

RESOLUTION NO. 386

A RESOLUTION ADOPTING FINDINGS AND FINAL ACTION ON THE
WILSONGREEN APPEAL OF PLANNING COMMISSION RESOLUTION 83PC32

WHEREAS, an application, together with Planning exhibits, was submitted by Alpha Engineering, Inc., representing CGO Enterprises, Inc., for a revised preliminary plat for the Wilsongreen Planned Development, Tax Lots 2200 and 2700, 31W15; and

WHEREAS, said Planning exhibits were submitted in accordance with the procedures set forth in Chapter 4 of the Wilsonville Code; and

WHEREAS, said Planning exhibits and Planning Department staff report were duly considered by the Planning Commission and entered into the public record at a public hearing, conducted on November 14, 1984 and continued to January 9, 1984, for additional discussion and testimony as set forth in the minutes to said commission meetings, attached hereto as Exhibits 5 and 15; and

WHEREAS, the Planning Commission adopted findings and denied said application in their Resolution 83PC32, attached hereto as Exhibit 17; and

WHEREAS, on January 12, 1984, the applicants submitted a letter, together with appropriate fees, requesting an appeal of the commission's decision to the City Council; and

WHEREAS, on February 21, 1984, the City Council held a public hearing on the record of the Planning Commission's action on said application, at which time a summary staff report, prepared by the Planning Director, attached hereto as Exhibit 13, together with related testimony from the applicant's and interested parties, were entered into the public record; and

WHEREAS, based on the findings of the Planning Commission and those set forth herein, the Council found said application to be inconsistent with the intent of the Comprehensive Plan and Plan Map.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Wilsonville City Council does hereby deny the application as submitted.

FINDINGS

The following findings are hereby adopted by the City Council as confirmation of its consideration of the application as submitted:

1. The Council concurs with the findings adopted by the Planning Commission as set forth in Exhibit 17, attached hereto, together with those set

forth in the Planning Director's summary staff report, attached hereto as Exhibit 13.

2. In addition to the findings set forth above, the Council concludes that the application for a density of 4.1 dwelling units per acre, conflicts with the Comprehensive Plan and specifically Policy 4.4.7, for the following reasons:
 - a) Special needs were not demonstrated.
 - b) That moderate income is not in the range that the applicants stated.
 - c) Like properties for similar prices are available in this city now; this is where the special consideration comes in.
 - d) The proper procedures were gone about. Two options were presented by staff to the applicants. They chose one, not the other, which was a plan amendment and proceeded.
 - e) The map was adopted by LCDC as a part of the Comprehensive Plan. The map shows no reference to 1 to 5; there is only a reference to 1 to 3. Regardless of the wording, the map was incorporated as a part of the Comprehensive Plan.

Also, Council feels the option of the applicant is to apply for a Plan Amendment if they desire to increase the density to the proposed 4.1

3. The Council further finds that this denial shall not limit the applicant by time period, from submittal of a development plan that complies with the 3 unit per acre density currently designated for said property. Such a submittal may be made at anytime in accordance with regularly scheduled Planning Commission meetings and applicable submittal deadlines

EXHIBITS


The following Exhibits are hereby entered into the public record by the City Council as confirmation of its consideration of the application as submitted:

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents, including revised Plan and additiona letters from Alpha Engineering, Inc., dated December 16, 1984, and Doug Seely, dated December 22, 1983.
4. Planning Commission Resolution 83PC32, dated November 14, 1983.
5. Planning Commission Minutes dated November 14, 1983.

6. Letter from Larry Blanchard, Public Works Director, dated January 4, 1983 and Report from Public Works, dated November 1, 1983.
7. Community Development and Land Use Survey.
8. Tualatin Rural Fire District letter, dated October 26, 1983.
9. Homebuilders' Association of Metropolitan Portland re addressing density, dated December 5, 1983.
10. Letter from Russell L. Guiss, M.D., dated November 12, 1983.
11. Applicant's Economic Comparison letter, dated November 11, 1983.
12. Real Estate Contract Agreement between Dorothy Lehan, et al, and Environmental Neighborhoods, Inc., dated September 15, 1978 and (Lot 34) attachment, dated March 5, 1982.
13. Summary Report from Planning Director, dated February 13, 1984.
14. Letter of Appeal from Alpha Engineering, Inc., dated January 12, 1984.
15. Planning Commission Minutes, dated January 9, 1984.
16. Planning Commission Resolution 83PC32, dated January 9, 1984.

17. Final signed Planning Commission Resolution 83PC32, dated January 9, 1984
18. Letter from Alpha Engineering, Inc., requesting additional time in the continuation from the November 14th Planning Commission meeting, dated November 23, 1983.
19. Minutes to City Council hearing on appeal, dated February 21, 1984

ADOPTED by the City Council of the City of Wilsonville at a regular meeting, thereof this 19th day of March, 1984, and filed with the City Recorder this same day.



WILLIAM G. LOWRIE, Mayor

ATTEST:



VERA A. ROJAS, City Recorder, Pro-tem

CITY OF



Wilsonville

P.O. Box 220 / Wilsonville, Oregon 97070
503 / 682-1011

PLANNING COMMISSION MINUTES

November 14, 1983

Willamette Valley Wesleyan Church
29775 Town Center Loop East
Wilsonville, Oregon

Members present: Marian Wiedemann, Stan Maves, Mike Williams,
Rich Drew and Helen Burns
Members absent: Lew Hendershott and Arland Andersen
Legal Counsel: Mike Kohlhoff
Staff present: Steve Winstead and Judee Hunnicutt

Chairman Drew called the meeting to order at 7:09 p.m.

MINUTES OF AUGUST 8, 1983, SEPTEMBER 12, 1983 AND OCTOBER 10, 1983

Mike Williams noted that Don Richards was not speaking as an opponent on the Wilsonville Square '76 project. Mike Williams moved to approve the Minutes of August 8, 1983. Marian Wiedemann seconded the motion which passed 3-0 with Rich Drew and Stan Maves abstaining.

Helen Burns moved for approval of the Minutes of September 12, 1983, as circulated. Marian Wiedemann seconded the motion which passed 2-0 with Rich Drew, Stan Maves and Marian Wiedemann abstaining.

Rich Drew moved that the Minutes of October 10, 1983, be approved. Stan Maves seconded the motion which passed 5-0 with Mike Williams abstaining.

PUBLIC HEARINGS

Public Hearing to Adopt Supplemental Findings for 17-slip
Boat Dock at Day Dream River Estates, Edwards Industries,
Applicant

Rich Drew noted that this project has already been approved by

the Planning Commission, but due to failure to properly notify the Parks Division for the State of Oregon, tonight's public hearing was necessary to do so.

Rich Drew noted that Steve Winstead was attending the meeting in Ben's place tonight as Ben was at the League of Oregon Cities accepting a first place award for the best Capital Improvements Plan for any City in the State.

Helen Burns questioned what Design Review Board did on this project. Steve Winstead noted that Design Review did look at what effect the dock would have on the Greenway.

Steve presented slides of the project noting that the Planning staff found that the use of the dock is in compliance with the Comprehensive Plan. He noted that the applicant has gone to the State and they have accepted this as a private dock. The original Plan showed the slips as being perpendicular to the shore and the revised Plan shows them as parallel to the shore.

Leslie Howell, Wilsey & Ham, 521 S. W. 11th, Portland, noted that the dock is now 225 feet long and that they concur with the Staff Report. She stated they have added a guest boat slip to make number 18.

Molly Burns, 6850 Montgomery Way, Wilsonville, pointed out some safety problems concerning the boaters on the Willamette in this vicinity.

Marian Wiedemann questioned how the Planning Commission could tell the Day Dream Ranch river frontage property owners they cannot have access to the river for their boats when Montgomery Way and Charbonneau residents do have access. Helen Burns added that she feels the line should be drawn at this point in time for safety's sake.

Stan Maves stated he agreed with Helen regarding the safety factor, but also could not see how the Planning Commission could limit these particular people from using their boats on the river.

