



## **Special City Council Meeting May 26, 2021**

**Special Council Meeting 6:30 p.m.  
(Held in Council Chambers)**

This meeting is taking place with social distancing precautions in place:

- Councilors are participating virtually, via Zoom videoconferencing.

### **To Provide Public Comment:**

- Written comments may be submitted to the City Recorder (Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070).
- Digital comments (email) may be submitted to [cityrecorder@ci.wilsonville.or.us](mailto:cityrecorder@ci.wilsonville.or.us).
- Individuals may participate online through the Zoom videoconferencing platform.
- Contact City Recorder at (503) 570-1506 [cityrecorder@ci.wilsonville.or.us](mailto:cityrecorder@ci.wilsonville.or.us) to register.

### **You can watch the City Council Meeting here:**

YouTube: [youtube.com/c/CityofWilsonvilleOR](https://www.youtube.com/c/CityofWilsonvilleOR)

Zoom: <https://us02web.zoom.us/j/81536056468>

# City of Wilsonville

Special City Council

Meeting

May 26, 2021



**AGENDA**

**SPECIAL WILSONVILLE CITY COUNCIL MEETING  
MAY 26, 2021  
6:30 P.M.**

**CITY HALL  
29799 SW TOWN CENTER LOOP EAST  
WILSONVILLE, OREGON**

Mayor Julie Fitzgerald

Council President Kristin Akervall  
Councilor Charlotte Lehan

Councilor Joann Linville  
Councilor Ben West

**CITY COUNCIL MISSION STATEMENT**

To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

---

**Special City Council meeting will be held in the  
Council Chambers, City Hall, 1<sup>st</sup> Floor**

**THERE IS NO EXECUTIVE SESSION OR WORK SESSION SCHEDULED.**

---

**CITY COUNCIL MEETING**

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Wednesday, May 26, 2021 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on May 11, 2021. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered there with except where a time limit for filing has been fixed.

**6:30 P.M. CALL TO ORDER**

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda.

**6:35 P.M. MAYOR'S BUSINESS**

- A. None.

**6:35 P.M. COMMUNICATIONS**

- A. None.

**6:35 P.M. CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS**

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

**6:35 P.M. COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS**

A. None.

**6:35 P.M. CONSENT AGENDA**

A. None.

**6:35 P.M. NEW BUSINESS**

A. None.

**6:35 P.M. CONTINUING BUSINESS**

A. None.

**6:35 P.M. PUBLIC HEARING**

A. **Ordinance No. 847** – *1<sup>st</sup> Reading (Land Use)*

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Residential 0-1 Dwelling Units Per Acre To Residential 4-5 Dwelling Units Per Acre On Approximately 2.25 Acres Located At 28700 SW Canyon Creek Road South; The Land Is More Particularly Described As Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Scott Miller, Samm-Miller, LLC – Applicant For William Z. Spring – Owner. (Bradford)

B. **Ordinance No. 848** – *1<sup>st</sup> Reading (Land Use)*

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agriculture-Holding (RA-H) Zone To The Planned Development Residential-3 (PDR-3) Zone On Approximately 2.25 Acres Located At 28700 SW Canyon Creek Road South; The Land Is More Particularly Described As Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Scott Miller, Samm-Miller, LLC – Applicant For William Z. Spring – Owner. (Bradford)

**7:20 P.M. CITY MANAGER’S BUSINESS**

**7:25 P.M. LEGAL BUSINESS**

**7:30 P.M. ADJOURN**

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting: Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503) 570-1506 or [cityrecorder@ci.wilsonville.or.us](mailto:cityrecorder@ci.wilsonville.or.us).



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> May 26, 2021	<b>Subject: Ordinance Nos. 847 &amp; 848 – 1<sup>st</sup> Reading</b> Comprehensive Plan Amendment and Zone Map Amendment for Canyon Creek Subdivision  <b>Staff Member:</b> Philip Bradford, Associate Planner  <b>Department:</b> Community Development, Planning Division	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: May 26, 2021 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: May 26, 2021 <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: June 7, 2021 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial  <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable  <b>Comments:</b> Development Review Board Panel A unanimously recommended approval.	
<b>Staff Recommendation:</b> Staff recommends Council adopt Ordinance Nos. 847 and 848 on first reading.		
<b>Recommended Language for Motion:</b> Two separate motions: I move to approve Ordinance No. 847 on first reading. I move to approve Ordinance No. 848 on first reading.		
<b>Project / Issue Relates To:</b> Comprehensive Plan Amendment and Zone Map Amendment on approximately 2.25 acres of land located at 28700 SW Canyon Creek Road South.		
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

Approve, modify, or deny Ordinance Nos. 847 and 848 to modify the Comprehensive Plan Map designation from Residential 0-1 dwelling units per acre to Residential 4-5 dwelling units per acre and to rezone from Residential Agriculture – Holding (RA-H) to Planned Development Residential

3 (PDR-3) on approximately 2.25 acres of land located at 28700 SW Canyon Creek Road South, enabling a 5-lot residential subdivision.

**EXECUTIVE SUMMARY:**

Based on a number of contributing circumstances, the staff report for this application was not ready for the planned March 8 Development Review Board (DRB) hearing and the DRB continued their hearing to April 12, 2021. After receiving testimony from the applicant and numerous citizens, DRB continued the April 12, 2021 to May 10, 2021 to allow additional time for discussion and deliberation. As a result of the DRB continuations, City Council continued the hearing of the subject Ordinances from April 5, 2021 to April 19, 2021, then to the Special City Council Meeting on May 26, 2021, in order to receive a recommendation from the DRB prior to the Council hearing and decision.

