

RESOLUTION NO. 1371

A RESOLUTION ADOPTING FINDINGS APPROVING A MODIFICATION TO THE STAGE I PRELIMINARY PLAN, VILLAGE AT WILSONVILLE MASTER PLAN (CHARBONNEAU), STAGE II FINAL PLAN, CONDOMINIUM PLAT, AND REMANDING SITE AND DESIGN PLANS FOR DEVELOPMENT OF ATTACHED HOUSING. THE SITE IS LOCATED ON VARIABLE PROPERTY "A" IN CHARBONNEAU VILLAGE CENTER ON TAX LOT 8000A, SECTION 24CD Supplemental No. 2, T3S-R1W, CLACKAMAS COUNTY, OREGON. WILLAMETTE VALLEY HOMES/CHARBONNEAU VILLAGE CENTER CONDOMINIUM ASSOCIATION, APPLICANTS. CASE FILE NO. 97DB03

WHEREAS, an application and appeal, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Sections 4.008(4) and 4.139(1), (2), and (3) and Section 4.017 of the Wilsonville Code; and

WHEREAS, the Planning Staff 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 Development Review Board at a regularly scheduled meeting conducted on February 10, 1997, at which time said exhibits, together with findings and public testimony, were entered into the public record; and

WHEREAS, the Board duly considered the subject and the recommendations contained in the staff report, and testimony and denied the subject application, and reasons given are stated on the Development Review Board Resolution dated 2-13-97; and

WHEREAS, the Wilsonville Planning Department received an appeal of the Board's denial of subject application; and

WHEREAS, the appeal and record and staff report dated February 10, 1997 (Exhibit A) were presented for review by the City Council at a De Novo public hearing scheduled for March 20, 1997; and

WHEREAS, the application as submitted for Site Design Review violates Section 4.161(1)(b) and the new tree ordinance (which is to be enforced by Charbonneau Country Club) which call for preservation of significant trees and the design as submitted did not take adequate or reasonable care to maintain the significant existing trees on the site; and

WHEREAS, the Site Design Review application as submitted does not meet the requirements for Site Design Review of Section 4.400 Design Standards which require a high quality visual environment, in that the forms are poorly resolved especially along the golf course face, and that the setbacks as proposed by the applicant are not compatible with the surrounding existing development. They are, in effect, too much for this small site. The blank, essentially straight-line wall of the units

along the golf course side presents a monotonous front. The site design as presented also ignores the view of the golf course and ignores the trees, again; and

WHEREAS, the Site Design Review application as presented does not support 4.421(1)(a) which requires preservation of landscape, again referring to preserving existing trees; and

WHEREAS, the Site Design Review application as submitted does not support the master plan in existence which requires the preservation of the maximum amount of open space; and

WHEREAS, addressing the setback waivers as a finding, we find that the applicant has not met the burden of proof to grant the waivers. The applicant's own narrative states, "*that the irregular shape of the property is the main reason for granting the waivers,*" and we find that they have not designed the site in relation to the irregular shape but have simply used the rectangular portion so that the irregular shape of the lot had little or no impact on their design and, therefore, that is not supported by their testimony; and

WHEREAS, the density of the subject property is comparable to the apartments immediately adjacent; and

WHEREAS, the City Council hereby finds that the hedge and trees to be natural features and WC 4.161 and Tree Ordinance applies and the existing trees, while not without problems, deserve to be protected, and for the most part, retained; and

WHEREAS, WC 4.421(3) states that "Section 4.400 objectives shall serve as additional criteria and standards" and such objectives cited by Development Review Board as reasons for denial are appropriate standards for denial of the Site Design Review application; and

WHEREAS, the City Council hereby finds that the requested "waivers" require further justification and the applicant has not adequately carried his burden in supporting the "waivers"; and

WHEREAS, on-site open space is hereby found not adequate in size or shape; and

WHEREAS, the applicant in choosing to combine his application for Stage I and II and Site Design Review opened the door to Development Review Board (and City Council) to consider the application as a whole, or in parts, and opened the door to the possibility of approval or denial on each of its component parts; and

WHEREAS, from the record it appears to City Council that Mr. Elder withdrew from consideration as soon as realizing there was potential for conflict. Prior to Ms. Peebles' testimony, the only apparent factor was that Mr. Elder lived in the Charbonneau neighborhood. The record does not show undue influence on other members; and

WHEREAS, the Board's chair is not prevented by any Wilsonville rules from making motions. This has been a Development Review Board practice of some length. As a registered architect and board member, he is uniquely qualified to make judgments regarding design and compatibility and is respected for those judgments by the board and City Council; and

WHEREAS, the Planning Commission on March 8, 1993, in Case File 92PC25, previously recommended approval of Stage I and II and the Planning Department has recommended approval of

Stage I and II in its staff report dated February 10, 1997, and has recommended that the City Council may treat the Design Review application separately from Stage I and II action; and

WHEREAS, the Legal Department in its memorandum of March 14, 1997 has recommended that City Council may affirm, reverse, or modify, in whole or in part, a determination or requirement of the Development Review Board's decision; and

WHEREAS, the Planning Department staff report of February 10, 1997, has stated that review of duplex structures may be exempt from Site Design Review, it is hereby found that the subject application is for an existing single lot (Variable Property "A") and zoned for Planned Development Commercial and such application is being reviewed as a whole under the Planned Development sections of the Wilsonville Code and the Condominium lot division has not been approved at this point in time, and the proposed six units require review in relation to each other and to their surroundings and, therefore, full Site Design Review of the entire project is required to assure full compliance with the Wilsonville Code; and

WHEREAS, the representative of the applicant, Mr. Ben Altman, has stated to Planning Staff that the applicant is willing to accept a voluntary remand on Site Design Review if Stage I and II are approved and the applicant is willing to toll the 120-day limit for revised Site Design Review; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby affirm in part and reverse in part the decision of the Development Review Board of February 10, 1997, and does hereby approve, with conditions, that portion of the application for modification to the Stage I Preliminary Plan for the Village at Wilsonville Master Plan, Stage II Final Plan, Preliminary Condominium Plat, and does hereby remand to the Development Review Board that portion of the application as it applies only to Site and Design Plans for development of attached housing, and adopts the following Findings and Conditions of Approval:

Findings

1. The above recitals are adopted as City Council findings;
2. The findings of the staff report, Exhibit A, and the findings and the findings of conclusions of the staff memorandum dated March 31, 1997, Exhibit B, are hereby adopted and incorporated by reference herein.

Conditions of Approval

1. Develop the site, i.e., buildings, parking and drives in compliance with the approved Stage I Preliminary Plan and Stage II Final Plan, as further conditioned below. It is realized that revisions in the development will occur prior to and during the Site Design Review Phase. Minor site development revisions may also be reviewed by the Planning Director under a Class I administrative review. The final condominium plat

- shall be consistent with the Site Design review, which the Development Review Board will review in a separate application.
2. The applicant shall submit a new Site Design Review application to the Development Review Board for improvements to architecture, outdoor living areas, landscaping, sidewalks, and fence/wall and/or berm details. The application must be approved by the Development Review Board prior to the final condominium plat and prior to issuance of building permits of any duplex structures. Such new Site Design Review application shall:
 - a. Protect existing trees insofar as reasonable and feasible, utilizing a second opinion by the City Arborist.
 - b. Provide more articulation of the facades facing the golf course.
 - c. Take advantage of existing site strengths and respect the view of the golf course and tree buffer.
 - d. Restudy site edge architecture and landscaping to provide more adequate light, air, and a better relationship to the site's surrounding buildings.
 - e. Consider increasing the provision of more useable open space on the site, especially private patio areas in the front (facing the parking lot).
 - f. Increase buffering of units from parking area.
 3. 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. Revisions to architecture in terms of elevations and setbacks is required. Site Design Review requires Development Review Board application and approval.
 4. This City Council action approves a range of five (5) to six (6) single family housing units which may be configured as one duplex and one triplex or three duplex or two duplex and one single unit structure.
 5. The applicant shall obtain written approval from the Charbonneau Village Center Condominium Association for the housing project prior to issuance of building permits.
 6. The applicant shall obtain written approval from the Charbonneau Architectural Review Committee for the housing project prior to issuance of building permits.
 7. If gates are to be included, provisions must be made for emergency access. This shall be coordinated through the appropriate emergency service providers, i.e., Tualatin Rural Fire and Rescue District.
 8. The applicant shall conform with all requirements of the Tualatin Rural Fire District, including, but not limited to, circulation and location of fire hydrants.
 9. All construction workers shall park their vehicles on site or in the adjacent parking lot.

10. Final construction plans will be reviewed and approved by the Planning Director, City Engineer and the Building Official prior to any construction.
11. The applicant shall obtain condominium plat approval from the City of Wilsonville, prior to the sale or conveyance of residential units.
12. The applicant shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.
13. The City Council does not approve the waivers to yard setbacks requested but recognizes that the new Site Design Review application may consider similar requests.
14. Since the Tree Ordinance assigns review of proposed tree cutting type "C" permit to Charbonneau Country Club, the applicant shall obtain approval for final tree removal and tree maintenance plan from the Charbonneau Country Club, Board of Directors.

The following conditions concern the public improvements to the subject site. However, the applicant is required to also meet all requirements of the Building Permit process.

- PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from existing connections. The materials, as proposed do not show main line connections that are to be used in conjunction with the construction of the proposed development. Separate Engineering Drawings reflecting the installation of these public utilities may be required.

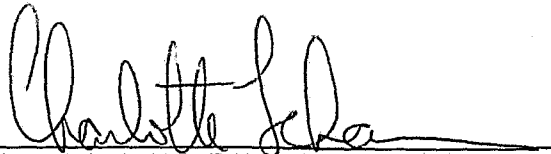
No construction of, or connection to, any existing or proposed public utility/improvement will be permitted until all plans are approved by the Engineering Division, all fees have been paid, all necessary permits, right-of-way and easements obtained and the applicant notifies the Engineering Division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

- PF 2. The Engineering Division reserves the right to revise/modify the public improvement construction plans and 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 Work's Standards.
- PF 4. Record drawings are to be furnished by the applicant for all public utility improvements (0/3 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. Any proposed construction 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.
- PF 7. The applicant shall install, operate and maintain erosion control measures in conformance with the standards adopted by the Unified Sewerage Agency of Washington County 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 Oregon Water Resources 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 has indicated that the existing waterline easement will be relocated and reduced in width. As already mentioned in this memo the required minimum width of a public easement is 15 ft.
- PF11. At the request of Staff, DKS completed a traffic impact analysis (dated November 1996) to determine the impact on the City's transportation system. This analysis was based on the highest and best use of the subject property in conformance with similar types of developments studied nationally and formalized in the ITE Manual on trip generation.
- PF12. The applicant shall provide a pedestrian and driveway access plan to address pedestrian travel and vehicle access.
- PF13. New p.m. peak hour trips 3
 Trips through Wilsonville Road
 Interchange area (subject to available capacity limitations) 0

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 21st day of April, 1997, and filed with the City Recorder this same date.


