 4.244 of the Wilsonville Code. The Preliminary Plan shall be submitted to the Planning Department as follows:

Application Procedure:

1. Pre-application conference. Prior to submission of a preliminary plat, a person proposing to subdivide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.008(3).

The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Master Plan, existing and proposed streets, roads and public utilities. On reaching conclusions informally as recommended regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in the preliminary plat.

2. The preliminary plat shall be prepared by an Oregon licensed, professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal, which shall include:

✓

- A. Application form completed and signed by the owner of the land or a letter of authorization signed by the owner.

✓

- B. Preliminary subdivision fees.

✓

- C. Ten (10) copies and one (1) sepia or suitable reproducible tracing of the preliminary plat shall be submitted with the application. Preferred paper size is 18" x 24".

✓

- D. Name of the subdivision. This name must not duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Name may be checked through the county offices.

✓

- E. Names, address and telephone numbers of the owners or subdividers, and engineer or surveyor.

- ✓ F. Date, northpoint and scale of drawing.
- ✓ G. Location of the subdivision by section, township and range.
- ✓ H. Legal road access to subdivision shall be indicated as City, County or Public Roads.
- ✓ I. Vicinity map showing the relationship to the nearest major highway or street.
- ✓ J. Lots: Approximate dimensions of all lots, minimum lot size, and proposed lot and block numbers.
- ✓ K. Gross acreage in proposed plat.
- ✓ L. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks and playgrounds or other public or semi-public uses.
- ✓ M. Existing uses of the property, including location and use of all existing structures and their disposition.
- ✓ N. Existing zoning of the property.
- ✓ O. Water: State the source of the domestic water supply.
- ✓ P. Method of sewage disposal proposed.
- ✓ Q. Drainage statement: Water courses on and abutting the property. Approximate location of areas subject to inundation by storm water overflow, or all areas covered by water, and the appropriate location, width, and direction of flow of all water courses. Direction of drainage on proposed streets shall be indicated.
- ✓ R. Ground elevations as specified in 4.008(4)WC.
- ✓ S. Streets: Location, name, width, surface conditions, alleys, gradient and corner curb radii shall be indicated on an abutting tract.
- ✓ T. Improvements: Statement of the subdivision improvements to be made or installed including streets, sidewalks, lighting, tree planting, and times such improvements are to be made or completed.
- ✓ U. Utilities such as electrical, gas, telephone, on and abutting the tract.
- ✓ V. Easement: Approximate width, location and purpose of all existing easements on, and known easements abutting the tract.

- \_\_\_\_\_ W. Deed Restrictions: Outline and proposed Deed restrictions, if any.
- ✓ X. Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the preliminary plat.
- NA Y. If the subdivision is to be a "Planned Development" a copy of the homeowners association by-laws must be submitted at the time of preliminary submission. The plat shall be considered as the Stage I Preliminary Plan.
- ✓ Z. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.162.

3. Approval of Preliminary Plat:

- A. Consideration of Preliminary Plat. The Planning Commission shall consider the preliminary plat and the reports of the Health Department and the City Engineer at a regular Planning Commission meeting no more than sixty (60) days after preliminary plat application has been accepted by the City. The preliminary plat shall be approved by a majority of a quorum of the Planning Commission if the Planning Commission determines that the preliminary plat conforms in all respects to the requirements of Sections 4.200 to 4.280.
- B. The Commission shall, by Resolution, adopt its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat.
- C. Effect of Approval. After such approval of the preliminary plat, the subdivider may proceed with final surveying, subdivision construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Commission within such time, the preliminary plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist.

4. Final platting shall be administratively reviewed in accordance with Section 4.220 WC.

Application Complete  yes      no, if not complete, all items marked by a (RED) circle in the column, must be submitted prior to further processing of this application.

Ben J. Altman  
 Planning Director

4/15/83  
 Date

Submittal deadline for \_\_\_\_\_ meeting is \_\_\_\_\_.

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 and Subdivision Regulations.

General Subdivision Requirements (4.240 WC) - Findings

NA = Not Applicable

Code Compliance  
Yes No, see Finding no.

A. The proposed subdivision conforms to the following:

- |  |                                     |                                     |                        |
|--|-------------------------------------|-------------------------------------|------------------------|
| 1. Comprehensive Plan (Land Use)   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____                  |
| 2. Zoning (Density)  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____                  |
| 3. Special area or Neighborhood Plan   | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u>              |
| 4. Public Facilities Master Plans  |                                     |                                     |                        |
| A. Storm drainage  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <u>(see EXHIBIT 6)</u> |
| B. Sanitary sewer  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____                  |
| C. Water   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____                  |
| D. Streets   |                                     |                                     |                        |
| 1. Provides for continuation of existing or proposed principal streets.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u>              |
| 2. Consistent with minimum street width standards.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>13</u>              |
| 3. The Commission finds that topographic conditions make strict conformity or continuation of streets impractical. | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u>              |
| 4. Conforms to street design standards set forth in Section 4.167 WC.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>13</u>              |
| 5. Street names are provided consistent with City and Fire District Standards.                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>14</u>              |
| 5. Sidewalk and Pathway Standards  |                                     |                                     |                        |
| A. Sidewalks - both sides  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____                  |
| B. Pathways are provided consistent with Pathway Master Plan and Design Standards (4.168 WC).                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____                  |
| 6. Easements   |                                     |                                     |                        |
| A. Public utility easements are provided consistent with the Public Works Standards.                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____                  |
| B. Access easements are provided consistent with Section 4.240(4), or a street is required.                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____                  |

Code Compliance

Yes No, see Finding no.

- |  |                                     |                                     |           |
|--|-------------------------------------|-------------------------------------|-----------|
| 7. Reserve strips required (4.240(6))  |                                     |                                     |           |
| A. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly subdivision of land lying beyond the street; or | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u> |
| B. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the Comprehensive Plan; or                      | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u> |
| C. To prevent access to land abutting a street of the subdivision, but not within the tract or parcel of land being subdivided; or   | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u> |
| D. To prevent access to land unsuitable for building improvement.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u> |
| 8. Block sizes, length and width are consistent with Section 4.242 WC.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____     |
| 9. The lotting pattern is consistent with the criteria set forth in Section 4.244 WC.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | _____     |
| A. Large lot pre-platting provided consistent with potential future densities as designated on the Comprehensive Plan.   | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u> |
| B. Special setbacks (building envelopes) set forth on the preliminary plat.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <u>NA</u> |
| 10. Public land dedication required  | <input type="checkbox"/>            | <input type="checkbox"/>            | _____     |
| 11. Street Tree Plan approved by Design Review   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>15</u> |

### ADDITIONAL FINDINGS

12. The subject property is currently platted as the Day Dream Ranch Townhouses. However, under the provisions of ORS 92.225 (Exhibit 5) the Commission finds the existing plat to be undeveloped. No roads or facilities have been or are being constructed within the plat, no buildings have been or are being constructed and no lots within the plat have been sold or otherwise transferred prior to the date of application for replatting.

The Commission further finds that the existing townhouse plat conforms to the Comprehensive Plan and Zoning regulations. It further finds, however, that the proposed replat also is in conformance with the Comprehensive Plan, and further, that the replat is being proposed to increase the marketability of the property. Replatting will, however, necessitate vacation of the townhouse plat by Ordinance.

13. The applicant is proposing access to the subdivision via a private street. The proposal is discussed on pages 6 through 10 of the applicants' narrative.

The Commission finds the proposed street standards to be acceptable and justified under the Variance criteria addressed by the applicant. While substandard, the private streets will provide safe and convenient access to each lot.