Stan Maves moved to approve the supplemental findings for the 18-slip boat dock at Day Dream River Estates. Marian Wiedemann seconded the motion which passed 4-1 with Helen Burns voting against.

Wilsongreen - PDR Preliminary Plat for subdivision to be located on Tax Lots 2200 and 2701, T3S-R1W, Section 15, Alpha Engineering, Applicant

Steve Winstead presented slides of the project. He noted that there were several concerns which were not addressed by this applicant, but were addressed by the previous applicant. One was density, whether it was appropriate to allow 4.21 units per acre. Another is the saving of natural amenities. Also, the question of some of the existing systems which support this property, i.e., storm sewer. The Public Works Department is awaiting information which will indicate whether the

water and sewer lines will be adequate to serve the project. The layout of the lots, in particular, the turn radius of some of the lots needs to be addressed. Also, the 35-foot minimum width for a cul-de-sac is not being met. Steve noted that the applicant did submit some cost analysis which stated there is a need for smaller economical single-family detached units. This need is based on the existing market trends. However, staff still finds the information submitted is not adequate to substantiate the increase in density.

Doug Seely, 1780 S.W. Advance Road, West Linn, noted they did agree with the staff that this project needs to be reconsidered and brought back to the Planning Commission.

Marian Wiedemann noted that plans of taking down any of the Fir trees would not be in their best interest. Doug Seely replied that the trees would not be taken down to any extent as shown on the existing Plan.

Mike Kohlhoff presented a letter from Dr. Guiss for the record.

Chairman Drew opened the public hearing.

Dr. Guiss explained his concerns regarding the drainage on his property.

Steve Winstead noted that he had discussed this with Larry Blanchard, Public Works Director, and Larry has proposed three possible solutions. One is that a line be run from the Lehan residence and daylighted out to the area on the southeast corner of the property, or improve the ditch in order to accommodate all the users of the ditch, or provide a catch basin to be located on the west side which would carry a majority of the storm water and run a line from there to daylight it out the same area on the southeast corner.

Jean Young stated she was very concerned about the heavy density and the trees.

Dorothy Lehan, 29865 S. W. Brown Road, Wilsonville, noted she appreciated the efforts which the City has made to address a number of the same concerns she has.

Chairman Drew asked Doug Seely how soon he expected to be able to come back to the Planning Commission. Doug replied in December maybe, if not, in January. Steve gave the applicant until Monday, November 28, to get his resubmittals in to him.

Stan Maves moved to continue the public hearing. Helen Burns seconded the motion which passed 5-0.

Meeting was adjourned at 8:30 p.m.

PLANNING DEPARTMENT
SUMMARY STAFF REPORT**TO:** CITY COUNCIL**DATE:** February 13, 1984**SUBJECT:** APPEAL OF PLANNING COMMISSION DENIAL - WILSONGREEN 83PC32**MEETING DATE:** FEBRUARY 21, 1984**ACTION REQUIRED:** Hold Public Hearing - Confirm Commission action and deny; Reverse Commission action and approve; or, interpret the applicable Comprehensive Plan Policies relative to density and remand the Preliminary Plat to the Commission for reconsideration.**PREVIOUS ACTION TAKEN:**

On May 20, 1980, the Planning Commission approved the Preliminary Plat (80PC9) for 117 lots and 33 multi-family units - Total 150 units.

CONCLUSIONARY FINDINGS:

1. The Planning Commission found that the proposal represented an increase in density from 3 to 4.1 units per acre. They further found that said increase was not consistent with the intent of Policy 4.4.7 of the Comprehensive Plan, which allows the Commission to override the designated density for a development to meet special needs, i.e., low and moderate or elderly housing. Therefore, they concluded that the increase requested would require a Plan Amendment.
2. Alpha Engineering, Inc., representing the applicant, has filed an Appeal of the Commission's Action, in accordance with Section 4.017 WC.
3. See additional Findings on the following pages.

RECOMMENDATION:

Denial, based on Findings set forth in Exhibit 13. Final action must be adopted by Resolution.

PROCEDURAL ISSUES

1. On September 29, 1983, Alpha Engineering, Inc., representing CED Enterprises, Inc., submitted an application for a revised Preliminary Plat for the Wilsongreen Planned Development, Tax Lots 2200, 2201 and 2700, 31W15.

On November 14, 1983, the Wilsonville Planning Commission held a public hearing to consider the revised Preliminary Plat. The Commission took testimony, declared the application incomplete, and continued the hearing, directing the applicant to submit additional information and to further consider reducing the overall density proposed, paying particular attention to existing trees and environmentally sensitive areas. (See Exhibits 4 and 5 attached).

On November 28, 1983, the city received a letter from Alpha Engineering, Inc., representing the applicant, requesting Staff to allow a further continuance of the Commission's hearing until January 9, 1984, to allow them to properly respond to the Commission's request for modification and supplement information. (Said letter attached hereto as Exhibit 18). The applicant's completed resubmittal was received by the Planning Staff on December 22, 1983.

On January 9, 1984, the Commission reopened the hearing from the November 14th continuance, to consider the revised submittal documents, a revised Staff Report, and to hear additional testimony on the matter. The Commission concluded the hearing by denying the request; as set forth in their Final Resolution 83PC32, dated January 9, 1984, and signed by the Chairman (Exhibit 17 attached). Said action is further described in the Minutes of the hearing (attached hereto as Exhibit 15).

On January 12, 1984, the city received a letter of appeal and the appropriate appeal fee from the applicants. Subsequently, on January 16, 1984, the City Council set a date for the appeal to be held on February 21, 1984.

Said hearing was duly advertised in accordance with the procedures set forth in Section 4.011 of the Wilsonville Code.

2. Under the provision of House Bill 2295, Section 27, amending ORS 227.160 to 227.180, enacted by the 62nd Oregon Legislative Assembly, in the 1983 regular session, the local governing body is required to take final action on an application for a permit or zone change, including resolution of all appeals under ORS 227.180 within 120 days after the application is deemed complete. For the purposes of the subject appeal the application was considered to be complete on December 22, 1983. If the city fails to render a final action within said time period, the applicant may apply in the Circuit Court of the County for a Writ of Mandamus to compel the city to issue an approval. The writ shall subsequently be issued unless the governing body shows that the approval would violate a substantive provision of the city's Comprehensive Plan or land use regulations.

PROCEDURAL ISSUES (Continued)

3. In setting the date for the Public Hearing on this appeal the City Council neither declared a De Novo Hearing nor authorized submittal of additional testimony, as set forth in Section 4.017(6)WC. Therefore, as set forth in Section 4.017(5)WC the review shall be held on the record. Further, in their review, the Council shall first determine if the Commission followed the correct procedures in making their decision, and second, was the correct or appropriate decision made based on the applicable policies and standards.
4. The City Council finds that the proper procedures were followed by the Commission. Appropriate and timely notice was provided, and the hearing was held in accordance with the procedures set forth in Chapter 4 of the Wilsonville Code.

DESCRIPTION OF THE APPLICATION

5. Following discussions with the Planning Staff the applicant submitted a revised Preliminary Plat for the Wilsongreen Planned Development on September 29, 1983. The application represented a revised lotting pattern from the Wilsongreen Plat approved by the Planning Commission in 1980. The summary details of the original Plat are as follows:

49.83 acres
117 single family lots, minimum 7500 sq. ft.,
average 8965 sq. ft.
33 multi-family units on 3 acres in the southeast
corner

150 Total Units
15.10 acres open space
3.01 units/acre gross density
4.32 units/acre effective net density, not excluding
streets

The revised Preliminary Plat (submitted 9/29/83) included the following facts:

49.83 acres
210 single family lots, minimum 5000 sq. ft.
0 multi-family units

210 Total Units
9.92 acres open space
4.21 units/acre gross density
5.26 units/acre net density, not excluding streets

DESCRIPTION OF THE APPLICATION (Continued)

Subsequent to the Planning Commission's continuation of the public hearing, the applicant submitted a revised plat on January 5, 1984. The revised plat showed the following lotting pattern:

49.83 acres (39.41 net)
200 single family units, minimum lot size 5,000;
average 6160 sq. ft.
0 multi-family units
200 Total Units
10.42 acres open space
4.01 units/acre gross density
5.07 units/acre net density, not excluding streets

6. In their application the applicant sought to apply Policy 4.4.7 of the Comprehensive Plan to justify the increased density, based on a need to provide lower cost housing.