The subject property is part of the 1964 Bridle Trail Ranchetts subdivision where each lot was approximately two acres in size. When the City adopted the current Comprehensive Plan Map a density of 0-1 dwelling units per acre was designated for this area. Beginning in the mid-2000s, the City approved a series of requests to increase the density from 0-1 to 4-5 dwelling units an acre recognizing the opportunity to provide housing near Town Center and employment centers. The changes have all kept the zoned density at or below that of neighboring zones. The City has previously approved similar zone change applications on 15 of the original 19 Bridle Trail lots.

Contingent on approval of the Comprehensive Plan Map Amendment of 4-5 dwelling units per acre, the subject property would receive a corresponding zoning designation of PDR-3. The City approved the same zoning for other portions of Bridle Trail Ranchetts. The current development standards for PDR-3, updated in 2020 by Ordinance No. 841, would then apply to the subject property.

After sending the Public Hearing Notice to adjacent property owners, staff received numerous comments from residents with concerns about the proposed development, the public input and other exhibits can be found on the [project page on the City website](#). Several citizens also testified at the public hearings before DRB. Many of the concerns noted by residents were related to tree removal, privacy, traffic and safety, parking, and density. City staff also highlighted in the staff report concerns with the tree removal plan and reduced setbacks proposed by the applicant. This resulted in specific conditions of approval, which the applicant objected to at the April 12 hearing, stating it would make those lots unbuildable.

Based on the additional evidence of the infeasibility of home construction on the proposed lots and compatibility issues with surrounding development, the applicant revised the proposal to reduce the subdivision from eight (8) lots to five (5) lots and no longer included the need for any waivers. The applicant also modified the site plan to widen the proposed right-of-way to provide a public street wide enough for parking on one side of the street to respond to citizen concerns. During the DRB hearing on May 10, the board added additional conditions that further incorporated requests from adjacent residents including swapping Lot 1 and Tract A, which is the usable open space tract, as well as storm water treatment and tree preservation.

**EXPECTED RESULTS:**

Hold a public hearing and adopt Ordinance Nos. 847 and 848 on first reading. Approval of these Ordinances will also make effective the Stage I Master Plan, Stage II Final Plan, Tentative Subdivision Plat, and Type C Tree Removal Plan approved with conditions by the DRB, contingent on the Comprehensive Plan Map Amendment and Zone Map Amendment.

**TIMELINE:**

The applicant signed a Land Use Application Extension of Time form extending the land use decision time frame to June 30, 2021. Council must make a decision on the application by June 30, 2021. To meet this timeframe, Ordinance first reading is scheduled for May 26, 2021, and Ordinance second reading will be June 7, 2021.

**CURRENT YEAR BUDGET IMPACTS:**

None.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: CAR Date: 5/18/2021

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 5/18/2021

DRB performed thoughtful deliberation and spent many hours on this file. The Applicant worked with staff to address most of the concerns raised by residents. The residents should be pleased with these changes. It is important for all property owners to remember when buying next to vacant land, that land will likely be developed in the future, as allowed by Code, and determined by the owner of that land.

**COMMUNITY INVOLVEMENT PROCESS:**

The required public hearing notices have been sent and public hearings held. City staff has made materials regarding the application readily available to the public.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

The development of the subject land will provide additional housing choices within the current urban growth boundary.

**ALTERNATIVES:**

The alternatives are to approve, modify, or deny the Comprehensive Plan Map Amendment and Zone Map Amendment.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

Exhibit A – Annexation Ordinance No. 847

Attachment 1 – Comprehensive Plan Map Order DB20-0040 Including Legal Description and Sketch Depicting Zone Map Amendment

Attachment 2 – Comprehensive Plan Map Amendment Findings

Attachment 3 – Development Review Board Panel A Resolution No. 388 Recommending  
Approval of Comprehensive Plan Map Amendment

Exhibit B – Zone Map Amendment Ordinance No. 848

Attachment 1 – Zoning Order DB20-0039 Including Legal Description and Sketch  
Depicting Zone Map Amendment

Attachment 2 – Zone Map Amendment Findings

Attachment 3 – Development Review Board Panel A Resolution No. 388 Recommending  
Approval of Zone Map Amendment

Exhibit C – Amended and Adopted DRB Staff Report and DRB Recommendation



**ORDINANCE NO. 847**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE ON APPROXIMATELY 2.25 ACRES LOCATED AT 28700 SW CANYON CREEK ROAD SOUTH; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 6400, SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR WILLIAM Z. SPRING – OWNER.**

WHEREAS, William Z. Spring (“Owner”) and Scott Miller of SAMM-MILLER LLC (“Applicant”) have made a development application requesting, among other things, a Comprehensive Plan Map Amendment for the Property; and

WHEREAS, the development application form has been signed by the Owner of the real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Comprehensive Plan Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, which staff report was presented to the Development Review Board on April 12, 2021; and

WHEREAS, the City of Wilsonville Planning Staff followed all public noticing requirements and sent a Public Hearing Notice on March 23, 2021, which was posted in City Hall, Wilsonville Library, and published in the newspaper, and mailed to all property owners within 250 feet of the subject property and posted in a highly visible location on the project site; and

WHEREAS, the Development Review Board Panel A held a public hearing on the application for a Comprehensive Plan Map Amendment on April 12, 2021, and continued the public hearing and kept the record open to a date certain of May 10, 2021, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 388 which recommends City Council approval of the Comprehensive Plan Map Amendment request (Case File DB20-0040), adopts the amended staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on May 26, 2021, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Comprehensive Plan Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code.