14. The preliminary plat does not specify a name for the proposed private street. This will be required prior to final platting.
15. A Street Tree Plan has not been approved by the Design Review Board, However, the applicants are preparing plans for review by the Board following approval of the preliminary plat.
16. The southern portion of the property lies within the Willamette River Greenway. The Planning Commission finds the development proposal to be consistent with the Greenway development standards set forth in the Wilsonville Code and further finds that any development within 150 feet of the river be subject to the Design Review Board.

Portions of the project also lie within the 100-year flood plain, which is at 90.1 feet M.S.L. All habitable structures must be designed and constructed with the floor elevation at or above 91.5 feet M.S.L.

The Commission finds, however, that under the existing Townhouse plat the property has been filled to an elevation above the 100-year flood level. The fill line is designated on the preliminary plat and provides for adequate building sites for lots 6 through 13.

## CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted to assure completion of the project in compliance with the Comprehensive Plan, Zoning and Subdivision regulations.

1. The preliminary plat approval for Day Dream River Estates is subject to the City Council's adoption of an Ordinance vacating the Day Dream Ranch Townhouse Plat.

Subsequent to said vacation, the applicants may submit for Final Plat approval in accordance with Section 4.220 WC.

The preliminary plat shall remain valid for a period of two years from the date of enactment of the Ordinance vacating the Townhouse plat.

2. Prior to or in conjunction with submittal for final platting, the applicants shall select street names, coordinated with the Tualatin Fire District, for the access drive and cul-de-sacs. Said names shall be specified on the plat.
3. All construction plans for Lots 6 - 13 shall be reviewed for compliance with the Flood Plain Regulations (4.162 WC) and the Willamette River Greenway Regulations (4.500 - 4.514 WC).
4. The applicants shall waive right of remonstrance against the formation of any local improvement district which may be formed to provide public facilities to serve the subject site.
5. The CC&Rs shall provide for the maintenance of the private road and be reviewed by the City Attorney.



## 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. Applicants' submittal documents.
4. Day Dream Ranch Townhouse Plat.
5. ORS 92.225 - 92.245.
6. Preliminary review by Public Works Director.
7. Final Plat review forms.

**APPLICATION TO VACATE  
DAY DREAM RANCH TOWNHOUSES PLAT  
AND PLAT DAY DREAM RIVER ESTATES  
WILSONVILLE, OREGON**

**EDWARDS INDUSTRIES**

PREPARED BY

WILSEY & HAM

APRIL 15, 1983

Job No. 4-1100-8801

**WILSEY & HAM**

**RECEIVED  
APR 15 1983  
CITY OF WILSONVILLE**

## I. INTRODUCTION

In order to position one of its properties to better meet the changing real estate and homebuilding market, Edwards Industries is proposing to replat the present Day Dream Ranch Townhouses site into a new development consisting of 17 single-family lots served by a private street. To facilitate the City of Wilsonville's approval of this proposal, the applicant has caused the following applications to be prepared:

1. Preliminary Subdivision Plat
2. Variance to Plat Lots on Private Street
3. Willamette Greenway Conditional Use Permit
4. Design Review of Commonly Owned Improvements
5. Vacation of Existing "Day Dream Ranch Townhouses" Plat

## II. DESCRIPTION OF PROPOSED PLAN

### A. Layout of Streets and Lots

The proposed plan consists of 17 single-family detached lots varying in size from about 9,500 square feet to about 33,000 square feet. The concept for the new development is to seclude the proposed lots up against the Willamette River which runs along the south side of the site with a 3½ to 4 foot high berm and landscaping along the south side of Metolius Lane. One private entry connecting to a private road would serve the circulation needs of the site. The entry would be controlled and secure with the possibility of automatic gates being installed. The private road entry section is shown on the preliminary plat and consists of two 13-foot lanes separated by a ten foot median. A four foot sidewalk would parallel each driving lane on the outside and form the curb of the road. The width of the private roadway tract would be 50 feet at this section. The private roadway beyond the entry section will consist of two 10-foot travel lanes flanked on the south side with an eight foot parking lane. On the northern side of this roadway will be located a four foot sidewalk which will form the northern curb of the road. The southern curb will be extruded concrete which will be back filled to the level of the top of the curb to prevent breakage and landscape maintenance problems. The private roadway will be terminated at each end with a 36-foot radius cul-de-sac.

### B. Boat Dock and River Access

The project includes the construction of a seventeen slip boat moorage (one space available for each lot). The dock is centrally located along the site's river frontage between lots 9 and 10. Access to the dock is provided by means of a 25-foot strip which will contain a ten-foot asphalt path located between lots 9 and 10. The strip will be owned in common by all of the proposed lots and together with the road and landscape areas comprise Tract 'A' of the subdivision which is the sole commonly owned piece of land.

The intent of the dock is to serve all of the lots, yet not preclude the owners of lots 6, 7, 8, 9, 10, 11, 12 or 13 the right to have some sort of future private facility on the river.

### III. CONFORMANCE TO COMPREHENSIVE PLANS, POLICIES, AND ORDINANCES

The City of Wilsonville Comprehensive Plan and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission. The proposed project conforms with these documents as described below.

#### A. Comprehensive Plan Conformance

##### 1. Urbanization and Public Facilities

The site is within the Wilsonville city limits and, therefore, the Immediate Growth Boundary (IGB) in which immediate development is permitted. Necessary public facilities are already available at the site. Existing storm and sanitary sewer, water and fully improved streets are abutting the north side of the site indicating the appropriateness of immediate urban level development. Also, the site was previously approved for townhouse development, and at that time the site was deemed to have adequate public facilities to serve this site.

##### 2. Land Use & Development

The proposed land use is single family residential which is permitted by the zoning and the Comprehensive Plan designation on the property.

The site borders on the Willamette Greenway and is thus subject to City regulations concerning development in the Greenway. In order to conform to these regulations, a conditional use permit is being sought for approval of allowed uses for each lot containing land located within the Greenway. This subject is discussed further in a later section. The development is also subject to several other chapters of the City's zoning code which are described following this section.

#### B. Zoning Ordinance Compliance

##### 1. Density and Lot Sizes

The site is zoned for residential uses ranging up to 7 dwelling units per acre. As proposed, the density is about 2 units per gross acre.

Lots proposed range from around 9,500 square feet to over 30,000 square feet, which is greater than the minimum of 5,000 square feet required.

##### 2. Setback and Dimensional Standards

Although the proposed lots are much larger than the minimum size required, the applicant, for the purpose of retaining maximum flexibility, would prefer to utilize the setback and dimensional standards for the 5,000 to 7,000 square foot lot range. These are:

- 4.121(7)(6)
1. Minimum width at building line: Sixty (60) feet.
  2. Minimum street frontage: Fifty (50) feet; however, street frontage may be reduced to thirty-five (35) feet when the lot

fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private road.

3. Minimum lot depth: Seventy-five (75) feet.
4. Minimum front yard setback: Fifteen (15) feet. In the case of a corner lot, the side yard on the road side may be reduced to ten (10) feet. No structure shall be erected closer than fifty (50) feet from the centerline of any public, county, or state road.
5. Minimum rear yard setback: Fifteen (15) feet.
6. Minimum side yard setback: Five (5) feet for one (1) story and seven (7) feet for two (2) stories.
7. Maximum building height: Two and one-half (2½) stories or thirty-five (35) feet.
8. Maximum lot coverage: Twenty-five percent (25%) for all dwelling units, thirty percent (30%) for all buildings.

### 3. Off Street Parking

The zoning ordinance in Section 4.150(2)(b)1 requires that each single family dwelling unit possess at least 2 off-street parking spaces. The applicant intends to provide for these spaces in the driveways of each unit and also make provision for several guest parking spaces in the private street.