DISCUSSION APPLICABLE COMPREHENSIVE PLAN POLICIES AND CODE STANDARDS

7. The subject property is designated residential 1-3 units per acres on the Comprehensive Plan. It is currently zoned PDR - Planned Development Residential. The property is not a designated area of special concern.

Section 4.136 of the Wilsonville Code states as follows:

"(5) When calculating density of a planned development, the total area shall include the area of the proposed development, including streets, dedications and mapped open space designated in the Comprehensive Plan up to ten per cent (10%) of the total land area. All the open space designated in the Comprehensive Plan can be outdoor living area."

The total gross area of the development is 50.648 acres including all proposed street dedications and designated open space.

Based on the original 1980 Plat, which was never recorded, the designated open space consisted of 15.10 acres. Therefore, the net density calculation and density transfer allowed would be as follows:

50.648 ac. gross acres
- 15.100 ac. open space
35.548 Net Buildable X 3 units/acre = .107.00 Units
plus 15.100 Acres Open Space X 3:45 units X 10% = 4.53 Units
111.53

DISCUSSION APPLICABLE COMPREHENSIVE PLAN POLICIES AND CODE STANDARDS (Continued)

The Council finds, however, that the 1980 approval was issued under the provisions of the old zoning code, Ordinance No. 23. This Ordinance did not calculate density as set forth above. At that time, density was calculated on a straight gross acreage basis with all density transferred to the net buildable area. Thus, the original approval of 150 units was based on 50 acres X 3 units per acre.

Since the original approval was still a valid Plan, and could have been final platted as approved, the guaranteed density of the site was presumed by the staff and Planning Commission to be 150 units.

8. The approval of housing developments in Wilsonville are guided in general by the city's Housing Goal which states as follows:

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

Other applicable objectives of the Plan are as follows:

OBJECTIVE 4.3.1: Establish residential areas that are safe, convenient, healthful, and attractive places to live, while encouraging variety through the use of clusters and planned developments.

OBJECTIVE 4.3.2: applied only to "Old Town".

OBJECTIVE 4.3.3: Encourage the development of diverse housing types, but maintain a balance in the types and location of housing available, both currently and during future development. Such housing types shall include, but not be limited to, apartments, single family detached, common wall single family, manufactured homes, mobile homes and condominiums in various structural forms.

OBJECTIVE 4.3.4: Encourage a geographical distribution of housing within the City.

DISCUSSION APPLICABLE COMPREHENSIVE PLAN POLICIES AND CODE STANDARDS (Continued)

- OBJECTIVE 4.3.5: Accommodate the housing needs of the existing residents of the City of Wilsonville. The future status of existing mobile home dwellers, within the City, is a particular concern in establishing this objective.
- OBJECTIVE 4.3.6: Make available housing for a reasonable proportion of the employees and their families who work in the City.
- OBJECTIVE 4.3.7: Coordinate housing development with the social and economic needs of the community.
- OBJECTIVE 4.3.8: Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.
- OBJECTIVE 4.3.9: Restrict the number of housing starts to the capacities of public facilities and services.
9. Prior to submittal of the revised Plans, the applicants met with the Planning Staff. They inquired as to the potential to increase the density on the site. Staff advised them that they had two options in seeking a density increase:
1. Apply for a Plan Amendment, or,
 2. Attempt to justify an increase under the provisions of Policy 4.4.7 of the Comprehensive Plan, which states as follows:
- POLICY 4.4.7: To provide variety and flexibility in site design and densities, residential lands shall be divided into land use planning districts with the following prescribed density ranges for each district:
- Suburban Low Density Residential (S.L.R.) Density: 0-1
 - Urban Low Density Residential (U.L.R.) Density: 1-3, 3-5
 - Urban Medium Density Residential (U.M.R.) Density: 5-7, 7-12
 - Urban High Density Residential (U.H.R.) Density: 12-20

DISCUSSION APPLICABLE COMPREHENSIVE PLAN POLICIES AND CODE STANDARDS (Continued)

Site development standards and performance criteria will be developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting special needs (e.g., low/moderate income, elderly or handicapped).

This policy shall not be administered in such a manner so as to increase the overall density of the City or to violate other provisions of this Plan.

However, in applying Policy 4.4.7, Staff warned the applicant to pay particular attention to the last two paragraphs of the Policy, which limit its intent to meeting special housing needs. It was further indicated that except for an applicant of this Policy to a proposed elderly housing project, "to provide for a continuum of care, in future phases," this policy is untested.

Therefore, staff suggested an opportunity existed, with the instant application, to begin to interpret or refine the extent to which the policy would apply.

10. In preparing their recommendations the Planning Staff sought to apply as liberal an interpretation of Policy 4.4.7 as possible. This approach was taken in an effort to provide maximum flexibility through the PDR Zoning to assist a struggling housing market. In this regard Staff suggested the following interpretation in application of the policy:

Policy 4.4.7 set out Planning Districts which group density ranges (see Finding No. 9). The subject property is designated 1-3 units per acre, which is further classified within the Urban Low Density Planning District. This District also includes a 3-5 density range.

Therefore, it could be interpreted that densities within the same Planning District could be considered as generally equal, thereby allowing movement from 1-3 to 3-5 without a formal plan amendment. The final density allowed would be based on a balancing of other applicable policies of the Plan, such as open space, general design details, and adequate public facilities.

DISCUSSION APPLICABLE COMPREHENSIVE PLAN POLICIES AND CODE STANDARDS (Continued)

Within the broader framework, it was staff's opinion that the Planning Commission still could exercise considerable control of final density and design details, by judging each application on its own merits relative to individual site characteristics, etc. In other words, pure density figures would not and should not be the only test in approving a development plan. Any plan, even within the designated density range, must also meet the general intent of the PDR Zoning as well as other elements of the Comprehensive Plan.

REVIEW OF COMMISSION ACTION

11. Essentially, in making their final decision, the Planning Commission elected to rely on a strict interpretation of Policy 4.4.7. They further were not convinced that a "Special Need", either existed for moderate cost housing, or was such an assumed need specifically met by the applicant's proposal.

The Commission discussion of this issue is outlined in the minutes attached hereto as Exhibit 15, specifically Page 7 of 9, with statements of Williams and Drew.

It is acknowledged that the Commission narrowed its final action to a pure density figure to conclude that a Plan Amendment was required. Nevertheless, the Commission also expressed considerable concern over the actual design details of the development above and beyond density numbers. The record indicates the Commission was not satisfied with the development plan in general and simply chose to focus on density as the reason for rejecting the entire proposal.

STAFF CONCLUSIONS AND RECOMMENDATIONS

12. The Planning Staff continues to favor a liberal interpretation of Policy 4.4.7 and density ranges. At the same time, however, we also recognize the concerns raised by the Planning Commission regarding density and general design details. Therefore, the following interpretations are recommended:
 - a. Affordable housing is clearly a recognized goal of the city's Comprehensive Plan. The Plan further, however, sets objectives to provide opportunities for various housing types and densities throughout the city. It was not the intent of the Plan to provide all types and densities in all parts of the city. Other historical development patterns, surrounding characteristics and specific sensitive environments were used to allocate density ranges throughout the city.

STAFF CONCLUSIONS AND RECOMMENDATIONS (Continued)

- b. Section 4.121(7)(a) of the Wilsonville Code establish base R-Zone lot size standards as follows:

<u>Plan Density</u>	-	<u>Minimum Lot Size</u>
3 units per acre	-	One (1) detached unit - Fifteen Thousand square feet
	-	One (1) attached unit - Twenty Thousand (20,000) square feet, two (2) family max.
5 units per acre	-	One (1) detached unit - Seven Thousand (7,000) square feet
	-	One (1) attached unit - Ten Thousand (10,000) square feet or Five Thousand (5,000) square feet per unit, except as provided in Section 4.121(7)(b).
7 units per acre	-	One (1) detached unit - Five Thousand (5,000) square feet
	-	One (1) attached unit - Eight Thousand (8,000) square feet or Four Thousand (4,000) square feet per unit, except as provided in Section 4.121(7)(b).
7 units per acre	-	Multiple family dwellings for three (3) to six (6) units - Three Thousand (3,000) square feet per unit.
12 units per acre	-	One (1) detached unit - Five Thousand (5,000) square feet.
	-	One (1) attached unit - Eight Thousand (8,000) square feet or Four Thousand (4,000) square feet per unit, except as provided in Section 4.121(7)b.