CHARLOTTE LEHAN, Mayor

ATTEST:


Sandra C. King, CMC, City Recorder

SUMMARY of Votes:

Mayor Lehan	<u>Yes</u>
Councilor MacDonald	<u>No</u>
Councilor Luper	<u>Yes</u>
Councilor Helser	<u>Abstain</u>
Councilor Barton	<u>Yes</u>

PLANNING DEPARTMENT
STAFF REPORT

DATE: February 10, 1997

TO: Development Review Board PREPARED BY: Blaise Edmonds

REQUEST: 97DB03: Willamette Valley Condominiums.
Modify the Stage I, Village at Wilsonville Master Plan (Charbonneau) , approve Stage II, Final Plan, Condominium Plat and Site and Design Plans for development of attached residential housing. An approval of this request would rescind and replace the parking lot approved in Resolution 95DR12.

SUMMARY

The subject property has been previously involved in several, highly controversial land use decisions primarily because of the location of the project site appears to visually intrude Green No. 1 of the Charbonneau Golf Course.

Zoning for the project site is PDC. (Planned Development Commercial). The Comprehensive Plan designation for the property is "Commercial". The Village at Wilsonville Master Plan which is the original master plan for the Charbonneau planned development community, identifies the property for future commercial development. Subsection 4.133(2)(e) may allow up to 49.9% of commercial zoned property for residential development providing that the residential use is compatible with and supportive of the surrounding commercial uses.

The development standards listed for attached residential housing were applied in the Stage II, Final Plan review. With respect to this, through the planned development process, the applicant is seeking waivers from minimum yard setbacks, lot size, lot frontage standards and lot coverage.

The applicants have affirmation from the Charbonneau Village Center Condominium Association for approval of the development concept.

At the time of writing this report the applicants did not have affirmation of the Charbonneau Country Club for the proposed project. The CCC conducts architectural review for compliance with their Covenants, Conditions and Restrictions. The City does not enforce neighborhood Covenants, Conditions and Restrictions (CC&Rs), however, the City has requested appropriate approvals from the associations as a prerequisite to a building permit.

The proposed 8.62 dwelling unit per acre density is greater than what is typically found for similar housing next to the golf course. Overall, residential density for

EXHIBIT A

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the existing golf course orientated housing is approximately 4 dwelling units per acre.

Though the applicant is seeking several waivers from the residential development standards, the proposed development design concept is coordinated with the typical lot pattern of homes next to the golf course. With appropriate findings waivers are permitted under Subsection 4.136(2)(a). See the document provided by the applicant (Exhibit D) for proposed waivers.

Access to the development is through the existing Village Center parking lot. Three parking spaces will be removed on the adjoining commercial parking lot to accommodate a driveway. Three new parking spaces will be constructed to replace three spaces which will maintain the current parking number.

The applicants are seeking to vacate and realign a 15' wide water line/easement to accommodate one of the residential building sites. The other public utilities are available to the project.

Section 4.420: Jurisdiction and Powers of the Board: It has been determined zoning on the subject property is PDC, but the development criteria being applied is in Subsection 4.122(7)(h) for the Residential (R) zone. It has been further established that duplex units is defined by Definition #21(b) as Dwelling, Single Family, Attached, which may be exempt from Section 4.008(4)(requiring Site and Design review), and Sections 4.100 to 4.168. Nevertheless, given the high architectural ambience of Charbonneau, the applicant has provided conceptual building elevations, floor plans and landscape plans for Site and Design review. Regarding this, proposed architecture and landscaping is designed to be architecturally compatible with Village Center and adjacent homes.

A traffic report was prepared by DKS Associates which demonstrate that the six residential units will have very low traffic impact on French Prairie Road.

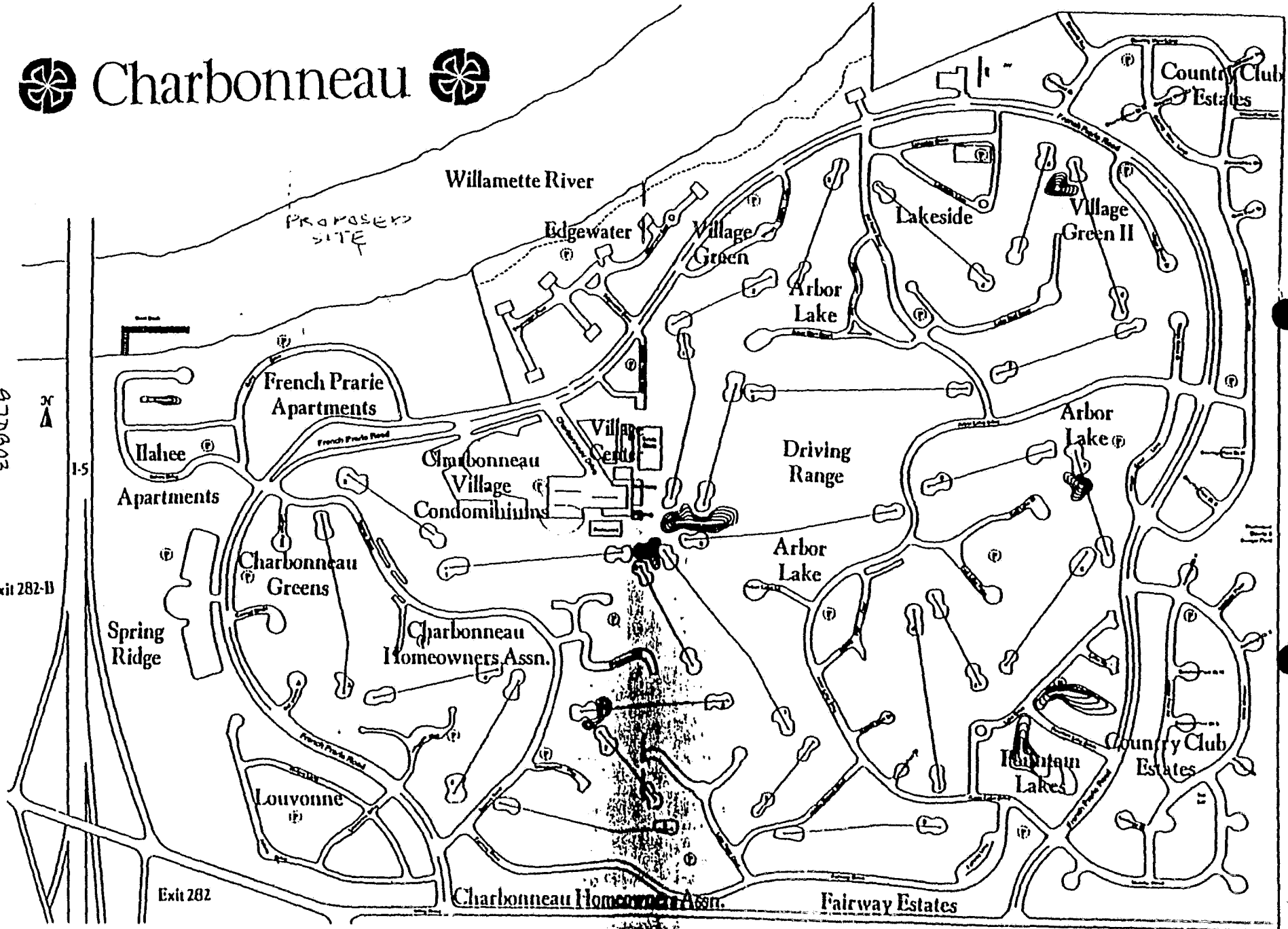
The applicant is complying with the new City Tree Ordinance by providing a tree survey and a certified arborist report. An approval of this project requires a Type "C" tree cutting permit. Further, Subsection 4.161(1)(b): requires preservation of significant trees. However, tree No's 2, 3, 6, 9, 11, 12 to 19 must be removed for building construction, sidewalk, driveway improvements or Armillaria disease.

RECOMMENDATION

Approve the modification to the Stage I, Preliminary Plan. approve Stage II, Final Plan, the Condominium Plat and Site and Design plans with conditions of approval attached herein.

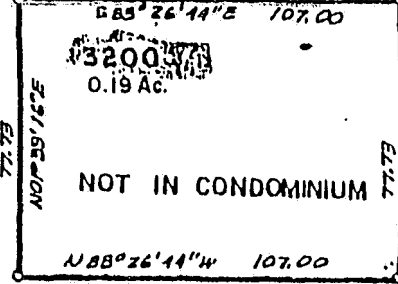
Charbonneau

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(P) Denotes Swimming Pool
 MAP MAY NOT BE DRAWN EXACTLY TO SCALE
 EVIDENCE IN PRINTING & TYPING SETTING
 WE SHALL ADVISE