### 4. Protection of Natural Features

The City of Wilsonville zoning ordinance states in regard to retaining existing vegetation that:

#### 4.161 (4) Trees and Wooded Areas

- (a) All developments shall be planned, designed, constructed and maintained so that:
  1. Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
  2. Existing wooded areas, significant clumps/groves of trees and vegetation, and all conifers and oaks with a diameter of six inches or greater shall be incorporated into the development plan wherever feasible.

As indicated on the preliminary plat, the existing trees along the river frontage will be retained. In addition, no construction is proposed in their vicinity except for minor utilities placement at the eastern portion of the treed area.

The zoning ordinance also describes procedures to be followed when rivers and stream corridors are able to be affected by development:

#### 4.161 (5) Rivers and Stream Corridors:

- (a) All developments shall be planned, designed, constructed, and maintained so that:
  1. River and stream corridors are preserved to the maximum

- extent feasible and water quality is protected through adequate drainage and erosion control practices.
2. Buffers or filter strips of natural vegetation are retained along all river and stream banks.
  3. Standards:
    - a. Riparian vegetation that protects stream banks from eroding shall be maintained or enhanced along major drainageways for a minimum of twenty (20) feet from the channel bottom centerline plus one additional foot for each one percent of bank slope greater than twelve percent (12%);
    - b. Along minor drainageways for a minimum of ten (10) feet from the channel bottom centerline plus one additional foot for each one percent of slope greater than twelve percent (12%);
    - c. Along seasonal drainageways for a minimum of ten (10) feet from the channel bottom centerline.

Day Dream Ranch Estates will conform to these requirements and respect the location of the 100 year flood plain when structures are sited. Additionally, the site is overlaid by the Willamette River Greenway, the regulations for which are discussed later.

Wilsonville's flood plain regulations state:

- 4.162(3) (c) That the City of Wilsonville Planning Director shall review subdivision proposals and other proposed new developments within the flood plain to assure that:
  1. all such proposals are consistent with the need to minimize flood damage,
  2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and
  3. adequate drainage is provided so as to reduce exposure to flood hazards.
- (d) That the City of Wilsonville Public Works Director shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and require onsite waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
4. Outright Permitted Uses in the 100-Year Flood Plain:
  - (a) Agricultural use that is conducted without a structure other than a boundary fence.
  - (b) Recreational uses which would require only minor structures such as picnic tables and barbecues.
  - (c) Residential uses that do not contain buildings.
  - (d) Underground utility facilities.
  - (e) Repair, reconstruction or improvement of an existing structure, the cost of which is less than 50% of the

market value of the structure prior to the improvement or the damage requiring reconstruction, provided no development occurs in the floodway.

The applicant understands these restrictions and, as shown on the preliminary plat drawing, the development will comply with the regulations.

5. Landscaping

The proposed replat, because of its single family configuration, will fall under minimal review procedures for landscaping. Common landscape improvements, however, will be reviewed under the City's design review ordinance. In implementing this ordinance, the City will apply the standards to the applicant's design that are listed below to which the applicant intends to comply:

- 4.166 (2) Except as otherwise approved by the Board (of Design Review), landscape materials shall conform to the following standards:
- (a) On-site trees — all trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows: Primary trees which define, outline or enclose major spaces, shall be a minimum of 2" caliper. Secondary trees which define, outline or enclose interior areas shall be a minimum of 1-2/3" to 2" caliper and accent trees which are used to add color, variation and accent to architectural features, etc. shall be 1 1/2" to 1 3/4" minimum caliper. Larger conifer trees such as Douglas Fir or Deodar Cedar shall be a minimum 8 to 10 feet, medium-sized conifers such as Court Pine or Canadian Hemlock shall be a minimum 7 to 7 feet.
- 4.166 (2) (b) Street trees
- 1. All trees shall be standard base grafted, well branched and typical of their type as described in current AAN Standards and shall be balled and burlapped. Street trees shall be planted in accordance with the following standards:
    - a. Arterial streets - primary tree: Red Oak 3" minimum caliper, 7' b&b.
    - b. Collector streets - primary tree: Emerald Queen or Norway Maple, 2" minimum caliper, b&b.
    - c. Local streets - primary tree: Sunset Maple or Red Maple, 1 1/2" to 1-3/4" minimum caliper.
    - d. Accent or median tree - Cherry, etc., 1 1/2" to 1 3/4" minimum caliper.
  - 2. The following trees and varieties thereof are considered satisfactory street trees in most circumstances; however, other varieties and species will be considered:
    - a. Trees over 50 feet mature height: Quercus rubra Borealis (Red Oak), Acer Nigrum (Black Maple), Acer

Saccharum (Sugar Maple), Fraxinum americana (White Ash), Fraxinus penn 'Marshall' (Seedless Green Ash), Liquidamber Styraciflua (Sweet Gum), Quercus Alba (White Oak), Quercus coccinea (Scarlet Oak), Quercus pulustris (Pin Oak), Tilia americana (American Linden).

- b. Trees under 50 feet mature height: Acer platanoides (Norway maple), Acer rubrum (Red maple), Ginkgo biloba (Ginkgo), Gleditsia triacanthos inermis (Honey Locust), Pyrus calleryana 'Bradford' (Bradford Pear), Tilia Cordata (Little Leaf Linden).
- (c) Shrubs - all shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2 gallon cans, 12" to 15".
- (d) Ground cover - shall be equal to or better than the following depending on the type of materials used: gallon cans spaced at 4 feet on center minimum. 2-~~4~~" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted.

4.166(2)(e) Irrigation

- 1. Automatic underground irrigation systems are encouraged and if determined necessary for proper maintenance by the Board, may be required.
- 2. At a minimum, a hose bib or snap valve system shall be provided with valves placed 100 feet on center and on both sides of travel lanes and parking areas.

Proposed landscape improvement plans are submitted in conjunction with this application to demonstrate compliance with the landscape regulations.

6. Street Improvement Standards

The City's ordinance contains approximately five pages of language covering the subject of street standards. In general, the proposed development will not be subject to many of these standards since the applicant is seeking to receive approval to plat lots fronting on a private street. The standards will specifically apply are discussed below. Justification for the proposed variance is contained later in this report.

4.167 Street Improvement Standards (1) Except as specifically approved by the Planning Commission, all streets and access improvements shall conform to the Street System Master Plan, together with the following standards (as applicable to this proposal):

(1)(c) Intersections of Streets

- 1. Angles: Streets shall intersect one another at right angles, unless existing development or topography make it impracticable. The minimum inside curv line radius shall be 25 feet.



The proposed private street intersects with Metolius Lane at very nearly a right angle. The interior intersection of the private street occurs at a right angle.

**4.167(1)(c) 3. Offsets:** Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections on arterial streets should be separated by at least 500 feet; and in no case shall there be an offset of less than:

b. (100) feet on collector streets.

The nearest potential offset intersection is located across Metolius Lane at Metolius Court. It is greater than 100 feet from the proposed private road intersection. Additionally, Metolius Lane is not really a collector street; it is a local street, and the City ordinance does not contain a regulation concerning offsets on local streets.

**4.167(1) (d) Street grades shall be a minimum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate grades in excess of 8%, but not more than 12%, may be permitted for short distances.**

**4.167(1) (e) The minimum centerline radius street curves shall be as follows:**

- Arterials and industrial collectors 600 feet, but may be reduced to 400 feet in commercial areas.
- Residential collectors 100 feet.
- Local streets 75 feet.