- c. The PDR Section of the Code is intended to provide flexibility and promote creative designs. This flexibility allows for development patterns resulting in density transfers that increase the effective net density from the pure designated numbers of the Comprehensive Plan.

STAFF CONCLUSIONS AND RECOMMENDATIONS (Continued)

Generally, within a PDR review it would be appropriate to consider a lotting pattern within the same general Planning District as suggested by staff in Finding No. 9 above, i.e., 1-3 and 3-5, provided that the resulting lot sizes conformed to the standards set forth in Section 4.121(7)(a). For example, in the instant application in a 1-3 range at Urban Low Density, lots could be allowed in the 5 unit per acre range or 7,000 sq. ft. would be considered as 7 units per acre, which is not an Urban Low Density range.

This is generally consistent with the action on the original Wilsongreen approval in 1980, when compared to the current Plan Policies.

- d. Policy 4.4.7 is intended to provide exceptional flexibility to address "Special" housing needs. Therefore, the Commission was correct in concluding that a "Special Need" must be demonstrated in order for the policy to apply to a density increase outside of that described above.
- e. The applicant provided a reasonable demonstration that lot size affects housing cost. The city is further generally aware of and desirous of meeting moderate cost housing needs as proposed by the applicant.

However, there is no compelling evidence that moderate cost housing is a "Special Need" as envisioned in Policy 4.4.7. Rather this type of housing is a general need which can be met in many other areas of the city within designated density ranges.

Therefore, the Commission correctly interpreted this policy in concluding that a Plan Amendment would be required to allow the density and lotting pattern proposed.

EXHIBITS

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

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents, including revised Plat and additional letters from Alpha Engineering, Inc. dated December 16, 1983, and Doug Seely, dated December 22, 1983.
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5. Planning Commission Minutes dated November 14, 1983.
6. Letter from Larry Blanchard, Public Works Director, dated January 4, 1983, and Report from Public Works dated November 1, 1983.
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10. Letter from Russell L. Guiss, M.D. dated November 12, 1983.
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83PC32, dated January 9, 1984.
18. Letter from Alpha Engineering, Inc. request-
ing additional time in the continuation
from the November 14 Planning Commission
meeting dated November 23, 1983.

CITY OF



Wilsonville

P.O. Box 220 / Wilsonville, Oregon 97070

503 / 682-1011

PLANNING COMMISSION MINUTES

January 9, 1984

Wilsonville City Hall
30000 Town Center Loop East
Wilsonville, Oregon

Members present: Rich Drew, Helen Burns, Marian Wiedemann, Lew Hendershott, Mike Williams and Arland Andersen

Member absent: Stan Maves

Legal Counsel: Mike Kohlhoff

Staff present: Steve Winstead and Judee Hunnicutt

Chairman Drew called the meeting to order at 7:00 p.m.

CONSIDERATION OF MINUTES

Rich Drew asked that the Minutes reflect, in the Day Dream boat dock section, the testimony of Molly Burns be changed to read: ". . . speaking as an opponent, pointed out that this would add to safety problems concerning the boaters on the Willamette in this vicinity."

Marian Wiedemann moved that the Minutes be accepted as corrected. Mike Williams seconded the motion which passed 3-0 with Arland Andersen and Lew Hendershott abstaining.

PUBLIC HEARING

Wilsongreen - PDR Preliminary Plat to be located on Tax Lots 2200 and 2701, T3S-R1W, Section 15, Alpha Engineering, applicant

Steve Winstead noted this was a continuation from the November meeting because of some concerns which the Planning staff and Planning Commission needed to work out. Some of the concerns were:

- Preservation of the natural amenities, particularly the Fir trees in the southeast corner of the subdivision;
- Whether the 4.2 units per acre should be allowed based on the Comp Plan which allows for increased density on the basis of a special need;
- The layout of the streets and cul-de-sacs;
- Streets not designed to City standards.

The applicant has resubmitted and all the street issues were addressed. Lot alignments were made to adjust the 20-foot curb-cut radii. The lots on cul-de-sacs were redesigned to a 35-foot minimum frontage width. The lots in the southeast corner were realigned to preserve more of the trees.

Helen Burns arrived at 7:06 p.m.

Steve presented the slides again. He noted that the applicant had made an extensive effort to preserve the trees. Their report stated they were removing 113 trees which is less than the amount approved for removal on the previous development plan. One item not addressed was the fact that the applicant did not show the actual scale of the trees as far as where they stood in relation to the position of the houses. Staff asked that the applicant submit to Design Review Board the location of the trees to be preserved and that during construction these trees be roped or fenced around their drip line to protect them from construction damage.

The Planning staff and Planning Commission felt an interpretation of Policy 4.4.7 should be addressed. Staff suggested an interpretation might be that there are two reasons for allowing an increase in designated density:

One, that the applicant must identify a special need, i.e., low to moderate income housing or elderly housing. An applied example is the elderly housing project proposed to be built east of City Hall; or, two, that the proposed falls within the same density range grouping, e.g., low, medium or high.

The applicants are requesting four units per acre. The property is designated 1-3 per acre. However, the 1-3 and 3-5 ranges are both classified as urban low density. Therefore, they could be considered to be within the same general density range.

Steve noted there is currently only one subdivision buildable at 4 units per acre in the City at this time - Parkwood Estates. Therefore, a special need could be considered to exist. With the interpretation, the applicant has addressed both the range and densities issue.

Mike Williams noted that the Planning staff had defined the special need in terms of density. He stated he felt this was conclusionary. He asked if \$30,000 would purchase a low-to-moderate

income lot.

Marian Wiedemann stated that in all the many times this piece of property has come before the Planning Commission, it has never been earmarked for medium density or low-cost housing. This rather was to be one of the choice building areas in the City. At this point we are winding up with the smallest square footage of any of the lots which the Planning Commission has allowed. She felt that when there is a real need for building in the higher density with smaller lots, some of the other subdivisions in town will so build. She stated she felt there was no reasoning for the high density and the small lots in this choice an area.

Larry Blanchard, Public Works Director, noted he had reviewed both the plats when they were submitted to the City. He sent a Memo to Ben on November 1, 1983, listing a number of concerns, including the impact of this density on the utilities' system. He recommended that a traffic study be done concerning the street system functions at the intersection of 110th and Brown Road.

The applicant does not want to establish a homeowners' association. Larry Blanchard noted there are two areas designated as tot lots. Usually a homeowners' association would maintain tot lots or a Parks Department would maintain the lots and they would be dedicated to the public. The City does not want to have the tot lots dedicated to the City. Carl Jensen suggested the lots be maintained by the Parks Department under a contract with the City whereby the developer would pay for the maintenance for an ongoing length of time. Larry noted he had not had time to talk to Mike Kohlhoff about the liability involved. He also questioned who would do the maintenance on the storm sewer ditch on the property adjacent to Dr. Guiss' property.

Larry noted the applicant would have to meet the minimum CFS discharge standard. Lew Hendershott asked whose property the drainage would be on. Larry replied that at this time he has looked at two options - one, a ditch which is on both Dr. Guiss' property and the school's property. Carl Jensen stated after approval they would put together an agreement with Dr. Guiss and the school.

Steve noted that on the northeast corner of Dr. Guiss' property, there is some land which has to be set aside as an easement for discharge. He made a recommendation that this be added as a Condition of Approval. Larry noted this would be a requirement for Public Works - that they submit easements to the City for the dedication of the storm sewer, sanitary and water.