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

1. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Comprehensive Plan Map Amendment Findings in Attachment 2, as if fully set forth herein.
2. The official City of Wilsonville Comprehensive Plan Map is hereby amended by Comprehensive Plan Map Order DB20-0040, attached hereto as Attachment 1, from Residential 0-1 dwelling units per acre to Residential 4-5 dwelling units per acre.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 26<sup>th</sup> day of May, 2021, and scheduled for a second reading at a regular meeting of the Council on the 7<sup>th</sup> day of June, 2021, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 7<sup>th</sup> day of June, 2021 by the following votes:

Yes: \_\_\_\_ No: \_\_\_\_

\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 7<sup>th</sup> day of June, 2021.

---

JULIE FITZGERALD, Mayor

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Lehan

Councilor West

Councilor Linville

Attachments:

Attachment 1 – Comprehensive Plan Map Order DB20-0040 Including Legal Description  
and Sketch Depicting Comprehensive Plan Map Amendment

Attachment 2 – Comprehensive Plan Map Amendment Findings

Attachment 3 – Development Review Board Panel A Resolution No. 388 Recommending  
Approval of Comprehensive Plan Map Amendment

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

In the Matter of the Application of	)	
SAMM-MILLER LLC	)	
for an Amendment	)	<b>COMPREHENSIVE PLAN MAP</b>
of the City of Wilsonville	)	<b>ORDER DB20-0040</b>
Comprehensive Plan Map	)	

The above-entitled matter is before the Council to consider the application of DB20-0040, for a Comprehensive Plan Map Amendment and an Order, amending the official Comprehensive Plan Map of the City of Wilsonville.

The Council finds that the subject property (“Property”), legally described and shown in the attached legal description and sketch, has heretofore appeared on the City of Wilsonville Comprehensive Plan Map with a designation of Residential 0-1 dwelling units per acre.

The Council having heard and considered all matters relevant to the application for a Comprehensive Plan Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 2.25 acres located at 28700 SW Canyon Creek Road South comprising Tax Lot 6400 of Section 13BD, T3S, R1W, City of Wilsonville, Clackamas County, Oregon, as more particularly shown and described in the attached legal description and sketch, is hereby designated as Residential 4-5 dwelling units per acre, subject to conditions detailed in this Order’s adopting Ordinance. The foregoing designation is hereby declared an amendment to the Wilsonville Comprehensive Plan Map and shall appear as such from and after entry of this Order.

Dated: This 26<sup>th</sup> day of May,  
2021.

\_\_\_\_\_  
JULIE FITZGERALD, MAYOR

EXHIBIT A ATTACHMENT 1

APPROVED AS TO FORM:

---

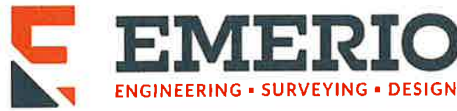
Barbara A. Jacobson, City Attorney

ATTEST:

---

Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory Subject to the Comprehensive Plan Map Amendment



ASPEN MEADOWS PHASE 3  
BOUNDARY DESCRIPTION

JOB NO. 0463-005  
APRIL 29, 2021

EXHIBIT A (PAGE 1 OF 2)

A TRACT OF LAND SITUATED IN THE N.W. 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9, "BRIDLE TRAIL RANCHETTS" (PLAT NO. 1147), BEING ON THE EASTERLY RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH (25.0 FEET FROM CENTERLINE); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 01°48'04" EAST, 106.85 FEET; THENCE 53.00 FEET ON THE ARC OF A NONTANGENT 50.00 FOOT RADIUS CURVE (THE RADIUS POINT BEARS NORTH 28°11'56" WEST) THROUGH A CENTRAL ANGLE OF 60°44'05" (THE CHORD BEARS NORTH 31°26'01" EAST, 50.55 FEET) TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE ALONG THE NORTH LINE OF SAID LOT 9 AND ITS EASTERLY EXTENSION, SOUTH 88°52'03" EAST, 636.03 FEET TO THE CENTER OF SECTION LINE OF SAID SECTION 13; THENCE ALONG SAID CENTER OF SECTION LINE, SOUTH 01°46'38" WEST, 148.48 FEET TO THE NORTH LINE OF THE PLAT OF "SUNDIAL" (PLAT NO, 2910); THENCE ALONG SAID NORTH LINE, NORTH 89°02'35" WEST, 661.11 FEET TO THE POINT OF BEGINNING.