The proposed private street will travel over land that is flatter than flat at best. The standard will easily be met. Centerline radii of 880 feet along the private street will exceed the minimum standard.

**4.167(1) (g) Dead-end Streets.** Dead-end streets or cul-de-sacs shall not exceed 600 feet in length, unless the end is visible from the intersection or from an adjacent or intersecting street, or an emergency vehicle access is provided as approved by the Fire District. All such streets shall end in a turn-around with a minimum center line radius as follows:

- 50 feet if curb parking allowed.
- 42 feet if curb parking prohibited and posted as a towaway zone.
- The minimum return radius shall be 25 feet.

The private street is laid out so that a driver entering the project on the divided entry road proceeds south 145 feet from Metolius Lane to the east-west leg of the main private road. At this point, the driver can turn left or right. If he/she turns right, he/she will be able to travel 360 feet west before encountering a cul-de-sac bulb. If he/she turns left, a trip east of 200 feet is made before encountering a cul-de-sac bulb.

The radii of the bulbs is proposed to be 36 feet. This minor variance is proposed as an accompanying request to the request to plat lots on a

private street. That discussion holds more detail on the subject.

- 4.167(1) (h)
1. An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions for a minimum width of 15 feet for one-way traffic and 24 feet for two-way traffic. A minimum additional width of eight feet shall be provided on each side where parking is allowed.
  2. Access travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load. Improvement width shall be:
    - a. 12 feet for one-way traffic.
    - b. 20 feet for two-way traffic.
  3. Secondary or emergency access lanes may be improved to a minimum 12 feet with a gravel or better all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
  4. Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.

Particular attention is called here to statement number 4. The proposed development includes two 13-foot one-way travel lanes in the entry portion of the private road. Elsewhere, a 20-foot width surface is to be utilized. While these dimensions are less than requirement (h)1, requirement (h)4 allows for this deviation commensurate with the function of the facility. The facility can be expected to generate an average of ten trips per house per day for a total of 170 average daily trips. This amount of primarily automobile traffic is well under the capacity of the roadway which would range between 500 and 1,000 trips per day.

4.167(h) Corner or clear vision area.

1. A clear vision area shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. No structures, plantings or other obstructions that would impede visibility between the height of 30 inches and 10 feet shall be allowed within said area. Measurements shall be made from the top of the curb, or, when there is no curb, from the established street center line grade. However, the following items shall be exempt:
  - a. Light and utility poles with a cross-section less than 12 inches.
  - b. An existing tree, trimmed to the trunk, 10 feet above the curb.
  - c. Official warning or street sign.
  - d. Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.
2. Vision clearance areas shall be established by the

triangular area formed by the intersection of the driveway or street, the street right-of-way line, and a straight line adjoining said line through points twenty (20) feet from their point of intersection. However, said area may be adjusted as follows:

- a. Single-family driveways - 10 feet.
- b. Alleys - 10 feet.
- c. Railroad crossing (unsignalized) - 30 feet.

The design of the entry as shown on the landscape plans adheres to these standards.

#### **IV. VARIANCE TO PLAT LOTS ON A PRIVATE STREET**

As previously described, the applicant is seeking approval of a variance to plat lots on a private street. The variance for the private street and its design is proposed in order to more easily, conveniently and inexpensively serve the proposed lots on a site for development where there was previously approval for platting lots on a private street. The ordinance requirements for variance justification are listed:

**4.186 Variances. (1)** Where difficulties exist rendering compliance with the Zoning Sections impractical and such compliance would create unnecessary hardship to the owner or user of land or buildings, the Planning Commission and Design Review Board may grant a variance from the provisions of this Code after the prescribed public hearing as set forth in Section 4.012, and after an investigation; provided all of the following conditions exist:

(a) The difficulty would apply to the particular land or building regardless of the owner.

(b) The request for a variance is not the result of an illegal act on the part of the applicant.

(c) The plight of the owner is due to unique circumstances, such as lot size or shape, topography, and size or shape of building, which are not typical of the general conditions of the surrounding area.

(d) The hardship asserted as a ground for a variance must arise out of the Zoning Sections.

(e) The practical difficulty or unnecessary hardship asserted as a ground for a variance must relate to the premises for the benefit for which the variance is sought and not to other premises or personal conditions of the applicant.

(f) The variance does not allow the property to be used for purposes not authorized within the zone involved.

(g) The variance is the minimum necessary to relieve the hardship.

#### **Responses:**

a) The difficulty sought to be avoided is applicable to this land due to locational, configurational and dimensional factors and is not a function of the owner.

b) The request is not due to performance of illegal acts by the owner.

c) The depth of the site is constrained by the Willamette River Greenway and, therefore, adequate space for a large public street does not exist.

- d) The difficulty arises out of Section 4.244(2)-"Access" which is cited:
- (2) Access. The subdividing of the land shall be such that each lot shall have a minimum of sixty (60) feet of frontage on a public street. This minimum frontage requirement shall apply with the following exceptions:
- (a) A lot of the outer radius of a curbed street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty-five (35) feet upon a street, measured on the arc.
- (b) The Planning Commission may in its discretion waive lot frontage requirements where in its judgement the waiver of frontage requirement will not have the effect of nullifying the intent and purpose of this regulation or if the project is developed under the Planned Development Regulation.
- e) The difficulty relates only to this site due to its location adjoining the Willamette River Greenway and to its configuration. These are unique factors and do not relate to other lands held by the applicant.
- f) The use of the property must conform to its "planned" and "zoned" use. Granting the variance will not nullify this requirement.
- g) The hardship will be relieved if this minimal variance is granted. Although a greater variance would improve the site layout, a greater variance would reduce public safety and welfare to an unacceptable level. Therefore, it is the minimum necessary to relieve the difficulty.

Design compromises accompanying the variance request are: (1) 36-foot cul-de-sac curb radius and (2) four foot concrete sidewalks. These deviations from public street standards are the minimum necessary to provide for public safety and welfare, yet satisfy the relief of difficulty imposed by the site location and configuration.

## V. PRELIMINARY SUBDIVISION PLAT

The applicant is seeking approval to record a final subdivision plat in the configuration and served by utilities as shown on the accompanying drawings. The drawings have been prepared in accordance with the informational requirements of the Subdivision Ordinance Chapter 4.210.

Specific elements required of the subdivision by the Subdivision Ordinance are addressed in sections following.

**4.240 General Requirements - Streets. (1) Conformity to the Master Plan or Map: the subdivision shall conform to and be in harmony with the Master Plan, the Official Plan or Map and especially to the Major Street Plan.**

**(3) All streets shall conform to the standards set forth in Section 4.167.**

The proposed private street is minor in nature and does not appear on the City Master Plan. As previously discussed, the proposed development includes a private street for which a variance from the street standards is proposed. Full street details are discussed in that section of the report.

(5) **Topography:** The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.

As previously discussed, the site is flat giving little, if any, constraint to the layout of streets.

(9) **Streets Names:** No street names will be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the Planning Commission.

Street names will be selected prior to preparation of the final plat after coordinating with the City Engineer's Office.

**4.242 General Requirements - Blocks.** (1) The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of street traffic, and recognition of limitations and opportunities of topography.

(3) **Easements:**

(a) **Utility lines.** Easements for sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards. All the utility lines shall be installed with underground services within the street and to any structures.

"Blocks" is an almost inappropriate term because of the size of the proposed development and because of the limitation imposed upon the design of the development by the Willamette Greenway. Adequate building sites have been provided and indeed have been sought to be improved by requesting a variance to plat lots on a private street. Utility lines will thus mandatorily be placed in appropriate easements to serve the proposed lots. All utilities are proposed to be located underground.