Mike Kohlhoff asked what the applicant's objection to the homeowners' association was. Larry referred this question to Doug Seely.

Lew Hendershott asked Larry if he felt that an 8" sanitary sewer line was large enough to accommodate 200 homes. Larry replied that an average 8" system would be able to accommodate 300 homes. He noted that the Parkwood Estates area had to be considered along with Wilsongreen.

Rich Drew asked Larry to clarify the proposed right-of-way and pavement width on East Brown Road and North Brown Road. Larry replied this was a half-street improvement to be verified through the traffic analysis.

Doug Seely, 1780 S. W. Advance Road, West Linn, noted that this was not low income housing, but rather middle income housing and noted that the families who would be buying the Wilsongreen homes would be \$30,000 a year income families. He stated that Wilsongreen has always been intended to address these same \$30,000 a year income families. In order to bring the cost of housing down to this level, lots have become smaller and densities higher.

Doug noted that they basically agreed with the staff report, but wished to address certain points. On page 7, he noted the density had dropped from 4.21 to 4. In Finding no. 15 on page 8, he pointed out that they did comply with both LCDC Goal no. 5 and Policy 4.5.1.a, b and c. Finding no. 16 on page 9 - felt it was more than just a policy decision on staff's part that the project could increase in density and was clearly an indication in the Comp Plan. He pointed out that in 1980 condominiums were desirable, marketable and feasible for Wilsongreen and now they are not. On page 10, staff pointed out that there is no other property at this density that has sewer and water services available.

On page 11, Finding no. 17, Doug noted they did not propose tot lots originally. There is a proposed City park adjacent to Wilsongreen, plus Wood School is nearby with a pathway from the project to said school. Doug pointed out that tot lots are just as much a problem for the subdivision homeowners as they are the City. He suggested they be taken out of the plans. If they are not taken out of the plans, he suggested the Council decide if they will be dedicated to the City and how they will be maintained.

Doug walked through each Finding and Condition of Approval. He noted that in Condition of Approval 13, page 14, he felt the City should not be attempting to enforce the conditions of a contract through Conditions of Approval through a subdivision.

Mike Kohlhoff asked Doug Seely why he did not want a homeowners' association for this project. Doug replied that they did not object to the homeowners' association, but what the homeowners' association would be asked to do, i.e., maintain tot lots.

Carl Jensen noted that when one sets up a homeowners' association, you have set up a mechanism where you collect money to do certain things. These certain things have to be spelled out which become very lengthy. This has to satisfy the State and Federal requirements. This has to be all put together in a booklet form which becomes very negative.

Chairman Drew opened the public hearing.

Dorothy Lehan, 29865 S. W. Brown Road, Wilsonville, noted that she was not speaking just as an opponent, but regarding issues which

concerned her. She stated she was extremely dissatisfied at the increased density. She noted she knew the history of the Comp Plan and the fact that this area was one of the few 1-3 areas in the Comp Plan. On page 12, she noted concern regarding the walkway, located at the base of a hill just south of her home. She requested that careful consideration be given to the location - to leave the trees, provide refuse for wildlife and avoid hazards for people using the pathway. She noted she would like on-site views of the terrain and consideration of the walkway being placed closer to the south property line. She invited any of the Commissioners to come out and look at the area. She noted she fully supported proper attention to the drainage problems. She also noted she was less than happy with Doug Seely's comments tonight. She stated she had spent long hours with the previous developer regarding the agreement with Environmental Neighborhoods, Inc. and felt it would be distasteful if he suggested it not be recognized as a planning issue.

Lew Hendershott questioned the pathway being a problem as far as rapes and child molestations. Dorothy Lehan replied that this was the reason she asked that the pathway be located more to the south - there is less brush and fewer trees which would result in a better chance to make it a safer walkway.

Ron Anderson, 10460 S. W. Tranquil Way, Wilsonville, stated he felt there will not be enough off-street parking. He noted he felt the odd-shaped lots would eliminate any possibility of imagination in the construction of houses which, in turn, will end up with a lot of T-111. He noted he is only mildly opposed to the project because it is too dense. He noted he, too, shared Dorothy Lehan's concern about the location of the pathway particularly because of the closeness to Dammasch. He suggested we go back to 1 - 3, use some imagination as far as placing the houses on the lots, etc.

Arland Andersen suggested some of the tot lots be replaced with parking areas.

Sherri Young, 28740 S. W. Parkway, Unit B4, Wilsonville, stated her main concern was with the density. Noted she was not satisfied with the double talk about meeting the specifications - when Doug Seely stated this wasn't low to moderate income housing, but middle income housing. Noted we don't have single-family houses in the \$50,000 range here, but there is housing in that range - mobile homes and condominiums. If the Planning Commission decides to grant an increase in density on the basis of providing housing on the basis of a particularly low price, it should be restricted to one area and not to 50 acres. The second criteria is to stay within the range of the Comp Plan - 1 to 3. The exception to that is that the overall density in the City is not increased. If the density is increased to 4, felt the density was increased 33-1/3%. Felt Ron Anderson's argument that this increase would be necessary in the future might be valid. Doug Seely also made the same statement. This does not fit the current Plan. This is a Plan revision, not meeting the criteria of the current Plan.

Sherri suggested putting in some larger lots immediately adjacent to the existing homes. She noted if there are larger lots, then children could play in their own back yards and the need for tot lots would not be so prevalent. She cautioned placing homes too near the Douglas Firs, which go over in windstorms.

David Young, 28740 S. W. Parkway, Wilsonville, noted he, too, had always heard this project talked about in terms of 1 to 3 units per acre and on the Comp Plan Map it is 1 to 3. He also expressed a concern for the argument of using the special needs of the low to moderate income people for rationalizing increasing the density. Felt that the argument of using the special needs of the low to moderate income people to rationalize increasing the density would leave the City open for the next developer to come in and offer to build cheaper houses yet. Felt that the City should wait until the economy picks up some and proceed as originally intended on its project.

John Grossman, 12140 S. W. Fairview Lane, Wilsonville, noted he was against the density. He, too, felt the trees would be disturbed if too many were cut down and sooner or later they would all go over. Felt the Commission should stick by the Comp Plan with changes to be made at a future time when the City is ready for it.

Doug Seely stated he understood how people feel when they live next to a piece of property and watch a proposal for a density increase which is different from what they have anticipated. Nevertheless, this project is proposing only 4 units per acre which is not a high density or a medium density, but a very reasonable low density. He reminded the Commission that this change in density can be done either by a formal Comprehensive Plan process or through the language in the Plan in the Housing Development section. He noted that lots of any consequence have not been provided in the City for years. Felt that under today's changed social circumstances there has to be a way to provide housing for the people who work in Wilsonville, but cannot live here because of the housing shortage.

Marian Wiedemann noted that none of the people involved in planning the houses and presenting them to the Planning Commission live in Wilsonville. When they go home they leave behind the results from people wanting to come in and make money in Wilsonville.

Doug Seely noted he has been very involved with Wilsonville and does not live here himself, but shares her concerns. He noted the vacant land which does not meet the needs of the people needs to be changed in density so as to be usable. Felt that the City does not need a plan which sits on the shelf and vacant land which doesn't meet the needs of the people trying to be a City - needs to be a mix of people, jobs, housing, utilities, etc.

Chairman Drew asked who the applicant actually was. Doug replied that Lincoln Savings and Loan owns the property. CGO Enterprises is a development company trying to buy the property and Alpha Engineering has been retained to plan the project.

Arland Andersen questioned the available tracts which have been platted in the City, the status of the plats and what size of lots they were platted for. Steve referred him to page 16 of the Exhibits. A list of current actual buildable lots is on page 17.

Mike Williams stated he felt this should be a Comprehensive Plan change rather than a maneuvering within the district because of the way the Comprehensive Plan map is structured. Felt the ranges shown on the map were intended as comprehensive planning districts and would not be subject to change, but could have some divergence between 1 to 3 or 5 to 7. Once you move out of that, then you have a complete change in the Comprehensive Plan which requires an amendment.