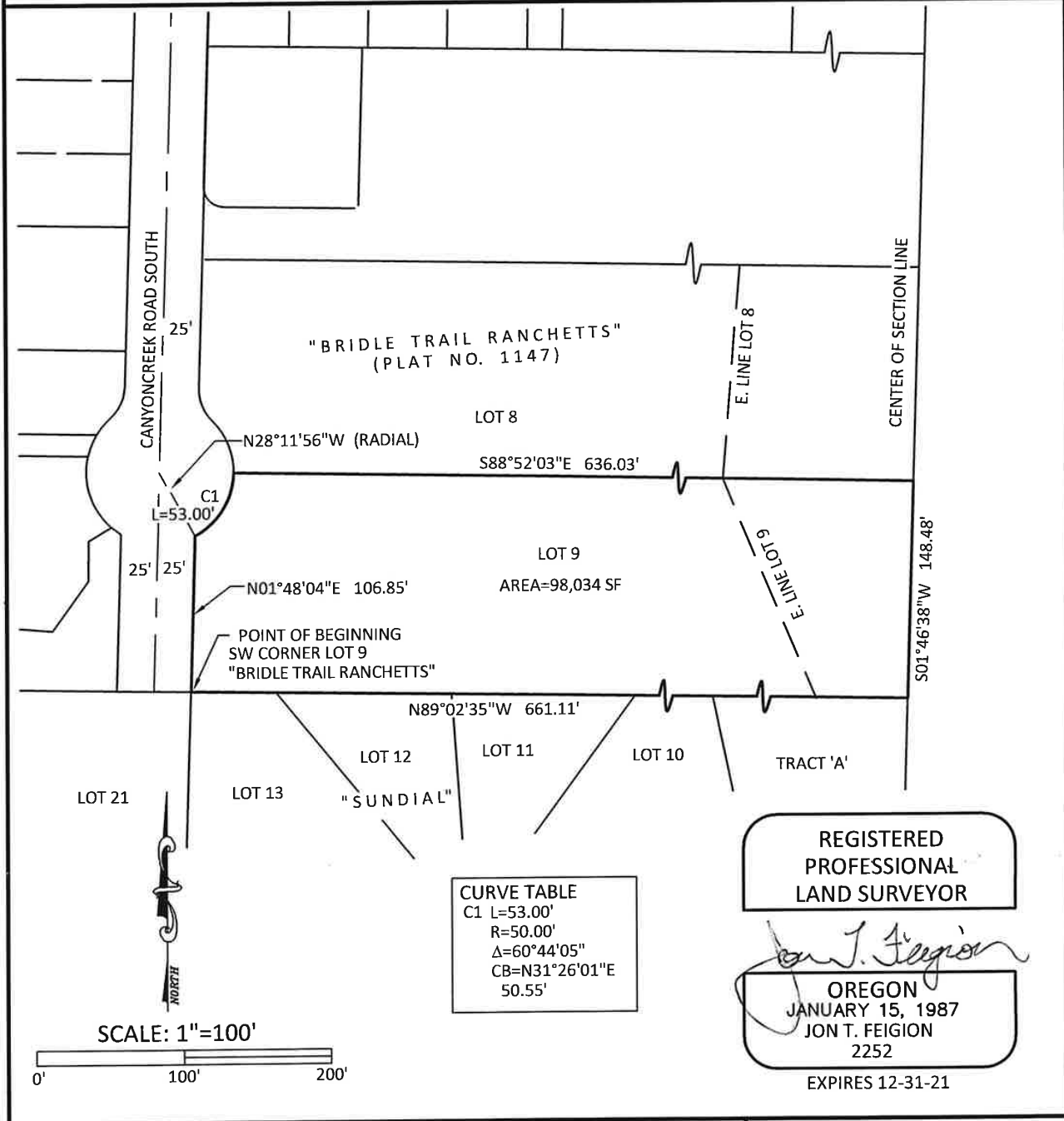
CONTAINING 98,034 SQUARE FEET, MORE OR LESS.



BASIS OF BEARINGS: PARTITION PLAT NO. 2020-097, CLACKAMAS COUNTY PLAT RECORDS

**EXHIBIT A** (PAGE 2 OF 2)

LOT 9, "BRIDLE TRAIL RANCHETTES" AND ADJACENT LAND ATTACHED  
LOCATED IN THE  
NW 1/4 OF SEC. 13, T.3S, R.1W., W.M.,  
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



<b>CURVE TABLE</b>
C1 L=53.00'
R=50.00'
$\Delta=60^{\circ}44'05''$
CB=N31^{\circ}26'01''E
50.55'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jon T. Feigion*

OREGON  
JANUARY 15, 1987  
JON T. FEIGION  
2252

EXPIRES 12-31-21

JOB NO.: 0463-005
DATE: 4-29-21
SCALE: 1" = 100'
DRAWN BY: JTF

ASPEN MEADOWS PHASE 3  
CLACKAMAS COUNTY  
TAX LOT 6400 31W 33BD

**EMERIO**  
ENGINEERING • SURVEYING • DESIGN

6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com  
EMERIO JOB: 0463-005



Ordinance No. 847  
Comprehensive Plan Amendment Findings

Canyon Creek Phase 3 Subdivision – 5 New Residential Lots

City Council  
Quasi-Judicial Public Hearing

---

<b>Hearing Date:</b>	May 26, 2021
<b>Date of Report:</b>	May 11, 2021
<b>Application Nos.:</b>	DB20-0040 – Comprehensive Plan Amendment

---

**Request/Summary:** The request before the City Council is a Comprehensive Plan Map Amendment for approximately 2.25 acres.

**Location:** 28700 SW Canyon Creek Road South The property is specifically known as Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**Owner:** William Z. Spring