**4.242 (5) Tree planting.** Tree planting plans for a subdivision must be submitted to the Design Review Board and receive its approval before the planting is begun.

The applicant intends to comply with this requirement as applicable.

**4.244 General Requirements - Lots.** (1) **Size and shape.** The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall meet the Zoning District requirements.

As shown on the preliminary plat, the proposed lots comply with zoning requirements.

**4.244 (3) Through lots.** Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and

across which there shall be no righted access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred twenty (120) feet.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run a right angles to the street upon which the lots face.

It is essential to the development of the site to plat "through lots" along the northern side of the site. This is done for marketing reasons and also because of the depth of the developable area of the site. Side lot lines run basically at right angles to the street unless constraints on building sites are too great and require otherwise.

4.244 (8) Corner lots. Lots on street intersections shall have a corner radius of not less than ten (10) feet in the property line.

This standard is being met. Please see the Preliminary Plat.

The applicant intends to comply at the appropriate time during the platting process with all City regulations concerning improvements to the land such as utilities, roads, and landscaping. Appropriate assurance to do so will be provided at the appropriate time as required by City regulations.

## VI. SITE DESIGN REVIEW

As mentioned earlier, portions of the proposed development will be subject to review by the Board of Design Review. At the appropriate time to do so, official application will be made for this process and drawings will be submitted. At this time, preliminary drawings will be provided for the Planning Commission's general information. The applicant intends to comply with the City's adopted standards for the design of regulated improvements.

## VII. CONDITIONAL USE PERMIT FOR WILLAMETTE GREENWAY USE

In conjunction with the preliminary subdivision application, the applicant is seeking approval of a conditional use permit for each of the lots in the subdivision which would be affected by the regulations concerning the Willamette Greenway. The purpose of the request is to minimize the efforts of the City in the future for having to review and act on piecemeal applications that would be made by future lot owners.

In order to set forth for posterity the regulations in effect at the time of this application, the Willamette River Greenway ordinance is cited:

### **WILLAMETTE RIVER GREENWAY**

**4.500 General Purpose.** The general purpose of Sections 4.502 to 4.514 are to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

**4.502 General - Definitions.** (1) Change the Use means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of

the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit had been issued as of December 6, 1975, and under which Permit substantial construction has been undertaken by July 1, 1976. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of Sections 4.400 to 4.414.

(2) Intensification of Use means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the completion of a structure for which a valid permit was issued as of December 6, 1975, and under which permit substantial construction has been undertaken by July 1, 1976. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Code. Seasonal increases in gravel operations shall not be considered an intensification of use.

(3) Water-Dependent: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production or source of water.

(4) Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories; and trailer parks are not generally considered dependent on or related to water location needs.

4.504 General - Greenway Boundaries. (1) The Willamette River Greenway Boundaries in the City shall be the same as the Oregon State Department of Transportation Willamette River Greenway Boundaries, and shall be defined on the City of Wilsonville Zoning and Comprehensive Plan Maps. The boundary is generally 150 feet from the ordinary low water line unless otherwise defined by the Map and this Section.

4.506 General - Outright Permitted Uses. (1) The following are outright permitted uses within the Willamette River Greenway Boundary:

(a) The placing, by a public agency, of signs, markers, aids, etc. to serve the public.

(b) Activities to protect, conserve, enhance and maintain public recreational, scenic, historical, and natural uses on public and private lands, except

that changes of use, intensifications of use or development shall require Conditional Use Permit review as provided by this Code.

(c) Agriculture as defined in ORS 215.203(2).

(d) Reasonable emergency procedures necessary for the safety or protection of property.

(e) Maintenance and repair usual and necessary for the continuance of an existing use not defined as intensification of use or change of use.

(f) Uses legally existing on December 6, 1975, as defined by Section 4.502(2).

**4.508 Conditional Use Permit - Permitted Uses.** (1) The following uses may be allowed within the Willamette River Greenway Boundaries subject to a Conditional Use Permit by the Planning Commission and Design Review approval:

(a) All uses permitted in the underlying zone which are not listed as permitted uses in Section 4.506.

(b) All uses which are classified as intensification of use, changes of use or development.

**4.510 Conditional Use Permit - Findings.** (1) A Greenway Conditional Use Permit may be granted by the Planning Commission upon making the following findings:

(a) That to the greatest extent possible, the maximum possible landscape area, open space or vegetation between the activity and the river are provided,

(b) That to the greatest extent possible, necessary public access in accordance with the Comprehensive Plan will be provided to and along the River by approximate legal means.

(c) That the change of use, intensification of use, or development complies with Section 4.514, all other applicable City Ordinances, the Comprehensive Plan, the ODOT Greenway Plan.

**4.512 Conditional Use Permit - Application Procedures.** (1) All Conditional Use Permits shall be applied for and reviewed by the Planning Commission in accordance with 4.192.

(2) Within five (5) days of receipt by the City, a copy of the Conditional Use Permit application shall be forwarded to ODOT by Certified Mail, with a return receipt requested and notice of the action taken by the City shall also be submitted to ODOT within five (5) days of the action.

**4.514 Conditional Use Permit - Use Management Standards.** (1) The natural scenic views, historical character and recreational qualities of the Willamette River shall be protected by preservation and enhancement of the vegetative fringe along the river bank.

(2) Any trees removed shall be replaced in accordance with Plans approved by the Design Review Board.

(4) Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses within the Greenway shall be permitted to continue as urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities.

(5) All development, except water-dependent and water related uses, shall be set back a minimum of 50 feet from the ordinary low water line of the river channel.

(6) Fish, riparian and wildlife corridors leading into the river channel



shall remain open.

(7) All development, change of use or intensification of use shall demonstrate, to the maximum extent possible, maintenance of public safety and protection of public and private property, especially from vandalism and trespass.

The applicant obviously seeks approval of the outright permitted uses for each lot bordering on the river, but also seeks approval of all conditionally permitted uses as described by Section 4.508. The applicant makes the request based on the recognition of the standards of Section 4.514 Use Management Standards and shall write these standards into the Conditions, Covenants and Restrictions governing the lot owners in the project.

### **VIII. OUTLINE CONDITIONS, COVENANTS AND RESTRICTIONS**

The applicant has prepared an outline of subjects that will be covered by the Conditions, Covenants and Restrictions for the site. In conjunction with the review of the final plat prior to its recordation, the applicant will submit a final Conditions, Covenants and Restrictions document for approval by the City.

- A. Definitions
- B. Property Subject to Declaration
  - 1. Existing Property
  - 2. Additions to Existing Property
- C. Membership & Voting Rights
  - 1. Membership
  - 2. Voting Rights
- D. Property Rights in the Common Properties
  - 1. Members' Easements of Enjoyment
  - 2. Title to Common Properties
  - 3. Extent of Members' Easements
  - 4. Delegation of Use
- E. Covenant for Maintenance Assessments
  - 1. Creation of the Lien and Personal Obligation for Assessments
  - 2. Purpose of Assessments
  - 3. Basis and Maximum of Assessments
  - 4. Special Assessments for Capital Improvements
  - 5. Rate of Assessments
  - 6. Quorum for Action Under 4 & 5
  - 7. Date of Commencement & Due Dates for Assessment
  - 8. Duties of the Board of Directors
  - 9. Effect of Non-Payment of Assessments, Remedies of the Association
  - 10. Subordination of the Lien to First Mortgages
  - 11. Exempt Property

F. Architectural Control

1. Scope
2. Review Committee

G. Exterior Maintenance

1. Standards
2. Assessment
3. Access at Reasonable Hours

H. Use Restrictions

1. Signs
2. Animals/Livestock
3. Trash/Waste
4. Noxious or Offensive Conditions
5. R.V. Equipment & Storage
6. Common Property
7. Exterior Changes
8. Jurisdiction over Common Properties
9. Willamette Greenway