17



86-14

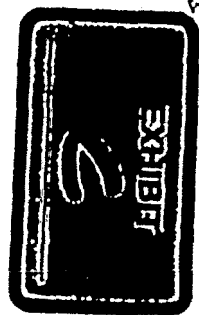
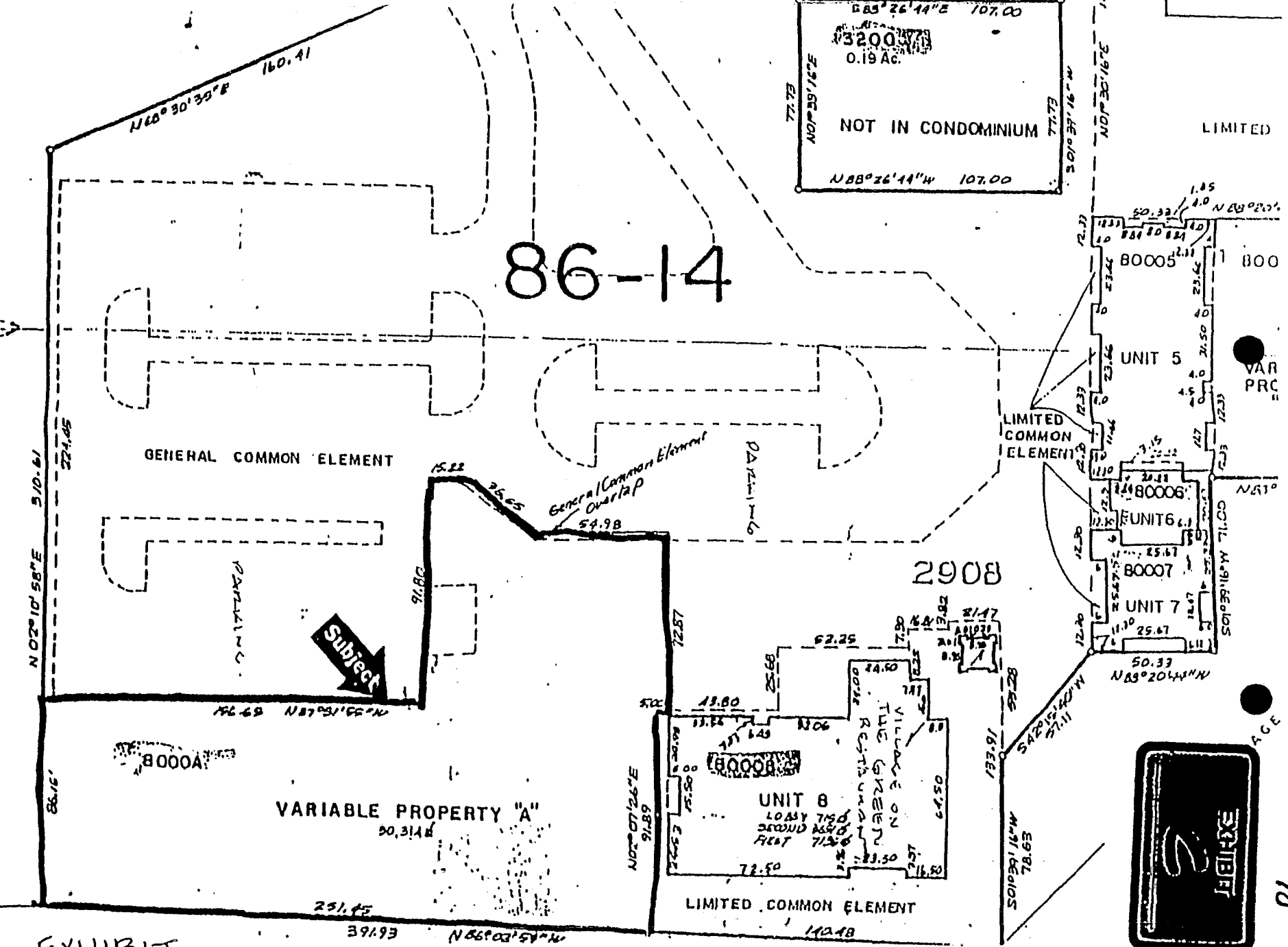


EXHIBIT 'E'

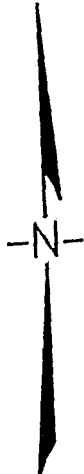
GREEN # 1

PRELIMINARY DESIGN

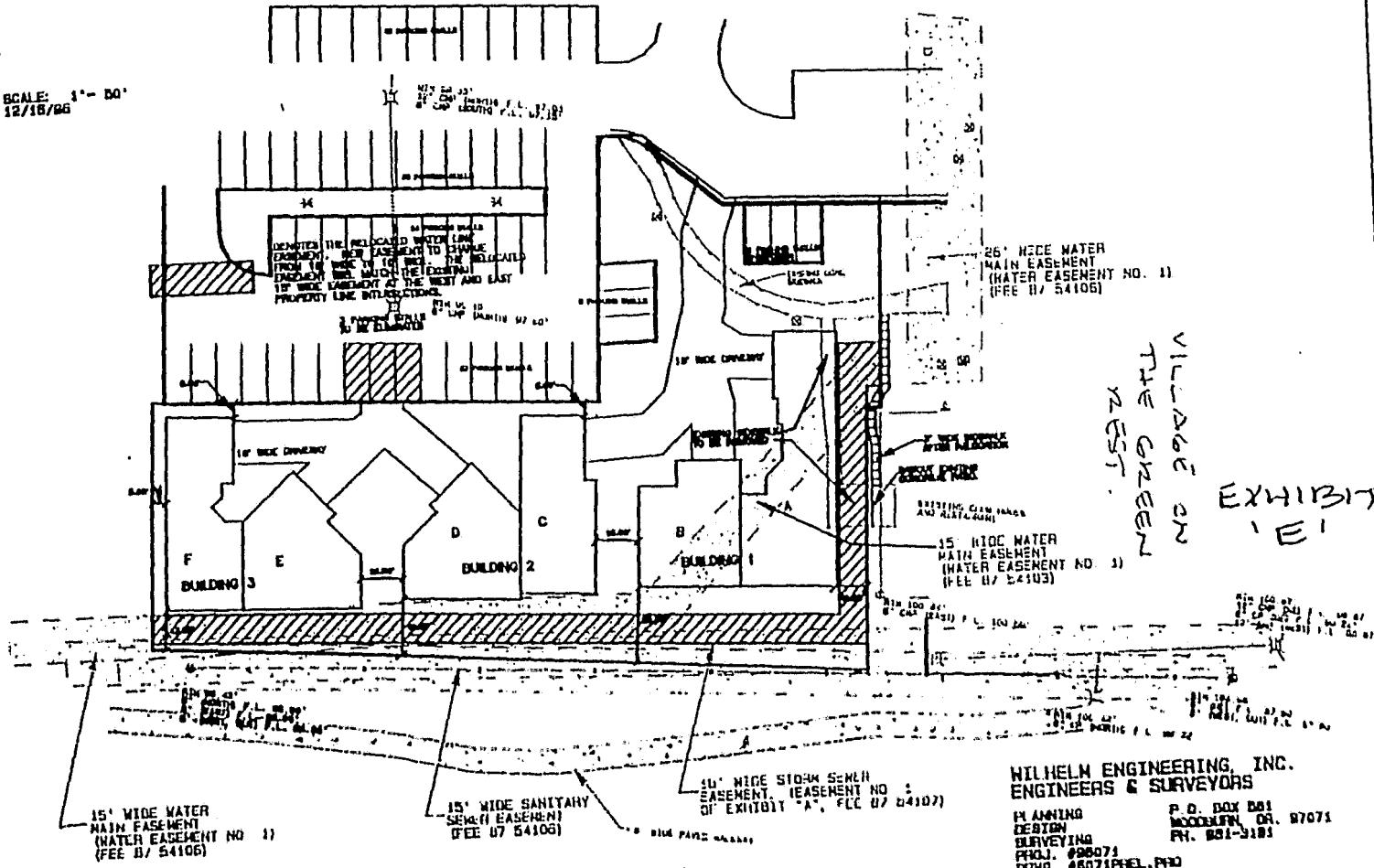
NOTE: THE EXISTING WATER, STORM SEWER, AND SANITARY SEWER (WHICH ARE LOCATED NEAR THE SOUTH PROPERTY LINE), WILL BE USED TO SERVICE THE PROPOSED DEVELOPMENT.

NOTE: ALL ELEVATIONS ARE BASED UPON AN ASSUMED ELEVATION OF 100.00'.

SCALE: 1" = 40'
12/16/86



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VILLAGE ON
THE GREEN
REST.
EXHIBIT
'E'

WILHELM ENGINEERING, INC.
ENGINEERS & SURVEYORS
PLANNING
DESIGN
SURVEYING
PHIL. #98071
DRWG. #8071PHEL.P30
P.O. BOX 881
WOODBRUN, GA. 30701
PH. 881-3181

631 F 04100 C

Exhibit 7

97DB03

WILLAMETTE VALLEY HOMES

MODIFY STAGE I. PRELIMINARY PLAN,
APPROVE STAGE II. SITE DEVELOPMENT PLANS,
CONDOMINIUM PLAT
and
SITE DESIGN PLANS

Review Criteria:

Issuance of a site development permit requires that the applicant comply with the Comprehensive Plan and other applicable Ordinances adopted by the City Council. The applicable plans, maps and ordinances are as follows:

Zoning:

- Section 4.012: Hearings procedures.
- Section 4.008: Application Procedures - General
- Section 4.122: Residential (R) zone
- Subsections 4.122(7)(h): Attached housing standards.
- Section 4.123: Planned Development Residential zone (PDR).
- Section 4.124: Planned Development Commercial zone.(PDC)
- Subsection 4.130(2)(c): Development standard.
- Sections 4.130 to 4.168: Planned Development Regulations
- Subsection 4.136(2)(a): Waivers
- Subsection 4.136(e)(1) and (2): Outdoor living area
- Subsection 4.136(5) Housing density.
- Subsection 4.139(2): Stage I. Preliminary Plan
- Subsection 4.139(3): Stage II. Final Plan
- Subsection 4.139(4)(a): Compliance with Comprehensive Plan
- Subsection 4.139(4)(b): Traffic
- Subsection 4.139(4)(c): Public facilities
- Section 4.150: Off-street parking
- Subsection 4.161(4)(a)(2): Preservation of trees
- Section 4.163: Buffering and screening.
- Section 4.166: Landscaping.
- Subsection 4.168: Sidewalks and bikeways
- Section 4.200 to 4.244: Subdivision standards
- Section 4.230: Major Land Partition
- Sections 4.400 to 4.450: Site Design Review.

Comprehensive Plan:

Policy 4.4.7. The Comprehensive Plan governs residential densities for new development.

The Village at Wilsonville Master Plan.
Wilsonville Tree Cutting Ordinance

Submittal Date: December 20, 1996
120 day review limit: April 21, 1997

Applicant: Jerry Wand and Roger Nelson, Willamette Valley Homes
Property Owner: Charbonneau Village Center Condominium.
Charbonneau Village Center Condominium is centrally located in the Charbonneau district of Wilsonville. The CVCC consists of Charbonneau Golf Club Inc., Charbonneau Country Club, Owner of the restaurant, the Bitar building, and the Nepon building.

Planning Consultant: Ben Altman, Urban Solutions.
Engineers/Surveyors: Wihelm Engineering, Inc.
Landscape Design: Joseph Biilig, All Oregon Landscaping, Inc.

Site Location:

The subject site is Variable Property "A" in Charbonneau Village Center Condominium which is more particularly described as in being Tax Lot 8000A. Section 24CD (supplemental map), T3S., R1W.

PROPOSED FINDINGS

Application Request:

1. Modify the Stage I, Village at Wilsonville Master Plan (Charbonneau) , approve Stage II, Final Plan, Condominium Plat and Site and Design Plans for development of attached residential housing. An approval of this request would rescind and replace the parking lot approved in Resolution 95DR12. Condominium housing is a form of home ownership by which a person may purchase and own one dwelling unit in a multi-unit building or development. The ownership of a condominium home generally entails the fee ownership of the interior walls, floors and ceilings surrounding the dwelling unit and the air space within. In addition, together with other condominium owners the individual condominium owner owns a proportionate interest, together with other condominium owners, in common elements of the housing development such as the landscaped open space. The original application sought approval for a major land partition which is not the case here. Furthermore, since this application involves a condominium plat, the development standards for a subdivision plat do not apply.