**Applicant:** SAMM-Miller, LLC (Contact: Scott Miller)

**Applicant’s Rep.:** Emerio Design, LLC (Contact: Steve Miller)

**Comprehensive Plan Designation (Current):** Residential 0-1 dwelling units per acre (du/ac)

**Comprehensive Plan Designation (Proposed):** Residential 4-5 dwelling units per acre (du/ac)

**Zone Map Classification (Current):** RA-H (Residential Agricultural-Holding)

**Zone Map Classification (Proposed):** PDR-3 (Planned Development Residential-3)

**Staff Reviewers:** Philip Bradford, Associate Planner

**Staff Recommendation:** Adopt the requested Comprehensive Plan Map Amendment.



**Applicable Review Criteria:**

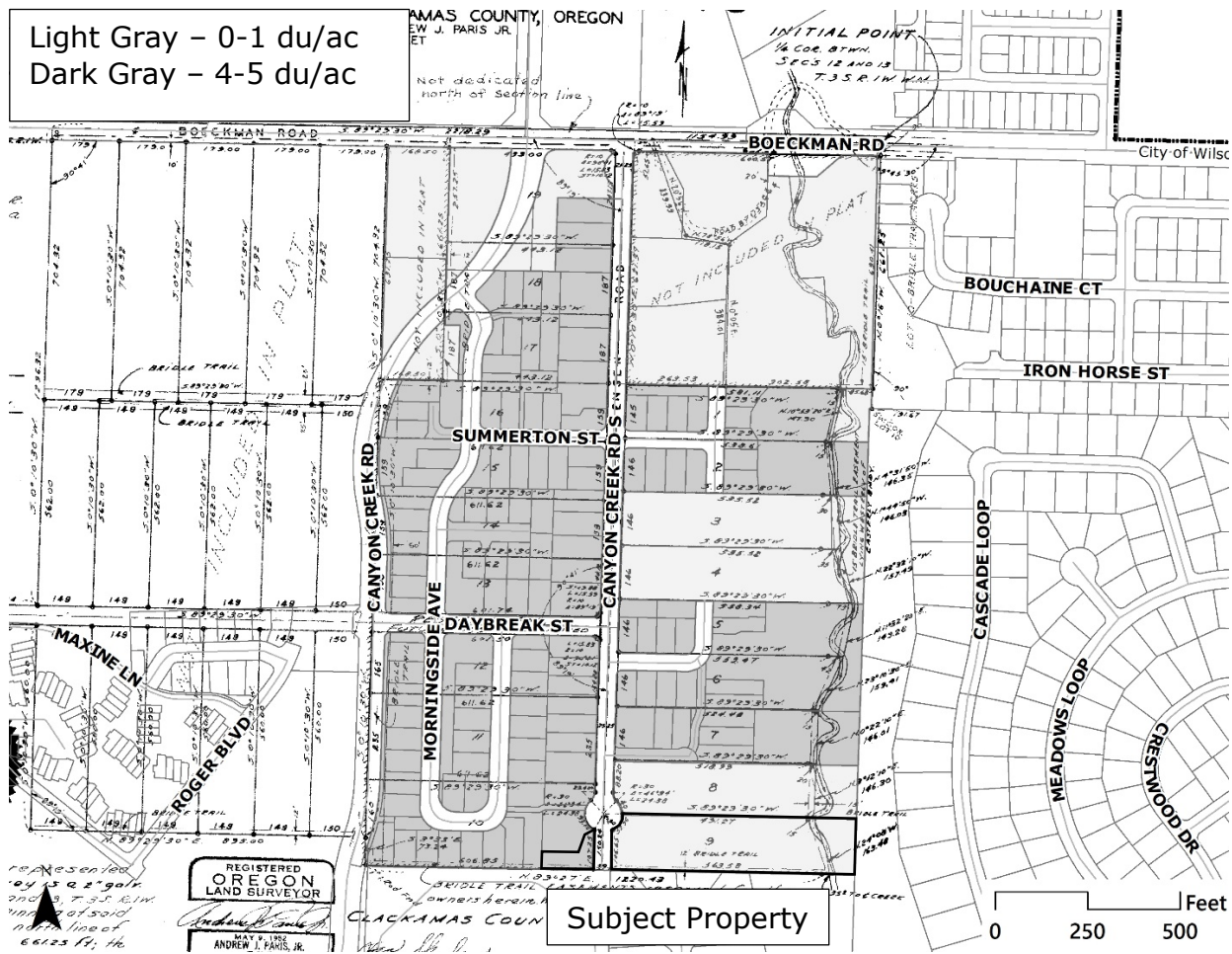
<b><u>Development Code:</u></b>	
Section 4.198	Comprehensive Plan Changes
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Oregon Statewide Planning Goals	

**Vicinity Map**



**Background / Summary:**

The subject property is part of the 1964 Bridle Trail Ranchetts subdivision, developed prior to Wilsonville’s incorporation as a city. Each lot in the subdivision was approximately 2 acres in size, and adoption of the current Comprehensive Plan Map included a residential density for this area reflecting the existing subdivision. Beginning in the mid-2000s, the City approved many of the Bridle Trail Ranchett lots for Comprehensive Plan Map amendments to increase the density from 0-1 to 4-5 dwelling units an acre (du/ac). Currently, the City has approved portions of 15 of the original 19 Bridle Trail Ranchett lots for increased density.



The first and largest approved change in this area from 0-1 to 4-5 du/ac was in 2004 with the adoption of Ordinance No. 570 for Renaissance at Canyon Creek. The supporting staff report discussed the need of additional homes to provide housing for people working in Wilsonville as well as others desiring to live here. In addition, the findings point out the limited amount of vacant residential land within the City, and that designations for higher residential density surround the subject area.

In early 2006, Ordinance No. 604 similarly changed the Comprehensive Plan designation for approximately four acres on the east side of Canyon Creek Road South from 0-1 to 4-5 du/ac for the development of the 13-lot Cross Creek Subdivision. The City made the same findings regarding the need of additional housing units, the limited amount of vacant land within the City, and the density of surrounding areas.

In 2007, Ordinance No. 635 approved a similar Comprehensive Plan designation change for approximately 0.69 acres on the west side of Canyon Creek Road South, north of Renaissance at Canyon Creek. The City made findings consistent with the previously approved amendments.

In 2014, Ordinance No. 738 approved the same density change in 2014 for a property whose owners had elected not to participate in the 2004 project and now desired to redevelop.

In 2016, Ordinance No. 790 changed the Comprehensive Plan designation from 0-1 to 4-5 du/ac for the 14-lot Aspen Meadows subdivision to the immediate north of the subject property.

In 2018, Ordinance No. 823 changed the Comprehensive Plan designation from 0-1 to 4-5 du/ac for the 5-lot Aspen Meadows Phase 2 subdivision located north of the subject property. The City made findings consistent with the previously approved amendments.