I. Encroachments

J. Insurance

1. Minimum Coverage
  - a. Property Damage
  - b. Liability
  - c. Fidelity of Association
2. Optional Coverage

K. General Provisions

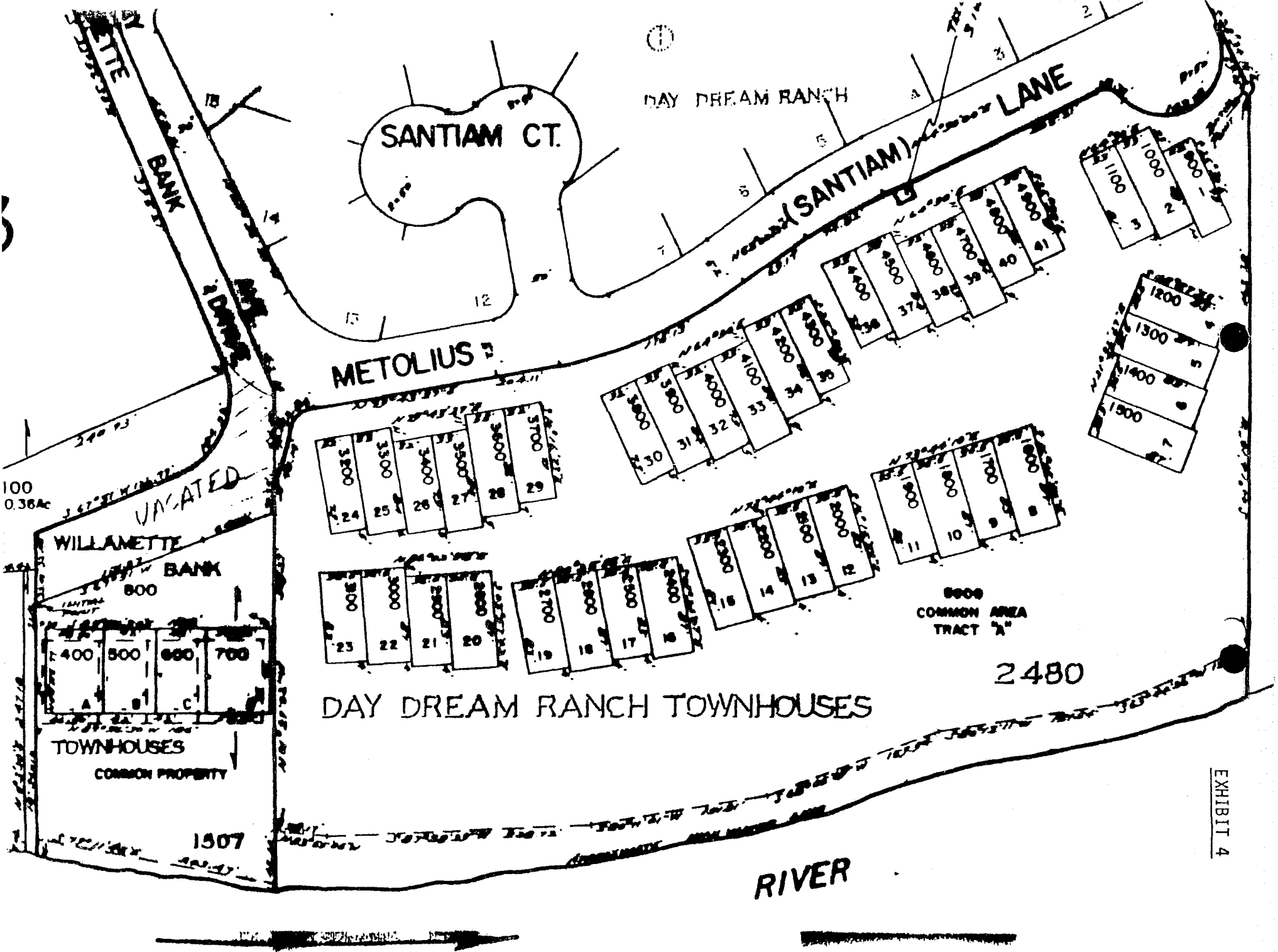
1. Enforcement
2. Duration of Amendment
3. No Right of Reversion
4. Rights of Mortgages Relative to Maintenance
5. Procedure to Implement Exterior Maintenance
6. Assignment of Developers' Rights
7. Condemnation
8. Compliance Procedures
9. Notices
10. Severability

L. Legal Description

**IX. VACATION OF DAY DREAM RANCH TOWNHOUSES PLAT**

The applicant, in conjunction with all other requests already discussed in this document, requests that the City of Wilsonville act to vacate the plat of Day Dream

Ranch Townhouses. This action is necessary in order not to resubdivide the land but to remove encumbrances from the site that affect other than the interests of the property itself. For example, public sewer and water easements that do not contain any constructed improvements.



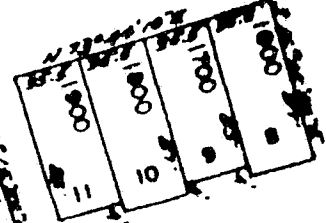
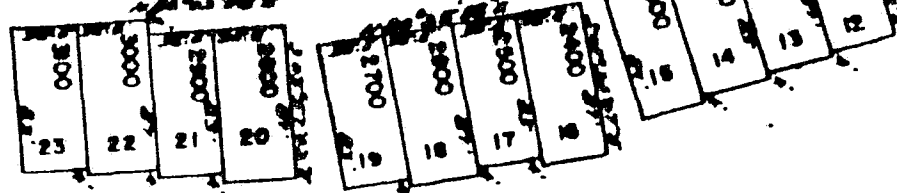
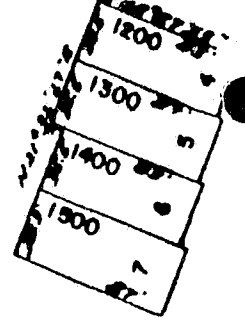
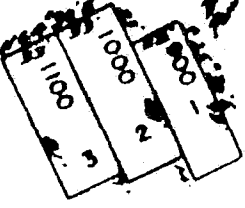
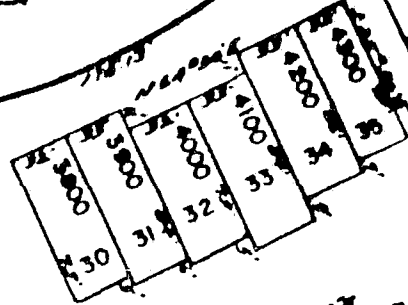
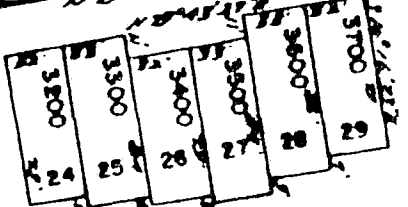
SANTIAM CT.

DAY DREAM RANCH

LANE

(SANTIAM)

METOLIUS



COMMON AREA TRACT 2A

2480

DAY DREAM RANCH TOWNHOUSES

WILLAMETTE

BANK

800



TOWNHOUSES

COMMON PROPERTY

1507

RIVER

EXHIBIT 4

**92.215 Review authorized; manner.**

(1) Each agency or body authorized to approve subdivision plats under ORS 92.040 may:

(a) Review each subdivision approved on or after October 5, 1973, after the expiration of 10 years after the date of such approval.

(b) Review each subdivision plat approved more than 10 years prior to October 5, 1973.