Project Analysis:

Site area: 30,314 sf.
Three duplexe buildings are proposed: Units A and B, C and D, and E and F.
(6 total units)
Building are: 9,993 sf.
Average unit size: 1,666 sf.
Average lot size per unit if subdivision lots were created: 5,052 sf.
Density: 8.57 du/ac.
Paving: 3,915 sf.

Landscaping: 16,406 sf. @ 54%

Prior Planning Actions:

- 2. 95DR12: Charbonneau Village Center Condominium Association. parking lot approval.
- 92PC25: Willamette Valley Homes, the Planning Commission approved Modified Stage I, Village at Wilsonville Master Plan (Charbonneau), approved Stage II. Final Plan and major partition for development of three duplex buildings. The application was withdrawn before an appeal to City Council was heard.
- 90AR06 and 90AR60: Charbonneau Village Center Condominium Plat.
- 90PC28: CVCC, variance to reduce minimum parking space requirement.
- Village at Wilsonville Master Plan (Charbonneau), May 27, 1971.

Property Description:

- 3. The project site comprises Variable Property "A" of the Charbonneau Village Center Condominium plat. The 30,314 sq.ft. site was originally planned for a retail commercial or professional office building. The subject property abuts Green No. 1 of the Charbonneau golf course. Adjacent to the south is the Charbonneau Village Condominiums. A parking lot abuts the westerly property line. Charbonneau on the Green restaurant is adjacent at the north property line.

Submittal Documents:

- 4. This application was submitted in accordance with Section 4.008 and 4.139 of the Wilsonville Code. The application is accompanied with findings and conclusions prepared by Mr. Ben Altman. (See Exhibit "E").

Zoning and Land Use:

- 5. Since the Village at Wilsonville Master Plan predates the adoption of state wide planning Goals and the City's acknowledged City Comprehensive Plan, the Master Plan should be regarded as a conceptual guideline (but not a legal standard) by which uses within the Charbonneau area is to be evaluated. The operative legal standards are those set forth in the acknowledged Comprehensive Plan and the City's Development Code. To the extent that there may be conflicts between the Master Plan and the Comprehensive Plan, the latter will govern and will set the legal standards for development.
- 6. Zoning for the project site is Planned Development Commercial (PDC). The Comprehensive Plan designation for the property is Commercial.

- 7. The Village at Wilsonville Master Plan (original master plan for Charbonneau), identifies the property for commercial use. Additionally, Subsection 4.133(2)(e), of the Wilsonville Code states:

"Any use allowed in a PDR zone or PDI zone, provided the majority of the total area is commercial, or any other commercial uses provided that any such use is compatible with and supportive of the surrounding uses and is planned and developed in a manner consistent with the purposes and objectives of Sections 4.030 to 4.140. However, in no event shall wrecking yards, automobile body and fender repair shops, and open lots for the commercial sale of motor vehicles be permitted."

Regarding the above standard, the net residential building area of the subject site is 8% of the Charbonneau Village Center Condominium plat. This leaves the 92% of the condominium plat in commercial development, parking and drives. Thus, the proposed project is consistent with the 50% maximum land coverage restriction prescribed in Subsection 4.133(2)(e). Nevertheless, given the high architectural ambience of Charbonneau, the applicant has provided conceptual building elevations, floor plans and landscape plans for Site and Design review. Proposed architecture and landscaping is designed to be architecturally compatible with Village Center and adjacent homes.

- 8. Neither the Comprehensive Plan or Chapter 4 (Development Code) specifies residential density within the PDC (Planned Development Commercial) zone. In this case, the three duplexes is 8.57 acres per gross acre, or 5,052 sq.ft. per unit. Such density is greater than the 3 to 5 density range of the neighboring golf course orientated housing.

Charbonneau Master Plan (Village at Wilsonville).

- 9. The Charbonneau District is conceived as a totally planned community. In order to assure a well-planned community a development team was formulated in December, 1970. The development team consisted of the owner/developer, lender/contractor/sales staff contracted George T. Rockwise and Associates prepared a Work Plan for the development of Village at Wilsonville. The Village is now referred to as Charbonneau. The program document is the master plan for development.

- 10. The Village at Wilsonville Master Plan established the following planning goals:

- 1. Strong sense of community.
- 2. Recognition of family and neighborhood units.
- 3. Variety of housing types.
- 4. Recreation amenities.
- 5. Recognition of the importance of the River.
- 6. Village Center as a focus.
- 7. Maximum open space.
- 8. Security and maintenance.

Goal 1: Strong Sense of Community

Response Finding:

- 11. One issue is if the proposed duplexes will be architecturally compatible with Village Center, its relationship with the golf course, and with the Village at Wilsonville Master Plan development concept. The matter of compatibility is not clearly defined or identified within the Village at Wilsonville Master Plan planning goals. To be thorough, compatibility is to be viewed in the context of neighboring properties and is to also be evaluated in terms of the greater Charbonneau community.
- 12. The applicant will need affirmation of the Charbonneau Country Club before a building permit is issued. The CCC conducts architectural review for compliance with their Covenants, Conditions and Restrictions. The City does not enforce neighborhood CC&Rs, however, the City has required appropriate approvals from CCC to include with building permits.

Goal 2: Recognition of Family and Neighborhood Units

Response Finding:

- 13. The project will augment the residential orientation of Charbonneau without the introduction of the more unpleasant aspects of typical retail and commercial development such as heavier automobile use, congestion, pedestrian-automobile conflicts, noise and intensity of use. The development concept proposed by the applicant, carries with it the side benefits of achieving several Comprehensive Plan residential Objectives, including the ability to integrate a variety of housing types and develop diverse housing types and densities (Goal 4.3, Objective 4.3.1; Objective 4.3.3). Most importantly, the project will be well suited for the achievement of Objective 4.3.7 which involves the coordination of housing development with the social and economic needs of the community. The need to provide living opportunities to a variety of residents in a setting such as Charbonneau addresses the social issue raised for provision of appropriate and diverse locations.

Goal 3: Variety of Housing Types

Response Findings:

- 14. The City has not (and does not in this instance) require that specific development types occur within various sectors of the Charbonneau community, but rather that the Master Plan should be interpreted to permit any uses allowed by City Code in the general categories of commercial and residential locations within Charbonneau.
- 15. Neighboring golf course housing primarily comprises single-family attached, one-story structures. Apartment complexes are generally located on the west side of Charbonneau next to and near the subject property. Proposed two-story duplexes are architecturally compatible with the type of housing units surrounding the Charbonneau golf course.

Goals 4 and 5 are not applicable to this request.

Goal 6: Village Center as a Focus

Response Finding:

- 16. The proposed duplexes are not intended to compete with the commercial retail businesses in Village Center. Being immediately adjacent to Village Center, it encourages people to walk for shopping and recreational needs resulting in a more pedestrian friendly environment.

Goals 7 and 8 are not applicable to this request.

- 17. Both The Village Center Master Plan and the Comprehensive Plan show the area as designated for commercial use. As indicated above, the specific uses proposed by the applicant are permitted within the commercial zone. Thus, consistency between the Comprehensive Plan and the Master Plan is achieved by the proposal.

Special Area of Concern:

- 18. The subject site is not identified in special area of concern.

Site Development Review:

- 19. Subsection 4.139 (4)WC stipulates that :

"A planned development permit may be granted by the Planning Commission only if it is found that the development conforms to Subsections 4.139 (4)(a), (b) and (c), as well as to the Planned Development Regulations in Sections 4.130 to 4.140WC." Subsection 4.139 (4)(a) is as follows:

"The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or ordinance adopted by the City Council."

Residential (R) Standards:

- 20. The Development Code does not set clear and objective site development standards for residential development within the PDC zone. Nevertheless, the development standards listed in Subsection 4.122(7)(h) for the Residential (R) zone for attached dwelling units with a minimum lot size of 8,000 sq.ft. were applied in this review. Through the planned development process, the applicant is seeking waivers from the minimum yard setbacks, lot size and lot frontage standards. However, City standards for subdivision development do not apply to condominiums. Nonetheless, this project is similar to subdivisions involving single family, attached housing, thus, the following standards are reasonable:

Subsection 4.122(7)(h):

4) Minimum Front Yard Setback. Twenty-five (25) feet. Structures on corner of through lots shall observe the minimum front yard setback on both streets. No structures shall be erected closer than fifty (50) feet from the center line of any public, county or state road.

- 5) *Minimum Rear Yard Setback: Twenty-five (25) feet.*
- 6) *Minimum Side Yard Setback:*
 - a) *One Story: Five (5) feet.*
 - b) *Two Stories: Seven (7) feet.*
 - c) *Two and one-half Stories: Eleven (11) feet.*
- 7) *Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.*
- 8) *Off-Street Parking: There shall be provided at least two (2) spaces per dwelling or rental unit to be provided behind the front setback line.*

Response Findings:

Lot Coverage:

- 21. Standards for attached dwelling units do have maximum lot coverage, save and except as many otherwise be affected by other provisions of the Code.

Building Setbacks:

	<u>Minimum</u>	<u>Proposed</u>
22. Duplex '1'		
Front (north)	25'	60'
Right side (east)	7'	10.8'
Left side (west)	7'	15' Between buildings
Rear side (south)	25'	26.36'

	<u>Minimum</u>	<u>Proposed</u>
Duplex'2'		
Front (north)	25'	5'
Right (east)	25'	15' Between buildings
Left side (west)	7'	15' Between buildings
Rear side (south)	25'	19.5'

	<u>Minimum</u>	<u>Proposed</u>
Duplex '3'		
Front (north)	25'	5'
Right (east)	7'	15' Between buildings.
Left side (west)	7'	5'
Rear side (south)	25'	13.83'

Proposed setbacks in **bold** letters do not comply with minimum yard setbacks. Though this is a Condominium Plat, it is reasonable and practical to require this project to observe minimum yard setbacks or as otherwise approved by the DRB.

* Fireplaces may encroach the side yard setback 2" for each foot of side yard. In this instance, 14".

Lot Size:

- 23. The subject property is 30,314 sf. The applicants are seeking a approval of a Condominium Plat to create three "attached" single family townhomes on land known as Variable Property "A". Condominium platting does not involve the creation of lots as each condominium owner has common ownership of the gross land area.

Off-street Parking:

- 24. Two or more off-street parking spaces will be provided for each dwelling unit on driveways or garages. Three parking spaces will be removed on the adjoining parking lot to accommodate the proposed driveway to the Lots "B" and "C". The removal of these parking spaces would reduce parking serving Village Center. The Planning Commission in Resolution 90PC28, Stage II. site development approval for the expansion of the Charbonneau Country Club, granted a variance to reduce parking common to Village Center. In this instance, each residential unit will have two off-street parking spaces and the three parking spaces being removed for the new driveway will be replaced near the restaurant. However, in the event the last commercial pad or Variable property "C" is developed, then CVCC would need to develop additional parking to accommoade the use.