The applicant proposes to change the Comprehensive Plan Map designation for the 2.25-acre subject property from 0-1 du/ac to 4-5 du/ac, consistent with previous Comprehensive Plan Map amendments for properties in the Bridle Trail Ranchetts subdivision.

### **Conclusion and Conditions of Approval:**

Staff and the Development Review Board recommend approval of this request with no additional conditions.

### **Findings:**

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

## **General Information**

### **Application Procedures-In General** Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

### **Initiating Application** Section 4.009

The property owner, William Z. Spring, signed the submitted application form.

## **Request: DB20-0040 Comprehensive Plan Map Amendment**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### **Development Code - Comprehensive Plan Amendment Process**

#### **Procedures and Criteria in Comprehensive Plan** Subsection 4.198 (.01)

- A1.** The lot of the subject development site is of sufficient size for development in a manner consistent with the purposes and objectives of Section 4.140.

**Review Bodies**

Subsection 4.198 (.02)

**A2.** The DRB and City Council are considering the request as described.

**Applicant Agreeing to Conditions of Approval**

Subsection 4.198 (.05)

**A3.** The owner will be required to sign a statement accepting conditions for approvals granted contingent on the Comprehensive Plan Map Amendment and Zone Map Amendment.

**Comprehensive Plan Amendment Required Findings****Meets Identified Public Need**

Subsection 4.198 (.01) A.

**A4.** The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City.

Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

Policy 4.1.4 and its implementation measures, seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” The proposal provides additional residential lots supporting an ongoing desire for homes at various price levels as part of Wilsonville’s strong diversity of housing unit types.

**Meets Identified Public Need As Well As Reasonable Alternative**

Subsection 4.198 (.01) B.

**A5.** The proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Renaissance at Canyon Creek and Aspen Meadows, and provides a consistent density and development type as the area becomes more dense and urban over time. The consistency with nearby development makes the proposed continued residential use at the proposed density meet the need for a variety of homes better than other density or design options for the site. The decision to not use the available SROZ density transfer supports the ability to have lots that meet the context of immediately adjacent lots.

### Supports Statewide Planning Goals

Subsection 4.198 (.01) C.

A6. The City's Comprehensive Plan complies with the Statewide Planning Goals. The consistency of the proposal with the Comprehensive Plan, as stated in the findings for this request, demonstrates the proposal also complies with the Statewide Planning Goals. See also Findings A33-A37.

### No Conflict with Other Portions of Plan

Subsection 4.198 (.02) D.

A7. The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map.

## **Comprehensive Plan-Initiating, Applying for, and Considering Plan Amendments**

### Who May Initiate Plan Amendments

Introduction Page 7 "Plan Amendments" 1.

A8. The property owner of the subject lot has initiated the proposed amendment.

### How to Make Application

Introduction Page 7 "Plan Amendments" 2.

A9. The property owner of the subject lots, who has submitted a signed application form provided by the City and paid the required application fee, initiated the proposed amendment.

### Consideration of Plan Amendments

Introduction Page 7 "Plan Amendments" 3.

A10. The City Council will consider the plan amendment only after receiving a recommendation from the Development Review Board.

## **Standards for Approval of Plan Amendments**

### Conformance with Other Portions of the Plan

Introduction Page 7 "Plan Amendments" 4. a.

A11. The change of residential density for the subject properties does not lead to nonconformance with other portions of the Comprehensive Plan.

**Public Interest**

Introduction Page 7 "Plan Amendments" 4. b.

**A12.** The request is in the public interest by providing needed housing. See also Finding A4.

**Public Interest Best Served by Timing of Amendment**

Introduction Page 7 "Plan Amendments" 4. c.

**A13.** The timing of the amendment is appropriate. See Finding A5.

**Factors to Address in Amendment**

Introduction Page 7 "Plan Amendments" 4. d.

**A14.** The area is suitable for the proposed development as it is in a residential area with similar development and has the necessary public services, including streets, available. It is similar to and follows the trends in recent nearby developments such as Renaissance at Canyon Creek and Aspen Meadows. The density is consistent with these other recent nearby developments. No parties submitted substantiated evidence that the development would negatively affect property values. Preservation of natural resource areas is part of the development. The application of design standards ensures healthful, safe and aesthetic surroundings.

**Conflict with Metro Requirements**

Introduction Page 7 "Plan Amendments" 4. e.

**A15.** The review did not identify any conflicts with Metro requirements. Particularly, Wilsonville's housing mix continues to exceed Metro's requirements.

**Public Notice Requirements**

Introduction Page 8 "Plan Amendments" 5.

**A16.** The City has or will send all required public hearing notices.

**Urban Growth Management****Urbanization for Adequate Housing**

Implementation Measure 2.1.1.b.

**A17.** The proposal provides for additional housing density to accommodate those employed with the City. See also Finding A4.

**Revenue Sources for Urbanization**

Implementation Measure 2.1.1.d.

**A18.** Existing requirements for improvements and systems development charges apply to the development proposed concurrently with the Comprehensive Plan Map amendment.

### New Development and Concurrency

Implementation Measure 2.1.1.e.

- A19.** The City's concurrency requirements in the Development Code apply to the concurrently proposed development.

### Encourage Master Planning

Implementation Measure 2.1.1.f.2.

- A20.** The subject property is large enough, being greater than the two-acre threshold for planned development established in Section 4.140, for design consistent with the City's planned development regulations to support design quality and conformity with the Comprehensive Plan.

## Public Facilities and Services

### Urban Development Only Where Facilities and Services Can Be Provided

Implementation Measure 3.1.2.a.

- A21.** Application of the concurrency standards of the City's Development Code ensures the development proposed concurrently with this amendment request will have all necessary facilities and services provided. See Stage II Final Plan in Request D.

