

RESOLUTION NO. 1309

A RESOLUTION ADOPTING A ZONE ORDER AMENDING THE OFFICIAL ZONING MAP TO APPLY PLANNED DEVELOPMENT RESIDENTIAL (PDR) ZONING FOR TAX LOT 801 (2.0 ACRES), AND ADOPTING FINDINGS AND CONDITIONS AND APPROVING STAGE I AND STAGE II SITE DEVELOPMENT PLANS FOR A 58-UNIT SENIOR CITIZEN APARTMENT COMPLEX AND PARKING. THE SITE IS IDENTIFIED AS BEING TAX LOT 801, T3S-R1W, 14C, WILSONVILLE, CLACKAMAS COUNTY, OREGON. THE REORGANIZED CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS WITH THE CONSENT OF MARIAN WIEDEMANN, APPLICANT.

WHEREAS, upon due notice, a public hearing on Zoning Order No. 96PC09 was scheduled and heard on August 5, 1996; which Zoning Order proposes that the Council adopt the Development Review Board's recommendation of approval (with conditions) of the application of the Reorganized Church of Jesus Christ of the Latter Day Saints with the consent of Marian Wiedemann for a zone change and order amending the official zoning map from *Residential Agriculture - 1 Acre Minimum (RA-1)* to *Planned Development Residential (PDR)* for a two-acre parcel identified as Tax Lot 801 and Section 14C, T3S-R1W, Clackamas County, Oregon for 58-units of senior citizen housing including Stage I and II Site Plan approval ; and

WHEREAS, an application, together with Planning exhibits for the above-captioned development was submitted on February 16, 1996, in accordance with the procedures set forth in Section 4.008 (5) and 4.139(1) and (2) of the Wilsonville Code; and

WHEREAS, the Planning Staff has prepared a report dated May 13, 1996, (Case File No. 96PC09) on the above captioned subject for review and recommendation by the Development Review Board, and a report dated July 29, 1996 attached hereto as Exhibit "B"; and

WHEREAS, the Development Review Board (DRB) held public hearings on May 13, 1996, and recommended approval of the requested amendments and on July 8th, 1996, at their hearing on the architectural and landscape issues, recommended that City Council approve 58 units with conditions; and

WHEREAS, the City Council on August 5, 1996, considered a preliminary design for turning movements at Wilsonville Road/Brown Road and an Arborist's report on the trees affected by the road improvements; and

WHEREAS, the applicant presented new information to DRB on July 8, 1996, that the project was for low and very low income senior citizen occupants with major financial constraints and that land dedication to protect the landmark treed area of the site was a means not only of protecting the trees and allowance for the widening of Wilsonville Road once detailed, but also a way of securing needed SDC credits; and

WHEREAS, the Wilsonville City Council at a public hearing on August 5, 1996, considered the Development Review Board's recommendations, the Planning Department, Engineering Department and Building Department reports and recommendations and considered public testimony and site plans; and

WHEREAS, the City Council, providing public notice of the hearing in accordance with the State law and Chapter 4 of the Wilsonville Code, having duly considered all evidence and testimony adopts the Development Review Board's Resolution with modifications to the findings, conclusions and conditions and has directed staff to prepare this Resolution which will adopt Zoning Order No.96PC09 with the modifications as determined by the City Council this date.

WHEREAS, the applicant has offered a one-half (1/2) acre heavily treed area for dedication to the city to provide permanent protection of the significant trees and provide a natural passive recreational site including pathway and to include the necessary right of way for widening of Wilsonville Road and Brown Road and the staff has recommended acceptance of the dedication.

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

1. Zoning Order No. 96PC09, a copy of which is marked as Exhibit A attached hereto and incorporated by reference as fully set forth herein, is adopted and so ordered;

2. The Planning Director is hereby authorized to issue a site development permit consistent with approval of Stage I and Stage II approvals.

3. The Director is authorized to amend the official zoning map in keeping with the application request and decision herein;

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

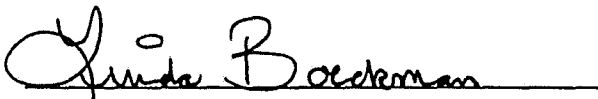
5. The most southerly one-half (1/2) acre of Tax Lot 801 offered for dedication by applicant is accepted and the City Attorney is authorized to prepare the necessary documents for the Mayor's signature.

APPROVED by the City Council of the City of Wilsonville at a regular meeting thereof this 5th day of August, 1996, and filed with the Wilsonville City Recorder this same date.