Chairman Drew noted he agreed - that we cannot mix 1 to 3 and 3 to 5. He used the example that if a dog is a warm-blooded mammal and a cat is a warm-blooded mammal, then a dog is a cat.

Mike Kohlhoff asked Rich Drew if LCDC people informed us that to get our Plan approved, some special consideration had to be given to these areas. Rich replied he didn't think so, but the Comp Plan does specifically say that 1 to 3 does mean the absolute right to go 3, and not have to compromise and take 2 or 1. Rich also noted that he felt that some consideration should be given to the economic factors and the increase in density for moderate-income housing. He felt for that criteria alone the increase in density should be considered, but not on the argument that 1 to 3 might be 3 to 5 because there is a sentence in the Comprehensive Plan which groups those two separate densities under the same title.

Chairman Drew closed the public part of the hearing.

Arland Andersen stated he felt at times people lose sight of the fact that there are people who would love to have a home, even with the housing costs per square foot as high as they are. Felt we should help these people out if at all possible.

Lew Hendershott noted on Lots 17 and 18 of Block 2, the applicant shows a 16-foot common driveway for both lots. Chairman Drew noted he recommends that be changed to a 20-foot driveway instead. Lew pointed out that there is no place to turn around coming out of the driveways. They will have to back out of a 75-foot driveway. Felt it was too dense also. Felt that since the Code provided for 1 to 3, the Commission should stick to it.

Helen Burns noted she felt that they did not ask for a Plan Amendment and approval in that area is for 1 to 3 and should be left at 1 to 3.

Mike Kohlhoff noted, for the record, that he felt Condition of Approval 13 should be addressed and worked out. He stated he had reviewed, on Dorothy Lehan's behalf, the original earnest money with Environmental Neighborhoods. He noted the City has had a policy if

there was a contractual agreement which might affect the City or put the City in the position where it might be drawn into litigation, the parties involved would have to work this out first.

Arland Andersen asked for clarification from Steve regarding the only reason for this being authorized as 1 to 3 and 3 to 5 was housing for the elderly, handicapped or low income. Steve noted that the consensus that the Planning staff made in the Findings is not the way that the Planning Commission looks at this section. Staff felt that Policy 4.4.7 in its entirety justified the increase in density. Staff looked at districts and not ranges. The Comprehensive Plan divided the districts into four different categories or subdistricts. Any increase of density within a specified district is not considered a plan amendment to increase density as long as it stays within that district. Planning Commission disagrees with this. The Commission is stating that density ranges as in the Comprehensive Plan designation is what Wilsongreen is about. The second need addresses moderate housing - according to the recent survey, there are only 69 available lots which have been waiting since 1978 to be built. Thus, staff felt this was a justifiable reason for granting the increase in density.

Chairman Drew explained further the special consideration as a "special need" - one of which must be met in order to increase the density such as low or moderate income, elderly or handicapped exist within the City. The Planning Commission feels this need is not being met with the current development within the City and the proposal presented does fulfill this special need. He noted regarding the planning districts that during the planning process, there was a length of time that the Commission was considering the Comp Plan to be low density residential, suburban low density residential, urban low density residential and urban medium density. Then the Commission set specific density ranges. He noted that the historical consideration of previous density designations (e.g., urban medium density) could not be used to justify density increases beyond the current Comp Plan designations.

Mike Williams moved to amend the proposed Planning Commission Resolution to deny the application of the Preliminary Plat based upon change in the Findings, revising paragraph 16 on page 9 to provide that the application as submitted was for four units per acre which, after consideration of the Comprehensive Plan map, is outside of the density range for this particular piece of property and that the proposal be more properly considered as a Comprehensive Plan Amendment; and deny the application on the basis that it is not conformative with the Comprehensive Plan map and text; that the remainder of the Findings and the Conditions of Approval of the staff report be deleted. Helen Burns seconded the motion.

Arland Anderson stated he did believe there was a need stated for a smaller lot in a buildable area in this community and that there were none available at this time. Chairman Drew noted that the economic conditions are significantly different than

they were when the Comprehensive Plan was put together. He felt the basis could be made on need alone.

Lew Hendershott called for the question. The motion was voted on and passed 4-2 with Arland Andersen and Rich Drew voting against.

Steve noted that the Comprehensive Plan Amendments are reviewed only four times a year. The next review will be August 13, with the deadline June 14.

COMMISSIONERS' CONCERNS

Lew Hendershott asked Steve if CC&R's had been filed for Fairway Village in Charbonneau. He noted a buyer had purchased all the lots and questioned if the requirements for the new CC&R's had been carried over to the new purchaser. Steve noted it runs with the land, therefore, if the sale had been approved with the CC&R's, they should have been included. Mike Kohlhoff asked if the new purchase had come into City Hall to pick up the approval documents. Steve noted he would look into this.

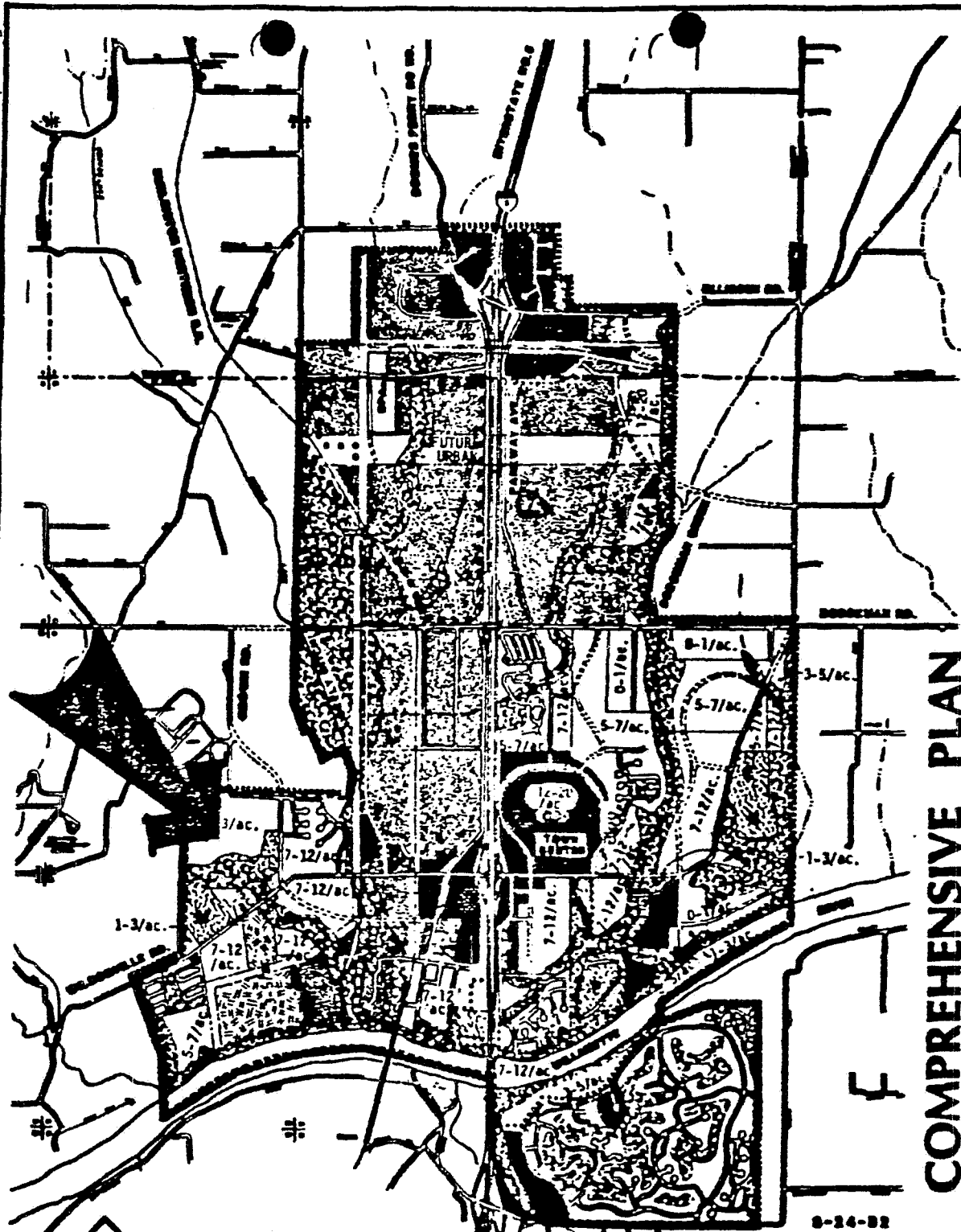
PLANNER'S BUSINESS

Steve noted Marian Wiedemann had been the liaison between the Design Review Board and Planning Commission for the past year and done an excellent job. This liaison responsibility runs on a year-by-year basis. Arland Andersen moved that Marian Wiedemann again be the liaison between Design Review Board and Planning Commission. Rich Drew seconded the motion which passed 5-0 with Marian Wiedemann abstaining.