(2) Each review conducted pursuant to subsection (1) of this section shall be conducted in the manner and subject to the conditions prescribed in ORS 92.225. [1973 c 569 §2]

**92.220** [1963 c 624 §§1, 2, 25, repealed by 1973 c 421 §52]

**92.225 Determining whether subdivision subject to review and need for revision or vacation; determining need for revision or vacation of undeveloped subdivision; hearings; notice to landowners.** (1) The agency or body required to conduct the review under ORS 92.215 shall investigate the status of the lands included within a subdivision to determine whether the subdivision is undeveloped.

(2) For the purposes of this section, the lands described in the plat of any subdivision under review shall be considered to be developed if any of the following conditions are found by the agency or body conducting the review to exist on such lands:

(a) Roadways providing access into and travel within the subdivision have been or are being constructed to meet the specifications prescribed therefor by the agency or body that approved the plat of the subdivision;

(b) Facilities for the supply of domestic or industrial water to lots created by the subdivision have been or are being constructed;

(c) Sanitary sewerage disposal facilities have been or are being constructed for lots created by the subdivision, or septic tanks have been or are being installed on the land or permits have been issued for their installation on the land.

(d) Buildings have been or are being constructed upon the land or permits have been issued for the construction of buildings upon the land, and

(e) One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of the initiation of such review.

(3) If the agency or body determines that a subdivision is undeveloped after its investiga-

tion of the subdivision under subsection (1) of this section, it shall also determine:

(a) If the undeveloped subdivision complies with the comprehensive plan, zoning regulations and ordinances and subdivision ordinances and regulations then in effect with respect to lands in the subdivision; and

(b) If the undeveloped subdivision does not comply with such plan and ordinances and regulations, whether the subdivision may be revised to comply with such plan and ordinances and regulations.

(4) If the agency or body determines that a subdivision is undeveloped after its investigation of the subdivision under subsection (1) of this section, it shall hold a hearing to determine whether the undeveloped subdivision should be revised and the subdivision replatted or vacated and all lands within the subdivision that have been dedicated for public use vacated. Not later than 30 days before the date of a hearing held by an agency or body under this section, the agency or body shall notify, in writing, each owner of record of land described in the plat of the subdivision under review of the date, place, time and purpose of such hearing. [1973 c 569 §3]

**92.230** [1963 c 624 §§4, 19, 1969 c 505 §1, repealed by 1973 c 421 §52]

**92.234 Revision, vacation of undeveloped subdivisions; replatting, approval of replats; vacation proceedings; initiation by affected landowner of vacation proceedings, effect.** (1) Following a hearing conducted as required under ORS 92.225 (4), the agency or body conducting the hearing may:

(a) Require the revision of a subdivision and a replat of the subdivision as it considers necessary, if it finds that the subdivision may be revised to comply with the comprehensive plan, zoning ordinances and regulations and other modern subdivision control standards not in existence when the subdivision was initially approved, or

(b) Initiate proceedings, as provided in subsection (3) of this section, for vacation of the subdivision, if it finds that the subdivision cannot be revised in accordance with the comprehensive plan, zoning ordinances and regulations and other modern subdivision control standards not in existence when the subdivision was initially approved.

(2) If an agency or body requires the revision and replat of a subdivision under para-

graph (a) of subsection (1) of this section, it shall approve the subdivision only upon the completion of the revisions as required by it and the replat of the subdivision.

(3) If the agency or body determines that it is necessary to vacate a subdivision, the agency or body shall adopt an ordinance vacating the subdivision and providing for the vacation of lands within the subdivision that have been dedicated for public use. Title to lands within a vacated subdivision shall vest as provided in ORS 271.140 and 368.366. Any owner of lands described in the plat of the vacated subdivision who is aggrieved by the action of the agency or body in vacating the subdivision may appeal such action in the manner provided in ORS 34.010 to 34.100. The ordinance adopted by the agency or body for the vacation of the subdivision and the lands therein dedicated to public use shall be filed with the county recording officer as provided in ORS 271.150.

(4) Nothing in ORS 92.205 to 92.245 shall prevent the owner of any lands within an undeveloped subdivision from seeking vacation of such subdivision under city or county vacation procedures and, if such vacation proceedings are commenced after the date of the notice of review of the subdivision by the agency or body, the review proceeding shall be suspended during such vacation proceedings. If the subdivision is vacated at the initiation of an owner, the review proceedings under ORS 92.205 to 92.245 shall be discontinued; but, if the subdivision is not vacated at the request of an owner, the review proceedings under ORS 92.205 to 92.245 shall be resumed at the termination of the proceedings brought by an owner of lands in the subdivision. [1973 c 569 §4; 1981 c 153 §54]

92.235 [1969 c 508 §3, repealed by 1973 c 421 §52]

92.240 [1963 c 624 §5, 1969 c 663 §5, 1971 c 106 §1, repealed by 1973 c 421 §52]

**92.245 Fees for review proceedings resulting in modification or vacation.** The governing body of a city or county may, by ordinance or regulation adopted in accordance with ORS 92.048, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon undeveloped subdivisions for which the plat is modified or vacated under ORS 92.205 to 92.245. [1973 c 569 §5]

92.250 [1963 c 624 §6, 1969 c 663 §4, 1971 c 106 §2, repealed by 1973 c 421 §52]

92.255 [1965 c.584 §5; repealed by 1973 c.421 §52]

92.260 [1963 c.624 §57, 17; 1965 c.584 §6; repealed by 1973 c 421 §52]

92.270 [1963 c.624 §8; 1965 c.584 §7; repealed by 1973 c 421 §52]

### MISCELLANEOUS PROVISIONS

92.275 [1973 c 351 §3; repealed by 1977 c.236 §1]

92.280 [1963 c.624 §9; 1965 c.584 §8; repealed by 1973 c 421 §52]

**92.285 Retroactive ordinances prohibited.** No retroactive ordinances shall be adopted under ORS 92.010 to 92.048, 92.060 to 92.095, 92.120, 93.640, 93.710 and 215.110. [1973 c 696 §21]

92.290 [1963 c.624 §10, 11; 1965 c.584 §9; repealed by 1973 c 421 §52]

92.300 [1963 c 624 §12; 1969 c 663 §6; repealed by 1973 c 421 §52]

### OREGON SUBDIVISION CONTROL LAW (Generally)

**92.305 Definitions for ORS 92.305 to 92.495.** As used in ORS 92.305 to 92.495:

(1) "Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanics' lien or otherwise, securing or evidencing the payment of money and affecting more than one interest in subdivided land, or an agreement affecting more than one such lot, parcel or interest by which the subdivider or developer holds such subdivision under an option, contract to sell or trust agreement.

(2) "Commissioner" means the Real Estate Commissioner.

(3) Except as otherwise provided in ORS 92.325 (2), "developer" means a person who purchases a lot or parcel in a subdivision that does not have a single family residential dwelling or duplex thereon to construct a single family residential dwelling or duplex on the lot or parcel and to resell the lot or parcel and the dwelling or duplex for eventual residential use purposes. Developer also includes a person who purchases a lot, parcel or other interest in a subdivision that does not have a single family residential dwelling or duplex thereon for resale to another person. "Developer" does not mean a "developer" as that term is defined in ORS 94.004.

CITY OF WILSONVILLE

# MEMO

May 5, 1983

DATE

TO: Ben Altman  
Planning Director

FROM: Larry R. Blanchard *L.B.*  
Public Works Director

SUBJECT: Preliminary Plan Review - Day Dream River Estate

Initially the Project was known as the Day Dream Ranch Townhouse Apartments which included some 41 Townhouse Apartments, with a recreation center. Total demand on the sewer system would be approximately 43 D.U.'s with 42 water connections. The plans were approved for construction and permits January 3, 1980, and plans did expire as of September 3, 1981. From review of this preliminary plan the D.U. count will decrease from 43 to 17 or a more than 50% reduction. The water connection will also reduce.