GERALD A. KRUMMEL, Mayor

Attest:



LINDA BOECKMAN, Deputy City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>
Councilor Leahy	<u>Yes</u>
Councilor MacDonald	<u>Yes</u>

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

**In the Matter of the Application of)
the Reorganized Church of Jesus Christ)
of the Latter Day Saints with the consent)
of Marian Wiedemann for a rezoning of) **ZONING ORDER 96PC09**
land and amendment of the Wilsonville)
Zoning Map as set forth in Section 4.102)
of the Wilsonville Code)**

The above entitled matter is before the Wilsonville City Council to consider the application and request of the Reorganized Church of Jesus Christ of the Latter Day Saints with the consent of Marian Wiedemann for a zone change and order amending the official Zoning Map from *RESIDENTIAL AGRICULTURE - One Acre Minimum (RA-1)* to *PLANNED DEVELOPMENT RESIDENTIAL (PDR)* for two acres of land identified as Tax Lot 801; Section 14C; T3S-R1W; Clackamas County, Oregon. The property is generally located northeast of Wilsonville Road and Brown Road. This application includes a request for the City Council to approve a Stage I Master Plan and a Stage II Preliminary Plan for a 58-unit senior citizen housing complex for low and very low income tenants.

The Wilsonville Development Review Board (DRB) held public hearings on this application on May 13, 1996, and after closing the hearing, approved the project with conditions and on July 8, 1996 (during review of landscape and architecture), recommended approval of 58 units with conditions. DRB recommends that the Council APPROVE the Zone Map Amendment, Stage I and Stage II Final Site Plan, subject to thirty-four (34) Conditions of Approval for the project along with findings as proposed by Planning Staff and modified by the Board.

It appears to the City Council that the Development Review Board's record of proceedings, along with the Board's recommendations which have been forwarded to the Council, is complete and factual and the Council hereby adopts the following Findings, the amended Conditions of Approval and, in doing so, finds that this application should be

approved with the Conditions as follows, and it is therefore, approved with Conditions as follows:

WILSONVILLE CITY COUNCIL
ADOPTED CONDITIONS OF APPROVAL
96PC09
WIEDEMANN PARK SENIOR APARTMENTS
Stage I Master Plan and Stage II Final Site Plan
Zone Map Amendment

1. Site development plans are approved for a 58-unit senior apartment including Stage I Preliminary Development Plan, together with zone map amendment to convert RA-1 zone to PDR zone. .
2. The developer shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
3. The following waivers are approved:
 - A. Apply Plan Policy 4.4.7 to allow 29 du/ac for moderately priced, elderly housing.(As defined by the Federal housing Act).
 - B. Reduced rear yard setback - From 25' to 20'(apartment building),
The proposed, easterly garage shall be constructed on the west side of the apartment building of the parking lot to help screen the central parking lot from Brown Road.
 - C. Parking: Section (2)(b)(2) requires 1.5 parking spaces per dwelling unit. Minimum code is 78 parking spaces. 45 parking spaces and 10 garage spaces are approved for a total 55 parking spaces.
4. The applicant shall install temporary fencing along the boundary of the Secondary Open Space (SOS) as depicted on the site development plan so that the SOS is not disturbed. Furthermore, the applicant shall hire a licensed arborist to assure that the trees designated to be preserved will not be disrupted or injured from site and building construction.
5. The applicant shall construct a 5' wide concrete, 5' off-set sidewalk along the west side of the project site fronting Brown Road. The sidewalk shall be constructed prior to occupancy.
6. The applicant shall comply with the conditions identified in the City Building Department and City Engineering Department reports identified as Conditions PF 1-18 and BD 1-4.
7. The applicant shall coordinate with the Southern Metropolitan Area Rapid Transit (SMART) Director in locating a transit stop to serve the project.

8. In the event the applicant retains ownership of the southerly Secondary Open Space area, then all of the trees shall be preserved. The applicant shall construct a 5' wide pathway within a 10' wide public easement between the proposed sidewalk in Brown Road and the southeast corner of the property at Wilsonville Road. The pathway through the natural area can be constructed with a natural surface such as bark providing that the pathway meets the American with Disabilities Act and subject to Brown Road and Wilsonville Road intersection improvements. Meander the pathway through the trees including a pathway connection to the Brown Road/Wilsonville Road intersection. If the property is dedicated to the City, then the applicant is not required to build the above pathway.
9. The applicant shall install one bicycle rack to accommodate four (4) bicycles. Locate the bicycle rack within close proximity to the main building entrance, and if possible, under covering. The bicycle rack shall be of the design that bicyclists can provide their own locking device to secure the frame and both wheels.
10. This Stage II approval is given with the understanding and limitation that no more than 13 peak hour trips will travel through the Boones Ferry Road/Wilsonville Road intersection from the subject property. The applicant shall prepare a mitigation plan to accomplish this condition. The City Engineer shall review and approve the proposed mitigation plan. Such plan shall include but not limited to the following elements: 1) Publicize need to reduce PM peak hour trips; 2) Encourage use of multi-occupant vehicles including transit.
11. The Stage II approval will expire two years after final approval if no development has occurred on the property within that time unless extended by the DRB for just cause.
12. The City Council approves the proposed 58 apartment units subject to the following alternative approaches to setbacks, due to the clarifications presented by the applicant that this is a low to very low income housing project for seniors. At the Applicant's discretion, the preferred option for maintaining the 25-foot setback is for the acquisition of additional property to the north. The second option would be the nine-foot and four-foot option which decreases the northern setback to 11 feet, decrease the 14 foot distance between the building and sidewalk to five feet and the southern most setback behind the garages to one foot.