Access/Egress:

- 25. Access would be obtained via French Prairie Road (public road) to the main private road through Village Center, then through an intervening parking lot. As mentioned in an earlier finding, three parking spaces would be reconstructed near the proposed driveway to duplex #1 to accommodate the new driveway to duplex buildings 2 and 3.

Traffic:

- 26. *b. The location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets."*

Response findings to Criteria "b"

Regarding Subsection 4.139(4)(b); The traffic report indicates that the six residential units will have negligible traffic impacts on French Prairie Road.

Public Facilities:

- 27. Section 4.139 (4)(c)WC further requires that:

"The location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

Response Findings:

Sanitary Sewer:

A main sanitary sewer line is available and extends to the southerly property line. One tap is proposed for each duplex.

Water:

The applicants are seeking to vacate and realign a 15' wide, water easement to create one of the residential building site for Building #1. The City has capacity to serve this project.

Storm Drainage:

The Public Works Code requires that the site pass a 25 year storm frequency. Storm drainage will out-fall to drainage located along the southerly property line which has capacity.

Sidewalks:

- 28. The project will connect to golf cart/pathway network in Charbonneau.

Site and Design Review

- 29. Section 4.420: Jurisdiction and Powers of the Board: The first sentence of this Section reads:

"Except for single family dwellings in any residential zoning district, no Building Permit shall be issued for a new building or major remodeling of an existing business, and no Sign Permit, except as permitted in Section 4.151(3)(c)2.b, shall be issued for the erection or construction of a sign relating to such new building or major remodeling, until the plans, drawings, sketches and other documents required under Section 4.008(4) have been reviewed and approved by the Board in conformity with the criteria specified in Sections 4.100 to 4.168."

Section 4.420: Jurisdiction and Powers of the Board: It has been determined zoning on the subject property is PDC, but the development criteria being applied is in Subsection 4.122(7)(h) for the Residential (R) zone. It has been further established that duplex units is defined by Definition #21(b) as Dwelling, Single Family, Attached, which may be exempt from Section 4.008(4)(requiring Site and Design review), and Sections 4.100 to 4.168. Nevertheless, given the high architectural ambience of Charbonneau, the applicant has provided conceptual building elevations, floor plans and landscape plans for Site and Design review. Regarding this, proposed architecture and landscaping is designed to be architecturally compatible with Village Center and adjacent homes.

4.421 Criteria in Standards and Application of Design Standards

(l) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required under Section 4.440. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards.

(a) *Preservation of Landscape.* The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

(b). *Relation of Proposed Buildings to Environment.* Proposed structures shall be located and designed to insure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Section 4.163. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.

(c) *Drives, Parking and Circulation.* With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

(d) *Surface Water Drainage.* Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.

(e) *Utility Service.* Any utility installations above ground shall be located so as to have an harmonious relation to neighboring properties and site. The proposed method of sanitary sewage disposal from all buildings shall be indicated.

(f) *Advertising Features.* In addition to the requirement of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

(g) *Special Features.* Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings, or other screening methods as shall be

required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties.

(3) The Board shall also be guided by the objectives of Section 4.400 and such objectives shall serve as additional criteria and standards. They are as follows:

(a) Insure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.

(b) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;

(c) Discourage monotonous, drab, unsightly, dreary and inharmonious developments;

(d) Conserve the City's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements:

(e) Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;

(f) Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;

(g) Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.

(h) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior particularly crime;

(i) Foster civic pride and community spirits so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;

(j) Sustain the comfort, health, tranquillity and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to provide and protect the peace, health and welfare of the City.

Architecture:

- 30. The proposed duplex buildings are site built. wood frame structures with hip roofs. Roofing is concrete tile and exterior siding is 1/2" bevel cedar with 6" exposure. Proposed architecture and landscaping is designed to be architecturally compatible with Village Center and adjacent homes.

Landscaping:

- 31. Section 4.166 of the Wilsonville Code stipulates:

"All areas not covered by buildings or pavement, but not less than 15% of the total lot area, exclusive of parking lot areas, shall be landscaped with vegetative plant materials. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be located in the front yard area. Such areas shall be encouraged adjacent to structures. Landscape planters shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms and heights."

Proposed landscape coverage at 54% exceeds the minimum 15% requirement. The applicant has submitted a revised landscape plan prepared by a registered landscape architect.

Ground Cover:

- 32. Ground cover is generally seeded lawn.

Automatic Irrigation

- 33. An inground, automatic irrigation system is proposed.

Buffering and Screening:

- 34. The project site is in direct alignment with errant hit golf balls from Fairway #1. The previous CVCC parking lot plan proposed a solid row of conifers and netting between Fairway #1 and Variable Parking Lot 'A'. The proposed duplex project shows minimal screening or protection. Proposed patios are especially vulnerable from flying golf balls, thus, staff recommends some fencing next to patio slabs.
- 35. The applicant proposes removal of a single row of Pin Oak and Arborvatae hedge between the existing parking lot and the property. Staff concedes that the Pin Oaks must be removed for new driveway and duplex building development. The current Arborvatae hedge has reached maximum growth height. This project is proposed next to a parking lot of a commercial center. The applicant proposes to remove a row of eight Pin Oaks and the existing Arborvatae hedge and replant with a single row of 6' Smarago" Emerald Green Arborvatae. Spacing of this plant is not indicated. See the arborist report labeled Exhibit "F" which gives several reasons to remove the Pin Oaks for building and driveway improvements. Staff further recommends removal of competing Ivy and Arborvatae and replant with suitable, infill evergreen material.

Preservation of Trees.

- 36. First, the applicant is complying with the new City Tree Ordinance by providing a tree survey and a certified arborist report. An approval of this project requires a Type "C" tree cutting permit. Further, Subsection 4.161(1)(b): requires preservation of significant trees. However, tree No's 2, 3, 6, 9, 11, 12 to 19 must be removed for building construction, sidewalk, driveways improvements or Armillaria disease.

- 37. As stated in Finding No. 35, the existing Pin Oaks (10" to 14" diameter) between Variable Property 'A' and the CVCC parking lot will be removed. The existing row of Pinus Nigra (Austrian Black Pine) adjoining on Fairway #1 will remain to help buffer the project along the golf course.

97DB03

WILLAMETTE VALLEY HOMES

STAGE I MASTER PLAN,
STAGE II. SITE DEVELOPMENT PLANS,
CONDOMINIUM PLAT
and
SITE DESIGN REVIEW

PROPOSED CONDITIONS OF APPROVAL

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

1. Develop the site, i.e., buildings, parking and drives, in substantial compliance with the approved Stage II Development Plans. 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.
2. This DRB action approves a maximum of three (3), attached, single family housing units.
3. The applicant shall obtain written approval from the Charbonneau Village Center Condominium Association for the housing project prior to issuance of building permits.
4. The applicant shall obtain written approval from the Charbonneau Architectural Review Committee for the housing project prior to issuance of building permits.
5. If gates are to be included, provisions must be made for emergency access. This shall be coordinated through the appropriate emergency service providers, i.e., Tualatin Rural Fire and Rescue District.
6. The applicant shall conform with all requirements of the Tualatin Rural Fire District, including, but not limited to, circulation and location of fire hydrants.
7. That all construction workers be required to park their vehicles on site.
8. Final construction plans will be reviewed and approved by the Planning Director, City Engineer and the Building Official prior to any construction.
9. Obtain Condominium Plat approval from the City of Wilsonville, prior to the sale or conveyance of residential units.
10. The applicant shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site.

- 11. The DRB approves the following waivers to yard setbacks listed below in bold lettering:

	<u>Minimum</u>	<u>Proposed</u>
Duplex '1'		
Front (north)	25'	60'
Right side (east)	7'	10.8'
Left side (west)	7'	15' Between buildings
Rear side (south)	25'	26.36'

	<u>Minimum</u>	<u>Proposed</u>
Duplex'2'		
Front (north)	25'	5'
Right (east)	25'	15' Between buildings
Left side (west)	7'	15' Between buildings
Rear side (south)	25'	19.5'

	<u>Minimum</u>	<u>Proposed</u>
Duplex '3'		
Front (north)	25'	5'
Right (east)	7'	15' Between buildings.
Left side (west)	7'	5'
Rear side (south)	25'	13.83'

- 12. All landscaping required by this approval shall be installed prior to issuance of occupancy permits, unless security equal to 110% of the cost of the landscaping, as determined by the Community Development Director, is filed with the City assuring such installation within six months of occupancy. "Security is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the Community Development Director. If the installation of the landscaping is not completed within a six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the applicant.
- 13. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Design Review Board, unless altered with Board approval or with minor revisions, by the Planning Director.
- 14. The applicant shall install the inground, automatic, irrigation system in accordance with the approved plans. The applicant shall maintain all landscaping through replacement of dead materials and weeding.
- 15. The applicant shall construct protective fencing next to patios which are most vulnerable to errant hit golf balls.

- 16. The applicant shall obtain approval for final tree removal shall be reviewed by the Charbonneau Country Club, Board of Directors.

The following conditions concern the public improvements to the subject site. However, the applicant is required to meet all requirements of the Building Permit process.

Based on a review of the materials submitted to the Community Development Department the following Conditions of Approval are presented. These conditions are applicable to the subject application. Any modifications or revisions to the subject application may require amendments and/or additions to the conditions as set forth and outlined below:

- PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from existing connections. The materials, as proposed do not show main line connections that are to be used in conjunction with the construction of the proposed development. Separate Engineering Drawings reflecting the installation of these public utilities may 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 revise/modify the public improvement construction plans and 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 Work's Standards.
- PF 4. Record drawings are to be furnished by the applicant for all public utility improvements (0/3 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. Any proposed construction 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.

PF 7. The applicant shall install, operate and maintain erosion control measures in conformance with the standards adopted by the Unified Sewerage Agency of Washington County 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 Oregon Water Resources 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 has indicated that the existing waterline easement will be relocated and reduced in width. As already mentioned this memo the required minimum width of a public easement is 15 ft.

PF11. At the request of Staff, DKS completed a traffic impact analysis (dated November 1996) to determine the impact on the City's transportation system. This analysis was based on the highest and best use of the subject property in conformance similar types of developments studied nationally and formalized in the ITE Manual on trip generation.

PF12. The applicant shall provide a pedestrian and driveway access plan to address pedestrian travel and vehicle access.