Meeting was adjourned at 9:30 p.m.

Minutes approved by the Planning Commission, February 13, 1984.

WILSONGREEN PRELIMINARY PLAT 83 PC 32



COMPREHENSIVE PLAN

NORTH

SCALE 1"=2000'
0 1000 2000 3000

CITY OF WILSONVILLE

<p>0 to 20 RESIDENTIAL (density units per acre)</p>	<p> PUBLIC LANDS</p>	<p> POWER LINE EASEMENTS</p>
<p> COMMERCIAL</p>	<p> CITY LIMITS</p>	<p> WILLAMETTE RIVER GREENWAY BOUNDARY</p>
<p> INDUSTRIAL PARK</p>	<p>P - PARKS</p>	<p> PROPOSED STREETS</p>
<p> OPEN SPACE (all open space is not shown on map - see plan text)</p>	<p>E - ELEMENTARY SCHOOL</p>	<p> URBAN GROWTH BOUNDARY</p>
<p> CONTINUING AGRICULTURE (future conversion density)</p>	<p>MS - MIDDLE SCHOOL</p>	<p> FUTURE URBAN GROWTH BOUNDARY</p>
	<p>H - HIGH SCHOOL</p>	

PLANNING COMMISSION
RESOLUTION NO. 83PC32

A RESOLUTION APPROVING THE PDR PRELIMINARY PLAT
FOR WILSONGREEN TO BE LOCATED ON TAX LOTS 2200
AND 2701, T3S, R1W, SECTION 15, ALPHA ENGINEERING,
APPLICANT

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 January 9, 1984, 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 does hereby deny the Preliminary Plat for Wilsongreen as herein described.

RHD



Chairman, Planning Commission

Attest:



PLANNING DEPARTMENT**SUMMARY STAFF REPORT****TO:** Planning Commission**DATE:** 4 Jan. 84**SUBJECT:** Wilsongreen Subdivision (83PC32)**MEETING DATE:** 9 January 84**ACTION REQUIRED:** Approval of a Resolution Approving the PDR Preliminary Plat for Wilsongreen to be located on Tax Lots 2200 and 2701, T3S, R1W, Section 15, Alpha Engineering, Applicant**PREVIOUS ACTION TAKEN:** 14 November 83 Planning Commission approved Planning staff's recommendation for a continuation in order for the applicant to address the staff's negative Findings.**CONCLUSIONARY FINDINGS:**

1. The applicant has resubmitted the Preliminary Plat which addresses the following:
 - A. Revised lot alignment to comply with 20-foot curb cut radius of all corner lots.
 - B. Revised cul-de-sac lot alignment to comply with the 35-foot minimum street frontage and followed the staff's recommendation for Lot 18, Block 2, as per Finding 18 and Exhibit 8 of the previous staff findings.
 - C. Revised the lot alignment and layout at the southeast corner where applicable, to provide for preservation of the existing Fir trees.
2. There needs to exist a means of monitoring the on-site preservation of the natural amenities in the southeast corner of the subdivision.
3. The increase in density has not been adequately addressed by the applicant as being a special and specific need.
4. See attached supplemental Findings.

RECOMMENDATION:

Approval with Conditions. See attached Conditions.

FINDINGS

The following Findings are hereby adopted by the PLANNING COMMISSION and entered into the public record in consideration of the application as submitted in conformance with the City's Comprehensive Plan and Zoning Regulations.

PDR - PLANNED RESIDENTIAL SITE DEVELOPMENT STANDARDS

	<u>Code Standard</u>	<u>Proposed</u>	<u>Code Compliance</u>	
	(NA - Not Applicable)		Yes	No, see Finding no.
A. <u>Land and Building Improvements</u>				
1. Lot size				
A. Total site area	_____ acres	<u>49.83</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>14</u>
B. Lot size	1. <u>5000 SF</u> minimum	<u>5000-9000</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. <u>N/A</u> average	<u>6160</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Number of units - Total units	<u>200</u> SF	<u>ϕ</u> MF		
D. If subdivision, number of lots	<u>200</u>			
E. Density	<u>3</u> units/acre	<u>4</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>16 a.b.</u>
2. Building setbacks				
	<u>15</u> ft. front	<u>20</u> ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>5-7</u> ft. R.side	<u>5</u> ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>5-7</u> ft. L.side	<u>5</u> ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>15</u> ft. Rear	<u>20</u> ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Building size				
	A. minimum (SF)	<u>900-1600</u> sq.ft.		
	B. average (SF)	<u>1200</u> sq.ft.		
	C. Minimum (MF)	<u>NA</u> sq.ft.- Average (MF)	<u>NA</u> sq.ft.:	
d. Number of units - Phase I - 1 bedroom	_____ units			
	2 bedrooms _____ units			
	3 bedrooms _____ units			
	4 or more bedrooms _____ units			
	TOTAL	<u>45-60</u> units		
e. Number of units-all phases 1 bedroom	_____ units			
	2 bedrooms _____ units			
	3 bedrooms _____ units			
	4 or more bedrooms _____ units			
	TOTAL	<u>200</u> units		
f. Building height	<u>35</u> ft. <u>2 1/2</u> stories	<u>35</u> ft. <u>1 1/2</u> stories	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Consideration of sun exposure plane	yes	no	<input type="checkbox"/>	<input type="checkbox"/> <u>NA</u>
h. Bulk storage area provided	yes	no		

	<u>Code Standard</u>	<u>Proposed</u>	<u>Code Compliance</u>	
	(NA = Not Applicable)		Yes	No, see Finding no.
4. A. No. Off-street parking				
Standard (9' x 18')	<u>400</u>	<u>400</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(30% over 10 allowed)				
Compact (8½' x 17')	<u>120</u>	<u>φ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1 to 50 required)				
Handicapped (12' x 18')	<u>φ</u>	<u>φ</u>	<input type="checkbox"/>	<input type="checkbox"/>
B. Type of parking				
1. Uncovered	_____	spaces		
2. Carport	_____	spaces		
3. Garage	<u>400</u>	spaces		
		SINCE FINAL PLANS FOR EACH LOT HAVE NOT BEEN RECEIVED THE NUMBER OF PARKING SPACES ASSUMES 2 CAR SPACES PER LOT WHETHER GARAGES OR NOT		
5. Lot coverage				
A. Dwellings	<u>25</u> %	<u> </u> %	<u> </u> sq. ft.	<input checked="" type="checkbox"/> <input type="checkbox"/>
B. All buildings	<u>30</u> %	<u>30</u> %	<u>1500</u> sq. ft.	<input checked="" type="checkbox"/> <input type="checkbox"/>
C. Parking/paved	<u>NA</u> %	<u>NA</u> %	<u> </u> sq. ft.	
D. Landscaping - total site	<u>25</u> %	<u>60.6</u> %	<u>30.19</u> ac.	<input checked="" type="checkbox"/> <input type="checkbox"/> <u>17,21</u>
1. Parking area	<u> </u> %	<u> </u> %	<u> </u> sq.ft.	
2. Outdoor living area	<u>25</u> %	<u>70</u> %	<u>19.8</u> ac.	<input checked="" type="checkbox"/> <input type="checkbox"/> <u>17,21</u>
3. Screening/buffering	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no		<input type="checkbox"/> <input type="checkbox"/>
4. Irrigation system	<input checked="" type="checkbox"/> Manual	<input type="checkbox"/> Auto		
6. Safety/Crime Prevention				
A. Location of addressing	_____		<input type="checkbox"/>	<input type="checkbox"/>
B. Natural Surveillance	_____		<input type="checkbox"/>	<input type="checkbox"/>
C. Type exterior lighting	_____		<input type="checkbox"/>	<input type="checkbox"/>
7. Access/Egress				
A. No. curb cuts	<u>200</u>	<u>200</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Width of curb cuts	<u>20</u>	<u>24</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Distance fm. intersection	<u>NA</u>		<input type="checkbox"/>	<input type="checkbox"/>
D. Vision Clearance	<u>NA</u>		<input type="checkbox"/>	<input type="checkbox"/>
E. Clear travel lane width	<u>NA</u>		<input type="checkbox"/>	<input type="checkbox"/>
F. Pavement width	<u>NA</u>		<input type="checkbox"/>	<input type="checkbox"/>
G. Pedestrian pathways	<u>NA</u>	<u>1</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Yes No See Finding No.