THE FOLLOWING THREE CONDITIONS OF APPROVAL WERE ADDED AUGUST 5, 1996 BY THE CITY COUNCIL:

13. **The City Council approval is subject to the applicant returning to the DRB with an arborist's plan to protect the on-site trees during construction.**
 14. **Pedestrian access shall be provided from the senior citizen housing project to the public park land to the south.**
 15. **Curb cuts and crosswalks shall be constructed at the intersection of Brown Road and Camelot.**
- PF 1. From the materials submitted, it appears that the domestic water and sanitary sewer facilities will be obtained from main line connections. The materials, as proposed, show main line extensions that are to be used in conjunction with the construction

of the proposed development. Separate Engineering Drawings reflecting the installation of these public utilities will be required.

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

- PF 2. The Engineering Division reserves the right to inspect the completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.
- PF 3. All public utility/improvement plans submitted for review shall be based upon a 24" x 36" format and shall be prepared in accordance with the City of Wilsonville Public Works Standards.
- PF 4. Record drawings are to be furnished by the applicant for all public utility/improvements (on 3 mil. mylar) before the final Punch List Inspection will be performed.
- PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the applicant shall, at his cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to the Engineering Division.
- PF 6. Plans submitted for review shall meet the following general format:
 - A. Composite Utility Plan
 - B. Detailed Utility Plan and Grading Plan.
 - C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
 - D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
 - E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - G. All new public utility/improvements and/or utilities shall be installed underground.
 - H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a registered professional Engineer of the State of Oregon.

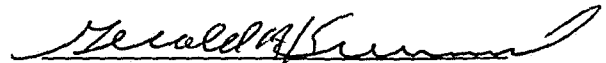
- J. Sketch showing adjacent driveway conditions.
- PF 7. The applicant shall install, operate and maintain adequate erosion control measures during the construction of any public utilities and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 8. The applicant shall install City approved energy dissipaters and pollution control devices at each storm drain outlet point.
- PF 9. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Said wells shall be properly abandoned in conformance with their standards.
- PF 10. The applicant shall assure that required landscaping does not restrict intersectional site distance of driveways intersecting Brown Road north and south of subject site.
- PF 11. The applicant shall construct a minimum 24 ft. wide concrete street improvement along the property fronting Brown Road. The City Engineer may modify concrete materials to asphalt at his discretion. Street improvement shall include curb and gutters with a five foot side walk and street trees. Improvements greater than 24 feet will be eligible for street system development charge credits. In lieu of the improvements outlined above, a sum equal to the estimated cost of the street improvements shall be deposited with the City prior to any occupancy being allowed.
- PF 12. The applicant shall dedicate sufficient right-of-way to accommodate a 3-lane section with a 6 foot bike lane and a 5 foot side walk, offset five feet from face of curb along the property fronting Brown Road.
- PF 13. The applicant shall dedicate a 6 foot public utility easement along the entire property fronting Brown Road.
- PF 14. The applicant shall deposit funds with the city sufficient to construct the following improvements to the Wilsonville Road and Brown Road intersection:
- A. Modify signal to increase cycle length to 90 seconds.
 - B. Construct east bound left turn lane, including all associated lane markings.
 - C. Construct west bound left turn lane, including all associated lane markings.
- PF 15. The applicant shall align driveway proposed on Brown road directly opposite of Camelot Street.
- PF 16. The applicant shall direct all storm drainage to the south and east of subject site.
- PF 17. The applicant shall stake boundary of dedicated park before any construction begins or permits issued. Once staked, no construction debris or equipment shall encroach into proposed park area.
- PF 18. The applicant shall mark and fence to the drip line of all trees to be preserved before any site clearing is performed.
- BD1. Provide fire hydrants within 250 feet hose-lay fashion of all exterior walls.

- BD2. Provide additional fire department apparatus access within 150' hose-lay fashion within all exterior walls.
- BD3. This building is required to be protected by an automatic fire sprinkler system. The required fire department connection shall be located at least 40 feet away from the building and within 70 feet of a public fire hydrant.
- BD4. This building is being reviewed as an R-1 apartment building and not a Group I Division 2 nursing home.

ORDERED that the property above-described is hereby rezoned as follows:
from *Residential Agriculture - One Acre Minimum (RA-1)* to *Planned Development Residential (PDR)*. and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

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

DATED: This 5th day of August, 1996



GERALD A. KRUMMEL, Mayor

ATTEST:



LINDA BOECKMAN, Deputy City Recorder