PF13. New p.m. peak hour trips 3

Trips through Wilsonville Road

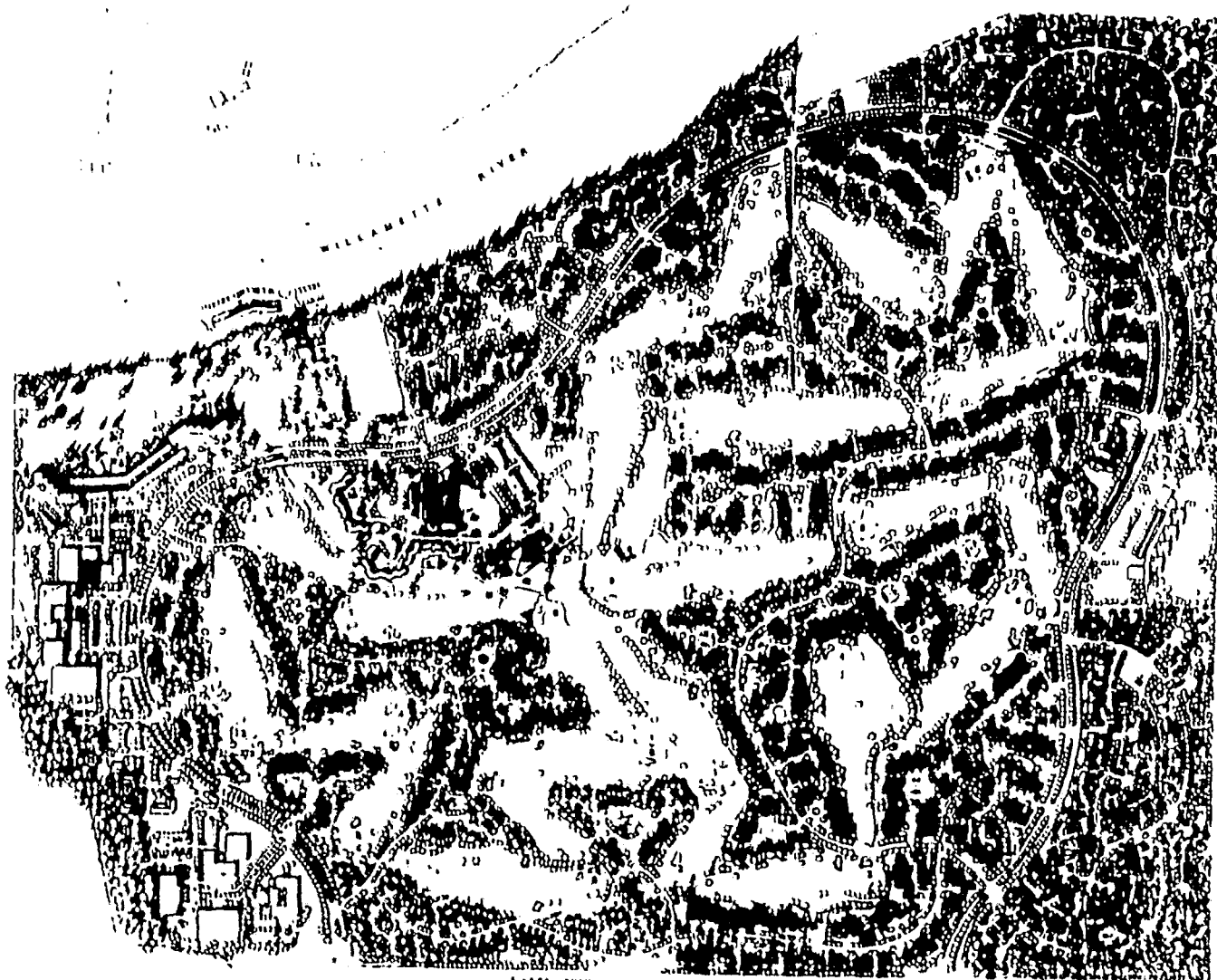
Interchange area (subject to available capacity limitations) 0

EXHIBITS

The following Exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted.

- A. Findings and conditions of approval.
- B. City of Wilsonville Comprehensive Plan.
- C. Chapter 4 of the Wilsonville Code
- D. Village at Wilsonville Master Plan and map dated May 27, 1971.
- E. Applicant's submittal documents:
- F. Building Department Report.
- G. City Engineering Department Report.
- H. Letter, PTI Communications, dated Jan. 10, 1987.
- I. Arborist Report, Halsteads's Arboriculture Consultants.
- J. DKS report.
- K. Transit Dept. comments.
- L. Letter in opposition from Julie Ann Carson dated 2-10-97
- M. Letter in opposition from Marty + Sallie Pearson dated 2-10-97
- N. Charbonneau Country Club Architecture Review Application dated 2-5-97
- O. Written documentation submitted by Sharon Peedles 2-10-97
- P. Second Supplemental Title Report dated 12-9-96 submitted by applicant

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THE VILLAGE AT WILSONVILLE
Wilsonville Oregon

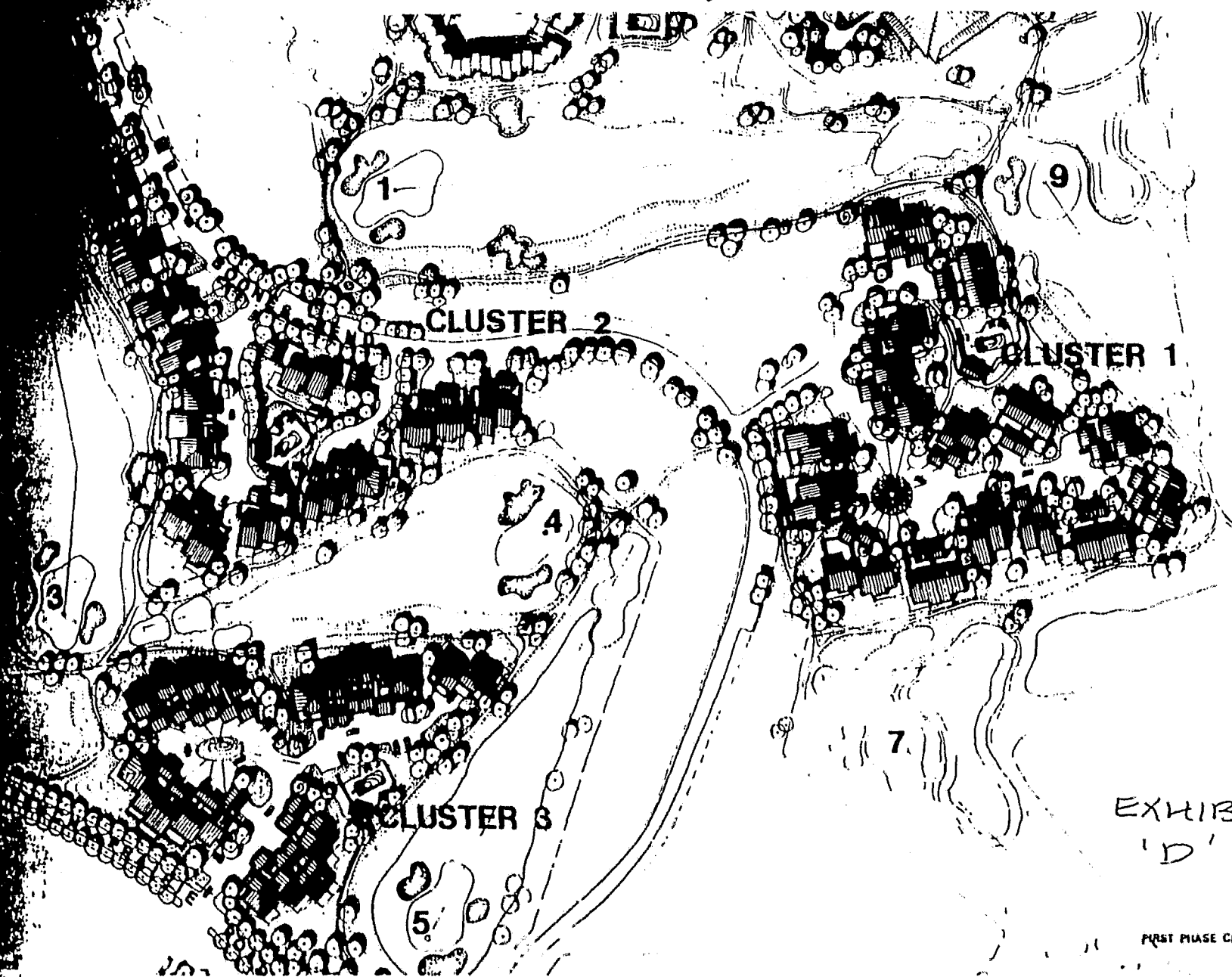
developer Winn-Dixie Food Stores	architects & planners George E. Anderson & Associates	associate architect Garrett, Frazier & Associates	landscape architect Michael DeBorja, George W. G. Jones Associates	civil engineer Engineering Practice, Inc.	golf course architect Frank & Johnson	economic consultant Harris & Associates	may 27 1971
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EXHIBIT 'B'

DEVELOPMENT PLAN

39

SUBJECT SITE



26 of 37

EXHIBIT 'D'

FIRST PHASE CLUSTER PLAN

VILLAGE AT WILSONVILLE
Wilsonville, Oregon

Developer
Bancroft Farms, Inc.

architects & planners
Lee, Johnson & Associates

associate architect
Ranger, Peterson & Associates

landscape architect
Mills, G. Kelly, G. Jones & Peter Associates

civil engineer
Engineering For People

golf course architect
Trotter & Associates

economic consultant
Mills & Associates


may 27 1971

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ENGINEERING DEPARTMENT
MEMO

DATE: January 17, 1997

TO: Blaise Edmonds
Associate Planner

FROM: Michael A. Stone, PE, 
City Engineer

RE: *Engineering Division Public Facilities (PF)*
Conditions of Approval for the Willamette Valley Homes Duplexes in
Charbonneau Village Center

Based on a review of the materials submitted to the Community Development Department the following Conditions of Approval are presented. These conditions are applicable to the subject application. Any modifications or revisions to the subject application may require amendments and/or additions to the conditions as set forth and outlined below:

- PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from existing connections. The materials, as proposed do not show main line connections that are to be used in conjunction with the construction of the proposed development. Separate Engineering Drawings reflecting the installation of these public utilities may 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 revise/modify the public improvement construction plans and 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 Work's Standards.
- PF 4. Record drawings are to be furnished by the applicant for all public utility improvements (0/3 mil mylar) before the final Punch List inspection will be performed.

EXHIBIT
G



- 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. Any proposed construction 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.
- PF 7. The applicant shall install, operate and maintain erosion control measures in conformance with the standards adopted by the Unified Sewerage Agency of Washington County 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 Oregon Water Resources 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 has indicated that the existing waterline easement will be relocated and reduced in width. As already mentioned this memo the required minimum width of a public easement is 15 ft.
- PF 11. At the request of Staff, DKS completed a traffic impact analysis (dated November 1996) to determine the impact on the City's transportation system. This analysis was based on the highest and best use of the subject property in conformance

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similar types of developments studied nationally and formalized in the ITE Manual on trip generation.