8. Open Space/Slope Protection

- A. Existing vegetation protected 15
- B. Slopes over 20% restricted to 30% impervious coverage
- C. River and stream corridors protected
- D. Adequate erosion control provided

Previous approval actions and applicable Conditions of Approval:

- 9. A. Zoning None File no. 83 PC 32; see Findings nos. 14
- B. Design Review None Preliminary Final; File no. 81 DR 19
see Findings nos. _____.
- 10. Inter-Agency Review Comments: None See attached Exhibit Nos. 6B
- 11. Intra-Agency Review Comments, including City Engineer and other consultants:
 None See attached Reports - Exhibits nos. 8 and
Findings nos. 20.

12. PUBLIC FACILITIES

Right-of-Way Width

Pavement Width

A. Public Streets

Name	Right-of-Way Width			Pavement Width		
	Existing or New	CIP Std.	Proposed	Existing	CIP Std.	Proposed
<u>EAST BROWN ROAD</u>	<u>36</u>	<u>60</u>	<u>50</u>	<u>20</u>	<u>40</u>	<u>20</u>
<u>NORTH BROWN ROAD</u>	<u>36</u>	<u>60</u>	<u>40</u>	<u>20</u>	<u>40</u>	<u>20</u>
<u>CAMELOT - 'C' STANDARD</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>0</u>	<u>36</u>	<u>36</u>
<u>LOCAL STREETS 'A' STANDARD</u> <small>FOR CUL-DE-SACS.</small>	<u>50</u>	<u>52</u>	<u>50</u>	<u>0</u>	<u>32</u>	<u>32</u>
<u>LOCAL STREETS 'B' STANDARD</u> <small>FOR LOCAL STREETS.</small>						

B. Traffic impact analysis

Name	Existing Capacity	Existing Volumes	Proj. Trip Generation			Adequate to Serve		
			Phase One	Level of Service	All Phases	Yes	No	see Finding no.
<u>BROWN ROAD</u>	<u>6000</u>	<u>1000</u>	<u>1600</u>	<u>4800</u>	<u>3100</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>19</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

C. For new street, see also Design Standards page "C" STANDARD FOR CAMELOT

D. Public water	line size <u>8" φ</u>	Distance from site <u>15'</u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>18</u>
E. Sanitary sewer	line size <u>8" φ</u>	Distance from site <u>100</u>	<input type="checkbox"/>	<input type="checkbox"/>	<u>18</u>
F. Storm drainage basin - Seely <input checked="" type="checkbox"/>	Boeckman <input type="checkbox"/>	Willamette <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>18</u>
No. on-site catch basins <u>38</u>	nearest culvert/ditch <u>10</u> ft.	size culvert/ditch _____ inches	<input type="checkbox"/>	<input type="checkbox"/>	<u>18</u>
On-site retention <input checked="" type="checkbox"/> no <input type="checkbox"/> yes,	storage capacity _____ cu. ft.		<input type="checkbox"/>	<input type="checkbox"/>	<u>18</u>

13. Complies with CIP yes no - see Finding no. _____

14. Other Plan or Code Regulations:

The Planning Commission reviewed this Preliminary Plat on November 14, 1983. The Findings are attached in Exhibit 4. Since the first hearing, the applicant has resubmitted the proposal with the following particulars:

Net Area	49.83 acres
Open Space Area	10.39 acres
Lot Outdoor Living Area	19.8 acres
Street Area	11.16 acres
Building Area	8.48 acres

Building area assumes a maximum of 30% total lot coverage of all buildings including accessory buildings.

The new proposal indicates a reduction in the number of units per acre from 4.21 to 4.

The Planning Commission approved the staff's recommendation of resubmittal by the applicant for the purpose of addressing the negative Findings 17, 18, 19, 21 and 23 submitted to them on November 14, 1983.

This resubmittal would include:

- A. Revised lot alignment to comply with 20-foot curb cut radius at all corner lots.
- B. Revised cul-de-sac lot alignment to comply with the 35-foot minimum street frontage. In addition, indicating yard setbacks for all lots.
- C. Submittal of additional documentation addressing the increase in density.
- D. Revise the lot alignment and layout of the southeast corner, where applicable, to provide for preservation of existing Fir trees. An existing inventory was required to substantiate the lot alignment.

15. The Planning Commission finds the proposed subdivision does comply with both the LCDC Goal No. 5 and Policy 4.5.1.a, b and c.

LCDC Goal No. 5 states: "To conserve open space and protect natural scenic resources."

- Policy 4.5.1:
- a. The major natural drainageways, environmentally sensitive areas and significant stands of trees or other vegetation shall be designated as primary or secondary open space.
 - b. Primary open space is intended to remain undeveloped with the possible exceptions of passive recreation and underground public facilities. These areas include the following:
 - (1) 100 year floodways
 - (2) Slopes greater than 20%
 - (3) Significant stands of trees, including all trees and vegetation within 150 feet of the banks of the Willamette River, but not including orchards.
 - (4) Major natural drainage channels
 - c. Secondary open space is intended to serve as a buffer to primary open space areas. They may be developed in accordance with special development standards and shall be evaluated through a conditional use and design review process, except when the proposal is a part of a planned development.

- (1) Land within the Willamette River Greenway Boundary, but beyond the 150-foot line.
- (2) High voltage powerline easements.
- (3) The 100-year flood plain fringe.
- (4) Slopes between 12% and 20%.
- (5) Designated historic sites.
- (6) Small stands of trees and heavily vegetated areas adjacent to primary open space areas.

The applicant has preserved the primary open space, namely, the drainage basin in the southern portion of the development, consisting of 9.42 acres and designated as track "A". The Planning Commission finds the applicant has made a significant attempt to preserve the secondary open space consisting of a large number of old grown Fir trees in the south-east corner of the subdivision. There are 113 trees planned to be removed under the proposed Plan which is less than the 132 planned in the previous proposal presented in 1980 (80PC9).

Although there are fewer trees to be removed under this proposal, the Plan does not indicate the scale of the trees in relationship to the proposed building layout. For the sake of preservation, the number of trees to remain should also be designated.

16. The Planning Commission finds that the application as submitted was for four units per acre which after consideration of the Comprehensive Plan map is outside of the density range for this particular piece of property and that the proposal be more properly considered as a Comprehensive Plan Amendment; and denies the application on the basis that it is not conformative with the Comprehensive Plan map and text; that the remainder of the Findings and the Conditions of Approval of the staff report be deleted.

EXHIBITS

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

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents.
4. Planning Commission Resolution 83PC32.
5. Planning Commission Minutes dated November 14, 1983.*
6. Letter from Larry Blanchard, Public Works Director, dated January 4, 1983 and Report from Public Works dated November 1, 1983.
7. Community Development and Land Use Survey.**
8. Tualatin Rural Fire District letter dated October 26, 1983.
9. Homebuilders Association of Metropolitan Portland re addressing density dated December 5, 1983.
10. Letter from Russell L. Guiss, M.D. dated November 12, 1983.

*Included in this packet to be approved.

**Included in this packet.