Easements were filed with this office for water, storm sewer and sanitary sewer. However from the preliminary plan for the Estates these easements will need to be changed.

### Sanitary Sewer System

Discharge Basin Zone -	III	
Discharge Section	BC-7	
Total Acres	107	
Design Population	1,382	
Present Population	40	
Design Discharge	740,000	gpd
System Existing Capacity	880,000	gpd
Present Discharge	10,000	gpd
This Project Discharge	12,240	gpd
Total Estimated Discharge	22,240	gpd

The BC-7 system is adequately sized to accept sanitary sewage from this project.

### Water System

Water System Zone	III	
Section	23	
Static Pressure	125	psi
Residual Pressure	100	psi
Total number of meters required	17	
Project demand	85	gpm

System Remaining Capacity	687 gpm
Capacity less this project	602 gpm
Required fire flow	1000 gpm per hydrant
Mainline location	Metolius
Nearest fire hydrant	Metolius

Additional fire hydrants may be necessary in order to service buildings in southern portion of property. Depends upon final location of buildings.

#### Storm Sewer System

Basin Designation	A5A
Total Acres	15
25 year storm design	9.9 C/s
Discharge pipe size design	15" minimum
Total discharge to date this basin	1.5 cfs
Total discharge this project	4 cfs
Total discharge to date plus the project	5.5 cfs

The discharge pipe located adjacent to the eastern property line shall be a minimum 15" pipe.

#### Street Improvements

As indicated by the preliminary plan there is actually only one access road to this project which is Metolius Lane. The transition of Metolius Lane with the private drive to Day Dream River Estate shall be engineered according to the Standards as set by the City's Public Works Standards.

#### Street Lighting

This project will be in the Day Dream Ranch Street Lighting District and will contribute 17 dwelling unit factors (DUF) to the total system. Also 17 DUF will be calculated into the arterial street lighting district.

#### Traffic Generation Factor

This project has the potential to generate 170 trip ends per day or 62,050 trip ends per year.

#### General Comments

1. Basically this project has only changed in scope and actually reduces the amount of affect the project has on the City's utility systems.



2. The only problem areas I see at this point and they are easily resolved are in the fire hydrant coverage, and access road to this project. Those issues can be handled during the final plan review stages.

LRB:ks

cc:  
Day Dream River Estates - III (Res)  
Preliminary Plan Review Log

## Review of Final Plat

1. Upon receipt of a complete final plat, together with required fee, the plat and other required information shall be reviewed as follows:
  - A. The Planning Director and Public Works Director shall examine the plat and supplementary materials to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with provisions of State Law and this Ordinance.
  - B. The City Surveyor shall check the subdivision site and plat and shall take such measurements and make such computations as are necessary to determine that the plat is correct, and that all requirements of State Law and this Ordinance are met.
  - C. The Director shall not approve any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and the point of tangent. It shall be the responsibility of the subdivider to provide such monumentation within the subdivision prior to the issuance of any Building Permit for construction within the subdivision.
2. Action on final Plat. Within 30 days of receipt of a complete final plat submittal, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. Written notice of such action shall be mailed to the subdivider by the Planning Director. If the Planning Director determines that full conformity with all applicable ordinances has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the necessary changes or additions.
3. If affirmative findings cannot be made with regard to all of the criteria set forth in Section 4.220(3) WC, the Planning Director shall not approve the plat.
4. If approved, such approval shall be evidenced by the signatures on the plat of the Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the subdivider.
5. Appeal of the Planning Director's decision. A decision made by the Planning Director on a final plat application may be appealed as provided in Section 4.017(1).

6. Effect of approval: Approval shall be effective for a period of ninety (90) days, and if the final plat is not offered for record by the subdivider in the office of the County Clerk within such time, the final shall be submitted again to the Planning Commission under Section 4.210 of this Code, and the entire procedure shall be repeated, for consideration of any conditions which may then exist.
7. Delivery of final plat to County Offices. Following the approval of the Planning Director:
  - A. The final plat shall be routed to the county departments as follows:
    1. The Assessor shall receive the final plat and obtain information so that their department may research the needed requirements as well as forward identification information to the Tax Department.
    2. Obtain on the final plat the signature of the County Surveyor, whose signature shall certify that the platting laws of this State have complied with.
    3. Obtain the signature on the final plat of a majority of the Board of County Commissioners whose signatures shall certify that the plat is approved by them.
    4. Obtain the signature on the final plat of the County Tax Department if/or when all taxes on the property are paid.
    5. Obtain on the final plat the signature of the County Assessor, whose signature shall certify that ownership is correct and pro-rate and collect taxes if plat is to be recorded after July 1.
    6. After the above items have been completed, the final plat shall be delivered to the office of the County Clerk and may be recorded.
8. Recording final plat. In addition to the requirements authorized and provided in ORS 92.120, upon offering the final plat for records, the subdivider shall furnish one black line or blueprint copy of the final plat to the County Assessor, the City Engineer, the County Surveyor and the Health Department.

CITY OF WILSONVILLE  
SUBMITTAL REQUIREMENTS  
SUBDIVISION FINAL PLAT

Any time within two (2) years after tentative approval of the preliminary plat, the subdivider may have the subdivision or any part thereof surveyed and the final plat prepared in conformance with the preliminary plat as tentatively approved. When the final plat is in order, the subdivider will submit the following items to the City offices for final approval of the plat.

1. Submission of the final plat shall include:

- \_\_\_\_\_ A. Plat board, tracing and five (5) blueprint copies of the plat.
- \_\_\_\_\_ B. The signatures of owner(s), surveyor or engineer shall all be properly acknowledged by a notary public. All signatures shall be signed in India ink.
- \_\_\_\_\_ C. 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 Planning Commission.
- \_\_\_\_\_ D. Approval of agreement certified for all required improvements as follows:
  - \_\_\_\_\_ 1. Improvements as required by Sections 4.260 to 4.264 have been completed, and a certificate of such fact has been filed with the Planning Director by the City Engineer; or
  - \_\_\_\_\_ 2. A performance agreement and completion bond has been filed with the City Recorder in sufficient amount to insure the completion of all required improvements.

Application complete          yes          no, if not complete, all items  
marked by a (RED) circle in the column, must be submitted prior to  
further processing of this application.

\_\_\_\_\_ Planning Director          \_\_\_\_\_ Date

Resubmittal deadline for \_\_\_\_\_.

FINDINGS - Final Plat Review

The following findings are made by the Planning Director and entered into the public record in consideration of the final plat for \_\_\_\_\_ as submitted in conformance with the City's Comprehensive Plan, zoning and subdivision regulations.

Code Compliance

yes    no, see Finding no.

- 1. The plat is in substantial conformance with the provisions of the preliminary plat as approved by the Planning Commission File no. \_\_\_\_\_
- 2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of Sections 4.200 - 4.280 and other relevant sections of this Code. \_\_\_\_\_
- 3. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities. \_\_\_\_\_
- 4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plan for this subdivision. \_\_\_\_\_
- 5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat; and \_\_\_\_\_
- 6. Streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the City. \_\_\_\_\_

Code Compliance

yes      no, see Finding no.

7. The Public Works Director has approved the construction plans and improvement assurance has been provided in accordance with Section 4.264 WC.
8. The property is located with a local improvement assessment district

\_\_\_\_\_

\_\_\_\_\_