PF12. The applicant shall provide a pedestrian and driveway access plan to address pedestrian travel and vehicle access.

PF13. New p.m. peak hour trips 3
Trips through Wilsonville Road
Interchange area (subject to available capacity limitations) 0

Conditions for Approval/WillametteValleyHomes



January 10, 1997

890 Second Street
Post Office Box 337
Lebanon, Oregon
97355-0337

Mr. Blaise Edmonds
City of Wilsonville
30000 SW Town Center Loop E
Wilsonville, OR 97070

1-800-637-9843

RE: 97DB03 Willamette Valley Homes

Dear Mr Edmonds:

I am writing this letter concerning requirements that PTI Communications will have in regards to the construction of duplexes in Charbonneau Village Center. A utility easement will be required and will need to be obtained by the Developer, for placement of buried telephone cable to serve the duplexes. I would like this easement to be included in the approval process for the development. This will insure that there will be minimal delays when service is requested at the site.

Our nearest facilities are located next to the Pro Shop. The easement will need to run between there and the subject property, and be located on the South and East side of the Restaurant.

If you have any questions, you can call Duane Mattson at 541-259-7273. He is also an Engineer for this area and is more familiar with the subject parcel than I am.

Sincerely,

A handwritten signature in cursive script that reads "Monte Cook".

Monte Cook
Senior Outside Plant Engineer

EXHIBIT 'H'

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HALSTEAD'S ARBORICULTURE CONSULTANTS

*'Specialists in the care and
preservation of trees'*

David Halstead, Consultant B.S.

P.O. Box 1182 Tualatin, OR 97061

Phone (503) 245-353

December 27, 1996

*Willamette Valley Homes
Roger Nelson
P.O. Box 760
Wilsonville OR 97070*

*Reference: Tree Examination of Project #96071
Location: Charbonneau, West of Existing Restaurant
Subject: Tree Preservation, Removal and Disease Identification*

I have examined the trees shown on the TREE REMOVAL plot map, and have placed identification tags numbering 1 - 21 on the trees.

The Trees consist of: Oaks, Sycamores, Maples, Deodora Cedars and one Blue Atlas. The existing Arborvitae Hedge, is also slated to be removed due to plan design, and will be replaced during the re-landscaping portion of the project. The current Arborvitae Hedge has reached maximum growth height at which failure of major leaders begins to occur.

I have also numbered the trees shown on the plot plan to coincide with the numbers on the trees.

Tree's numbered 2, 4, 20, 6, 7, 9, 11 will need to be removed in order to facilitate hardscape areas.

Tree number 3 has fruiting bodies of a fungal disease known as Armillaria tabscens. Arboricultural practices concerning this disease usually include the removal of the tree and any other trees within a 50' radius. As noted on the map the close proximity of trees 2, 4, 21, 6, 7, 9 fall into this area of influence

Trees numbered 5 and 20 are also located in the fungal disease area. However, I recommend that observations be made periodically to determine the influence or symptoms of fungal infection. I further recommend an aggressive therapeutic treatment program in order to preserve these trees.

The program will consist of further examinations, measured fertilization fungicide treatment, root and canopy pruning.

EXHIBIT
"I"

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Reference: Tree Examination of Project #96071 Page 2
Location: Charbonneau, West of Existing Restaurant
Subject: Tree Preservation, Removal and Disease Identification

Trees numbered 12 - 19 in addition to competing, with the arborvitae's are also competing with ground cover (ivy) for needed nutrients. These trees show signs of bacterial and other infectious cankeral growths. The need for root pruning in order to avoid damaging existing hardscapes, will make these trees highly susceptible to fungal diseases that are lingering in the area. I recommend removal of these trees in order to ensure disease free planting environment upon completion of the project.

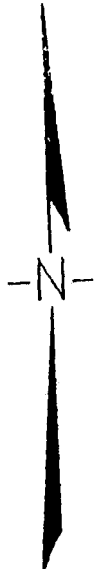
Note trees marked 9 and 10 on plot map identified as 'pines' are Deodora Cedars

If I can be of further assistance, please call.

Haistead's Arboriculture Consultants, Inc.

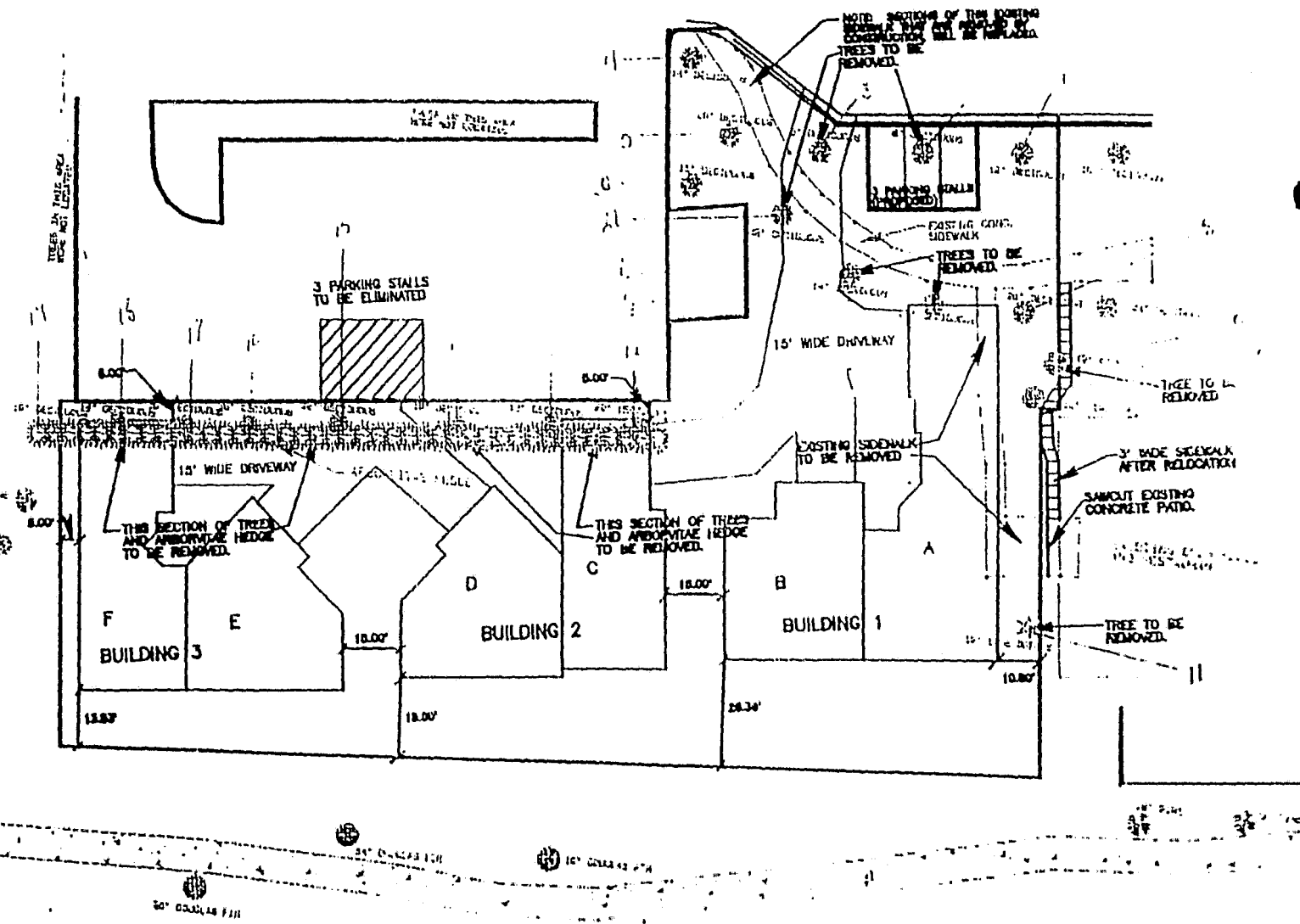
Stephen Wiley CA/ISA

TREE REMOVAL SIDEWALK RELOCATION



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SCALE: 1" = 40'
12/17/06



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DKS Associates

327 S.W. Washington Street, Suite 610
Portland, OR 97205-2824
Phone 503/243-3500
Fax 503/243-1924

November 27, 1996

Blaise Edmonds
City of Wilsonville
30000 Town Center Loop East
Wilsonville, OR 97070

Subject: Charbonneau Duplexes Limited Traffic Study

P96328x0

Dear Blaise:

This letter summarizes work performed by DKS Associates for the proposed Charbonneau duplex residential project, located adjacent to the south end of the Village Center parking lot, just off of Charbonneau Drive, in Wilsonville. Access would be provided via Charbonneau Drive and the Village Center parking lot. This study evaluated trip generation to the proposed site, level of service analysis at French Prairie Road/Miley Road and at French Prairie Road/Charbonneau Village Center Driveway, and number of trips traveling through the I-5/Wilsonville Road interchange area (encompasses Wilsonville Road between Town Center Loop West and Boones Ferry Road).

Trip Generation

Trip generation was based on standard transportation planning data published by the Institute of Transportation Engineers. Trip generation for the proposed project is summarized in Table 1.

**Table 1
Project Vehicle Trip Generation**

Project	Daily			AM Peak Hour			PM Peak Hour		
	Trip Rate/ DU	-Trips	Trips In/Out	Trip Rate/ DU	Trips	Trips In/Out	Trip Rate/ DU	Trips	Trips In/Out
6 Duplex Units	5.86	35	18/17	0.44	3	1/2	0.55	3	2/1

DU = Dwelling Unit

Intersection Capacity Analysis

EXHIBIT 'J'

Primary access to the site is from Charbonneau Village Drive via French Prairie Road (an access to the parking lot for Charbonneau Village). Traffic capacity was analyzed at French Prairie Road/Charbonneau Village Center Drive as well as at French Prairie Road/Miley Road for existing conditions and conditions with the proposed project. Table 2 summarizes intersection level of service at study area intersections.

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Blaise Edmonds
November 27, 1996
Page 2

Table 2
Intersection Level of Service
PM Peak Hour

Intersection	Major Street LOS/Minor Street	
	Existing	Existing + Project
French Prairie Road/Miley Road	A/B	A/B
French Prairie Road/Charbonneau Village Center Drive	A/A	A/A

The project adds less than five trips (total) during the PM peak hour. To put this in perspective, French Prairie Road carries approximately 80 vehicles (two-way) near Charbonneau Drive and approximately 350 vehicles (two-way) near Miley Road. With or without the addition of project traffic, the intersections of French Prairie Road/Miley Road and French Prairie Road/Charbonneau Village Center Drive would operate at level of service A or B for the minor street approach. The addition of project traffic would not negatively impact level of service at this intersection.

