

**RESOLUTION NO. 1343**

**A RESOLUTION APPROVING STAGE I AND STAGE II FINAL PLAN FOR DEVELOPMENT OF NOT LESS THAN 342 UNITS AND NOT MORE THAN 372 UNITS, SUBJECT TO FINAL ARCHITECTURAL REVIEW. MR. STEVE MOZINSKI OF ROBERT RANDALL CORP., AND WENDIE L. KELLINGTON FOR BURNS WESTERN, APPLICANT/APPELLANT(S). THE PROPERTY IS LOCATED ON TAX LOTS 300 AND 407, SECTION 12, T3S-R1W, CLACKAMAS COUNTY, OREGON.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, was submitted in accordance with the procedures set forth in Section 4.008 (5) and 4.139 of the Wilsonville Code; and

WHEREAS, the Wilsonville City Council upon appeal of the Development Review Board's denial of the subject application, remanded the application for further hearing and action, such remand was De Novo; and

WHEREAS, the applicant submitted a new plan with supporting text and the Planning staff prepared a staff report on the above-captioned subject remand which is on file in the Planning Department; and

WHEREAS, the planning exhibits and staff report were presented for review by the Development Review Board at a regularly scheduled meeting conducted on November 25, 1996; and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on November 25, 1996, at which time said exhibits, together with findings were entered into the public record, and the Development Review Board had duly considered the remanded and revised subject application and the recommendations contained in the staff report, and interested parties have had an opportunity to be heard on the subject, and the Development Review Board denied the application as submitted, finding that the applicant had not carried its burden of demonstrating compliance with the Comprehensive Plan and Development Code applicable provisions; and

WHEREAS, the Wilsonville Planning Department received an appeal and a supplemental appeal on December 9, 1996, of the Development Review Board's denial of the subject application; and

WHEREAS, appeal(s) and record and staff report dated December 9, 1996, and the record of the proceedings below, were presented for review by the City Council at a regularly scheduled meeting conducted on December 16, 1996; and

WHEREAS, said record, appeal(s) and staff report were duly considered by the City Council at a regularly scheduled meeting conducted on December 16, 1996, at which time exhibits, together with findings were entered into the public record; and

WHEREAS, the new metro Regional Functional Plan recommends, and within two years requires, a minimum density standard of 80% of the maximum permitted site density which calculates to  $20 \times 80\% = 16$  du/net ac for the subject site or 336 dwelling units minimum which also meets the dwelling unit calculation used as the basis for distributing costs to the participants of LID #12; and

WHEREAS, the Comprehensive Plan Policy 4.3.4, Structure Type Balance, if literally applied and includes duplexes to meet the single-family requirements and no more than 60% multiples within the zones analysis, such standard would only allow 296 total units on the site and a density of only 14 du/net ac, which is lower than encouraged by the METRO standard; and

WHEREAS, the midpoint of the density range (of 12-20 du/ac) is 16 du/ac and the METRO standard appears to be a practical minimum and a reasonable balance of structure-type mix compared to desired density because of site constraints due to wetlands, hillsides and open space and tree preservation objectives; and

WHEREAS, in determining housing type mix within traffic zones the City of Wilsonville has consistently utilized the METRO definition of duplex structures as being more similar to single-family structure type as compared to multiple-structure types, and Wilsonville Development Code 4.001(21) includes duplexes as single-family dwellings; and

WHEREAS, the City Council finds the Comprehensive Plan density ranges and open space have been incorporated in the Zoning Code 4.131 and 4.136; and

WHEREAS, in balancing the density ranges and calculation of density and the balance of housing and traffic zones, the City Council finds that the density be given more weight to provide affordable housing than balancing single-family with multi-family in traffic zones. And further, balancing the designated open space protection of natural resource areas and allowing recreational opportunity areas, the City Council finds the range of 342-372 multi-family homes appropriate. But that further delineation of unit numbers is subject to the specific architectural design and landscaping design may be approved by design review; and

WHEREAS, the City has encouraged preservation of designated open space areas to protect natural resource areas and to allow use as potential recreational opportunity areas; and

WHEREAS, the Parks and Recreation Master Plan standards of 2.5 ac/1000 people require approximately one and one-half acre of neighborhood park space to serve the expected site population of over 600 people; and

WHEREAS, in the immediate vicinity of the Canyon Creek North project, there are planned or approved developments to serve at least 1,400 additional residents (Shin, Berry, and Venture Properties); and

WHEREAS, in order to maintain livability within higher density developments, it is essential to include within apartment complexes usable, accessible parkland and playgrounds; and