Site Circulation

A clear pedestrian plan and driveway access plan should be provided prior to project approval. The plan should indicate how pedestrians travel to building entrances and where vehicles gain access and park on site.

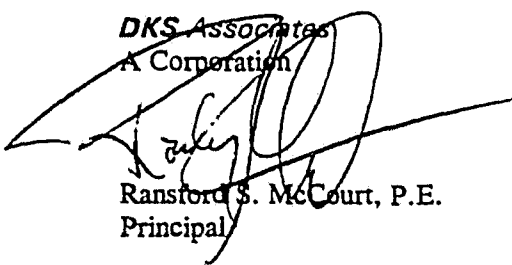
Estimated Trips Through the I-5/Wilsonville Road Interchange

The proposed project would generate about 3 PM peak hour vehicle trips. No PM peak hour project trips that would travel through the I-5/Wilsonville Road interchange area (Wilsonville Road between Town Center Loop West and Boones Ferry Road) are anticipated.

Please call Julie Sutherland or me if you have any questions.

Sincerely,

DKS Associates
A Corporation



Ransford S. McCourt, P.E.
Principal

J:\users\lp96328\report



Exp 12/31/96

January 7, 1997

TO: Blaise Edmonds

FROM: Steve Allen



SUBJECT: Site development plans

Our comments on the Site Development Plans are as follows:

- 1. Willamette Valley Homes - Charbonneau is currently served by Dial-a-Ride. There are no immediate plans to establish fixed route service to the area.
- 2. Tim Knapp, Old Town Flex. - No comments/Not applicable
- 3. TARR - This area is served by Route 203 along 95th Ave. The closest stop is 1/2 mile away at 95th & Ridder. No plans exist to establish bus service along Ridder Rd.

EXHIBIT ~~1~~
'K'

PLANNING DEPARTMENT MEMORANDUM

Date: March 31, 1997
To: Honorable Mayor and City Council
From: Robert G. Hoffman AICP *RGH*
Senior Planner
Re: Willamette Valley Condominiums - Case File 97DB03
Response to Land Use Issues raised by Sharon Peebles
memo of 3-26-97 re Charbonneau

1. Sec. 4.133 (2) "Majority Commercial" Issue

The criteria for use in a PDC zone is that the majority of the total area must remain Commercial. This has been interpreted as meaning the functional area of the development in question. As applied to the subject project, this is the central portion of the area, the Village Center Condo Plat, not the entire area outlined by Ms. Peebles. Never has this standard been applied to the entire district on the zoning map unless that unit makes sense on its own merits as a functional unit. If one inspects the drawing submitted by Ms. Peebles as the "Village Center", it is not clear what areas are intended as commercial land use and which are other uses. Clearly large parts of this area have been developed as residential land use. I don't find anything conclusive which states that the entire area outlined by Ms. Peebles in red or the PDC area on the zoning map must be the base unit for applying the "Majority Commercial" standard. The staff report interprets the appropriate area to be the Village Center Condo area, not the entire area zoned PDC from the zoning ordinance. The area staff selected is consistent with the area proposed to be Commercial Land Use on the Comprehensive Plan map. This area is only part of the area on the zoning map. The zoning map is a direct conversion of the PC-I District from the 1971 zoning map (see 4.110(3) - Replacement Table). The Comprehensive Land Use Map is from 1981 and, thus, represents the more recent thinking. Where there are differences the Comprehensive Plan supersedes the Zoning Ordinance. The Commercial area Policy 4.2.1 from the Comprehensive Plan proposes non-commercial uses within commercial areas provided the predominate use remains commercial. That would be the case here. Only 8% would be residential.

Section 4.110(5) specifies that any PC and I zone existing under the prior ordinance is converted and has the same status of approval as before and "*in no event shall that be less than a Section 4.139(2) Preliminary Approval (Stage I)*". (see below)

(5) Any PC & I and PC & I zones existing at the time of this Code shall not only be designated appropriately under the applicable planned development zone as set forth in the Replacement Table, but shall also have the equivalent approval status, regardless of whether it was in phases or not, under the current planned development regulations, Sections 4.130 to

4.140, as it or its phases received under the prior applicable planned development regulations, and, in no event, shall that be less than a Section 4.139(2), Preliminary Approval (Stage One). (emphasis added)

I do not understand that a State of Washington court ruling referred to by Ms. Peebles regarding Planned Development Zoning applies in Oregon. The land use laws in Washington are quite different than Oregon's.

Staff does not find that a rezoning from PDC to PDR or R, as Ms. Peebles states, is necessary or desirable in order to allow residential use within the Village Center Condominium area.

2. Waivers

Ms. Peebles states that waivers must be reviewed against the four purposes she listed because the section regarding waivers states the described standards, (minimum lot area, width, frontage, height and yard requirement, etc.) may be waived in order to implement the purposes and objectives of Sections 4.130 to 4.140. (emphasis added). Section 4.130 Planned Development Regulations - Purpose is a full page of purposes and Section 4.136 Planned Development Regulations - Development Standards is 20 pages long. Staff reports do not evaluate waivers against each individual purpose or standard from these 21 pages. The wording of authorization to waive certain standards is "*in order to implement the purposes and objectives of the (Planned Development sections)*". A rigorous line by line evaluation would be almost impossible and serve no useful purpose. The basic standard is summarized by the following "*to permit mixed uses and to produce a comprehensive development equal to or better than that resulting from traditional lot land development.*" The other seven purposes listed in Section 4.130 follow through with the thrust of that summary purpose.

Variable Property "A" is a part of a larger development, the Village Center Condominium Plat, and Charbonneau area as a whole. It cannot be evaluated as an individual property but must be reviewed in context. Since condo lots are defined by State Law, as simply an area in space, the usual standards for subdivision lots do not apply. However, the information in the staff report regarding lots and setbacks is given to provide perspective. Only the setbacks for the lot as a whole apply. The average lot square footage per unit would exceed 5,000 sq. ft., but it is true that this would vary for each condo lot. This is true for the lots across the fairway, also, which vary in size from about 3500 sq. ft to 5,000 sq. ft. This would result in a net density of 8.7 to 12.4 dus/ac for the units across the fairway. The apartments to the south, Charbonneau Village Condominiums have a net density of about 8 units/ac, while the subject development is about 8.7 units/net ac. Thus, the density of the proposal is comparable to the residential developments adjacent.

3. Site Plan Approval Standards

It is true that Sec. 4.400 is referenced in Sec. 4.421(3) as additional criteria and standards for Site Design Review.

4. Master Plan Amendment Standards

Stage I is the Master Plan or Preliminary Plan Phase of the Planned Development process. Section 4.110(5) provides that previously approved Planned Unit developments are given approval status of Stage I at the time of adoption of the current Zoning code. Approval

standards are given in Section 4.139 and 4.139(7) explicitly states that "*modifications...shall be processed in the same manner as the original application and shall be subject to the same procedural requirements*". Thus, Stage I standards are appropriate amendments standards. The primary consideration in this determination is that the proposal is consistent with the Land Use in the Comprehensive Plan. The detailed criteria are given in 4.139(4). The applicant and staff report have addressed this approval criteria.

SUMMARY RECOMMENDATION:

Staff recommends approval of Stage I and II and not approval of Site Design Review. We still recommend adoption of Resolution 1371 which lists criteria for redesign of the project.

attachments:

1. WV Code Section 4.110 Zoning - Zones
2. Segment of Comprehensive Plan Map showing Commercial

BH:sh

4.102 (Cont.)

Map which may, from time to time, be made or published, the Official Zoning Map, which shall be located in the Office of the City Clerk, shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the City.

(5) The perimeter boundaries of the Official Zoning Map and the City are intended to be conterminous to each other at all times. When any irregularities of the two perimeter boundaries are found, the zoning of the adjacent zoning district shall extend to the city limits.

4.110 Zoning - Zones.

(1) The following Zones are established by this Code:

(a) Residential Agricultural I, which shall be designated as "RAI" Districts.

(b) Residential, which shall be designated "R".

(c) Planned Development Residential, which shall be designated "PDR."

(d) Planned Development Commercial, which shall be designated "PDC."

(e) Planned Development Industrial, which shall be designated "PDI."

(2) The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each District in which it is located, save and except as Sections 4.179 to 4.185 non-conforming uses may apply.

(3) The Replacement Table below is the replacement relationship of the Zones established by this Section to those replaced Zones of the previous Zoning Ordinance.

Replacement Table

<u>Established Zones</u>	<u>Previous Zones</u>	<u>Code Sec.</u>	<u>Old Ord. Sec.</u>
RAI	RA-1	4.120	5.06
R	R-7, R-10, R-20 & MR-1	4.121	5.01, 5.015, 5.02, 5.07
PDR	PD Regulation	4.130	12.01 et seq
PDC	C-1, C-2, Square 76, City Center & PC&1	4.130	5.020, 5.03, Ord. #66
PDI	1-1, 1-2 & PC&I	4.130	5.04, 5.05, 13.01, et seq

4.110 (Cont.)

(4) Any C-1, C-2, 1-1 and 1-2 zones existing at the time of the enactment of this Code shall not only be designated appropriately under the applicable planned development zone as set forth in the Replacement Table, but shall also be considered as having final approval (Stage Two) pursuant to Section 4.139(3) et. seq., and shall be eligible to apply for Design Review Board approval.

(5) Any PC&I and PC&I zones existing at the time of this Code shall not only be designated appropriately under the applicable planned development zone as set forth in the Replacement Table, but shall also have the equivalent approval status, regardless of whether it was in phases or not, under the current planned development regulations, Sections 4.130 to 4.140, as it or its phases received under the prior applicable planned development regulations, and, in no event, shall that be less than a Section 4.139(2), Preliminary Approval (Stage One).

(6) Any zoned land upon which no development has occurred shall be subject to an expiration date and shall be governed by Section 4.190.

4.111 Zoning - Zone Boundary Lines.

(1) Except where reference is made on said map to a street line, political boundary, or other designated line by dimensions shown on said map or maps, the zone boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads or the extension of such lines as they existed at the time of the adoption of this Code.

(2) Questions concerning the exact location of zone boundary lines shall be determined by the Planning Commission.

(3) Whenever any street, alley or public way is vacated by official action as provided by law, the zone adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended zone or zones.

4.120 Zones - RA-I Residential Agricultural Zone.

(1) Purpose:

(a) The purpose of this zone is to provide large lot residential areas, incidental agricultural use and small scale livestock raising within areas designated for 0 to 3 dwelling units per acre on the Comprehensive Plan.

(b) It is further the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for industrial or more intensive residential development. This zone shall be applied to all urbanizable properties within the city which are planned for industrial and residential development greater than three units per acre and which have not been previously zoned or preliminarily planned in accordance with the Comprehensive Plan.

5-7

COMMERCIAL

55 DU/AC

FROM
COMP PLAN E.V.