WHEREAS, the Canyon Creek North neighborhood park as proposed by the applicant is contiguous to other potential parkland that in combination could be developed as a large neighborhood or community park; and

WHEREAS, the City Council, at a De Novo public hearing, has duly considered the remanded and revised application and appeal(s), and the recommendations contained in the staff report; and

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

NOW, THEREFORE, BE IT RESOLVED

1. That the City Council of the City of Wilsonville does hereby approve the application as revised (with conditions) for Stage I preliminary plan and Stage II final plan for not less than 342 units and not more than 372 units, subject to final architectural review.
2. That the following conditions of approval are hereby adopted.
  - a. The applicant shall develop the site, i.e., buildings, parking and drives, in substantial compliance with the approved Stage II, Final Plan as approved by the City Council. It is realized that minor revisions in the development will occur prior to and during the construction phase. Minor site development revisions may be reviewed by the Planning Director under a Class I administrative review.
  - b. The applicant shall submit a site and design review application to the Development Review Board for improvements to apartment/garage/carport architecture, outdoor living areas, landscaping, recreation building, pathways, signs, and fence/wall

- details. The application must be approved by the DRB prior to the issuance of building permits of any apartment unit or duplex.
- c. The applicant shall install temporary fencing along the boundaries of Primary Open Space/wetlands so those areas are not disturbed from construction.
  - d. The applicant shall comply with the conditions represented in the City Building Department and City Engineering Department reports represented in Exhibits E and F to the Planning Department staff report.
  - e. The applicant shall coordinate with the Southern Metropolitan Area Rapid Transit (SMART) Director in locating and providing a transit stop or bus shelter to serve the project.
  - f. The applicant shall accurately reflect on the landscape plan in the Site Design application to the Development Review Board the approved Canyon Creek North landscaping and wetland mitigation construction documents as approved in LID #12.
  - g. As determined by the Development Review Board, as part of the Site Design Review process, the applicant shall make every reasonable and feasible attempt to save conifers and deciduous trees, especially Oregon White Oaks. During planning and construction of the project, the applicant shall retain a certified arborist to assure that the designated trees will be protected.
  - h. The applicant shall link all pathways so that there is continuity in the pathway system and to extend pathways to the southerly and northerly properties near the east side of the subject Property "A".
  - i. The applicant shall link 24' wide paved driveways to the southerly and northerly properties near the east side of subject Property "A".
  - j. The applicant shall coordinate with the Building Official to control the proposed emergency driveway at Canyon Creek Road for emergency vehicle access only.
  - k. The applicant shall consider including overflow parking in the BPA easement as part of the plan.
  - l. Proposed Buildings C-14 and C-15 are nearest to the wetlands boundary. The applicant shall submit plans to the DRB in the Site Design application showing increased landscape buffering between

wetlands and buildings C-14 and C-15. (Delete this condition if Alternative "B" is approved.)

- m. Although public park dedication is not a requirement, the provision of accessible parkland and playgrounds for the use of the residents of the apartment complex is required. The applicant shall submit detailed neighborhood park development plans consistent with the parkland, tot lots, and recreation center and pool areas shown on the approved Stage II development plans. The application must be approved by the DRB prior to the issuance of building permits for any apartment or duplex units.
  - n. Should the applicant and the City agree to public dedication of the neighborhood parkland located on the northeast corner of the site, the park portion of the project will be eligible for Parks SDC credits and/or SDC matching funds to help defray the cost of park development. In any event, parks maintenance shall remain the responsibility of the applicant.
  - o. The applicant shall coordinate with the U.S. Postal Service about the location of mail box stations. The U.S. Post Master has specific standards for locating mail stations so as to provide convenient mail delivery and pickup and not obstruct handicapped accessibility. Furthermore, mail stations shall be located as to not obstruct pedestrian movement on sidewalks and interfere with fire hydrants, public and private utilities.
3. That the architectural design as shown on the conceptual building elevations and the landscape plan as shown on the conceptual planting plans submitted with the Stage I and Stage II application is **not** approved. Variety of architecture in terms of types, color, form and building material is encouraged. Site Design Review requires Development Review Board application and approval.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 16th day of December, 1996, and filed with the City Recorder this same date.



GERALD A. KRUMMEL, Mayor

Attest:



Sandra C. King, City Recorder

SUMMARY OF VOTES:

Mayor Krummel: Yes  
Councilor Lehan Yes  
Councilor Hawkins Excused  
Councilor MacDonald Yes  
Councilor Luper Yes