### Paying for Facilities and Services

Implementation Measures 3.1.3.a., 3.1.4.f., 3.1.5.c., 4.1.4.h.

- A22.** The City has all necessary codes and processes in place to ensure the development pays for public facilities/services directly related to the development.

### Growth and Sewer Capacity

Implementation Measure 3.1.4.b

- A23.** The City will not allow development without adequate sanitary sewer capacity. As reviewed in the Stage II Final Plan, adequate sanitary sewer capacity exists by connecting to the existing sewer in Canyon Creek Road South.

## Land Use and Development

### Variety of Housing Types

Implementation Measures 4.1.4.b, 4.1.4.j., and 4.1.4.o.

- A24.** Wilsonville has a rich diversity of housing types. Infill in other areas of the Bridle Trail Ranchetts involved residential development of a similar density as proposed (including Renaissance at Canyon Creek and Aspen Meadows subdivisions). The proposal supports the area's existing role amongst Wilsonville's housing mix.

### Encouraging Variety and Housing Balance

Implementation Measure 4.1.4.c and 4.1.4.d

- A25.** Being relatively small for a planned development, not a lot of variety would be expected within the development. However, the proposal provides some variety of lot sizes allowing diversity of housing products.

The proposed development does not detract from the City's ongoing work to encourage variety and promote housing balance. Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

The addition of five (5) residential lots would not take away from the variety that currently exists within the city.

### Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

- A26.** The proposed housing will fit into the rich diversity of Wilsonville's housing to allow existing residents to move up or move down, thus opening their units to others.

### Housing Development and the Social and Economic Needs of the Community

Implementation Measure 4.1.4.g.

- A27.** Wilsonville has a rich diversity of housing types, to which these additional homes would contribute. The diversity of housing types supports the variety of needs of members of the community.

### Jobs Housing Balance

Implementation Measures 4.1.4.l. and 4.1.4.p.

- A28.** It is anticipated the planned homes could be occupied by people working in Wilsonville. The location is close to employment centers including Town Center and the industrial area north of Boeckman between Canyon Creek Road and Parkway Avenue.

### Provision of Open Space and Protection of Established Neighborhoods

Implementation Measure 4.1.5.t

- A29.** The applicant proposes an open space area that is consistent with the development standards applicable to the requested zoning of the property, PDR-3. The city's Comprehensive Plan requires new development to preserve the character of established neighborhoods, in particular the low-density zones. The site abuts properties with a



comprehensive plan designation of 0-1 du/ac to the north, 4-5 du/ac to the west, and 6-7 du/ac to the south and east. It is important to note that while the property to the south has a higher density designation, it was developed at a substantially lower density that would make the configuration more similar to 2-3 or 4-5 du/ac designated properties. The previous iteration of the project presented at the April 12, 2021 DRB Panel A Hearing utilized the density transfer provision in WC Section 4.130.11. The density transfer is permitted if the applicable code criteria is met for uses, setbacks, outdoor living area, landscaping, building height, and parking. With the previously requested waiver it became clear that the project was not able to utilize the SROZ density transfer without a setback waiver, which does not meet the intent of the provision and resulted in a site configuration that was inconsistent with the surrounding neighborhoods. The applicant has now revised the proposal to include five (5) residential lots, which provides a site configuration that is more consistent with the established neighborhood context and is no longer utilizing the SROZ density transfer nor proposing the side-yard setback request.

### Residential Districts and Density

Implementation Measures 4.1.4.u. and 4.1.4.z.

**A30.** The applicant requests the density to change from 0-1 du/ac to 4-5 du/ac in an area transitioning from rural residential to denser urban residential. Similar changes have occurred on other nearby properties including the areas currently occupied by Renaissance at Canyon Creek and Aspen Meadows subdivisions.

### 2-3 or 4-5 Dwelling Unit Per Acre Residential District

"Residential Planning Districts" page D-19

**A31.** The 4-5 du/ac designation is appropriate as adequate access to streets is available creating traffic volumes within the limits set by the City, it is adjacent to a variety of residential densities, including low density, and it is an appropriate density to allow development while preserving the natural slope and riparian areas of the properties.

### Metro Urban Growth Functional Plan

#### Maintaining or Increasing Housing Capacity

Title 1 3.07.110

**A32.** The proposal will increase the City's housing capacity within the current City limits.

### Statewide Planning Goals

#### Citizen Involvement

Goal 1

**A33.** A thorough citizen involvement process, as defined in Wilsonville's Development Code and Comprehensive Plan, ensures citizen involvement in the decision.

## Land Use Planning

### Goal 2

**A34.** The Comprehensive Plan Amendment is required to meet policies based on the statewide framework and is required to provide adequate facts to make a decision based on the applicable review criteria.

## Agriculture Lands

### Goal 3

**A35.** The areas proposed for new housing development are not currently in commercial agriculture use. Increasing development within the City limits has the potential to lessen slightly the demand for housing on land currently in use for commercial agriculture.

## Natural Resources, Scenic and Historic Areas, and Open Spaces

### Goal 5

**A36.** The City's SROZ overlay standards ensure protection of significant natural resources on the eastern portion of the subject properties.

## Air, Water and Land Resources Quality

### Goal 6

**A37.** The requirements to preserve the natural area as well as stormwater requirements help maintain water quality. No significant negative impacts to air and land resources can reasonably be anticipated.

## Housing

### Goal 10

**A38.** The proposed Comprehensive Plan map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.
- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community,

and others. The City is beginning the process of ensuring that additional residential land is available through the concept planning process for the Advance Road new urban growth area. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.

- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Changing the Comprehensive Plan Map to a higher density zone will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and implementing administrative rules once the City’s updated code is adopted.
- The proposal directly impacts approximately 0.4% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 2 of 477 acres).

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 388**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE, A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL 3 (PDR-3) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE C TREE PLAN, TENTATIVE SUBDIVISION PLAT, FOR AN 5-LOT RESIDENTIAL SUBDIVISION AND NOT APPROVING REQUESTED WAIVERS THAT ARE NO LONGER NEEDED WITH AN UPDATED DESIGN LOCATED AT 28700 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOT 6400 SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR WILLIAM Z. SPRING – OWNERS.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, on March 8, 2021, the Development Review Board continued the public hearing to a date and time certain of April 12, 2021, and

WHEREAS, on April 12, 2021, the Development Review Board opened the public hearing and after hearing from staff, the applicant, and other parties continued the public hearing to a date and time certain of May 10, 2021, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated April 5, 2021, and

WHEREAS, the Planning Staff has prepared an amended staff report on the above-captioned subject dated May 3, 2021, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at meeting conducted on April 12, 2021 and May 10, 2021, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

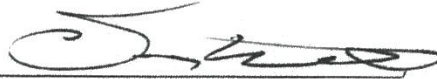
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 3, 2021, as amended, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

EXHIBIT A ATTACHMENT 3

DB20-00039 through DB20-0045; Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, and Type C Tree Removal Plan.

ADOPTED by the Development Review Board of the City of Wilsonville this 10<sup>th</sup> day of May, 2021, and filed with the Planning Administrative Assistant on May 11, 2021. This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).



Daniel McKay, Chair - Panel A  
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant

**ORDINANCE NO. 848**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURE-HOLDING (RA-H) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL-3 (PDR-3) ZONE ON APPROXIMATELY 2.25 ACRES LOCATED AT 28700 SW CANYON CREEK ROAD SOUTH; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 6400, SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR WILLIAM Z. SPRING – OWNER.**

WHEREAS, William Z. Spring (“Owner”) and Scott Miller of SAMM-MILLER LLC (“Applicant”) have made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the development application form has been signed by the Owner of the real property legally described and shown in Attachment 1, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, concurrently with the Zone Map Amendment the Applicant is requesting a change of the Comprehensive Plan Map designation to “Residential 4-5 dwelling units per acre”; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with the Comprehensive Plan Map designation of “Residential 4-5 dwelling units per acre”, upon approval of the requested Comprehensive Plan Map designation; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on April 12, 2021; and

WHEREAS, the City of Wilsonville Planning Staff followed all public noticing requirements and sent a Public Hearing Notice on March 23, 2021, which was posted in City Hall, Wilsonville Library, and published in the newspaper, and mailed notice to all property owners within 250 feet of the subject property and posted in a highly visible location on the project site; and

WHEREAS, the Development Review Board Panel A held a public hearing on the application for a Zone Map Amendment on April 12, 2021, and continued the public hearing and kept the record open to a date certain of May 10, 2021, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 388 which recommends City Council approval of the Zone Map Amendment request (Case File DB20-0039), adopts the amended staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on May 26, 2021, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code.

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

1. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.
2. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB20-0039, attached hereto as Attachment 1, from the Residential Agriculture-Holding (RA-H) Zone to Planned Development Residential-3 (PDR-3) Zone contingent on finalization of concurrent Comprehensive Plan Map Amendment.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 26<sup>th</sup> day of May, 2021, and scheduled for a second reading at a regular meeting of the Council on the 7<sup>th</sup> day of June, 2021, commencing at the hour of 7:00 P.M. at the Wilsonville City Hall.

---

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 7<sup>th</sup> day of June, 2021 by the following votes:

Yes: \_\_\_ No: \_\_\_

---

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 7<sup>th</sup> day of June, 2021.

---

JULIE FITZGERALD, Mayor

SUMMARY OF VOTES:

- Mayor Fitzgerald
- Council President Akervall
- Councilor Lehan
- Councilor West
- Councilor Linville

Attachments:

- Attachment 1 – Zoning Order DB20-0039 Including Legal Description and Sketch  
    Depicting Zone Map Amendment
- Attachment 2 – Zone Map Amendment Findings
- Attachment 3 – Development Review Board Panel B Resolution No. 388 Recommending  
    Approval of Zone Map Amendment



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

In the Matter of the Application of )  
SAMM-MILLER LLC )  
for a Rezoning of Land and Amendment ) **ZONING ORDER DB20-0039**  
of the City of Wilsonville Zoning Map )  
Incorporated in Section 4.102 of the )  
Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of DB20-0039, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the City of Wilsonville zoning map zoned as Residential Agriculture-Holding (RA-H).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 2.25 acres located at 28700 SW Canyon Creek Road South comprising Tax Lot 6400 of Section 13BD, T3S, R1W, City of Wilsonville, Clackamas County, Oregon, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Residential-3 (PDR-3), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 26<sup>th</sup> day of May,  
2021.

\_\_\_\_\_  
JULIE FITZGERALD, MAYOR

EXHIBIT B ATTACHMENT 1

APPROVED AS TO FORM:

---

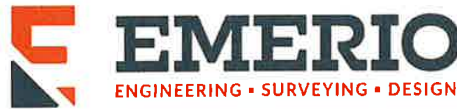
Barbara A. Jacobson, City Attorney

ATTEST:

---

Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezoned



ASPEN MEADOWS PHASE 3  
BOUNDARY DESCRIPTION

JOB NO. 0463-005  
APRIL 29, 2021

EXHIBIT A (PAGE 1 OF 2)

A TRACT OF LAND SITUATED IN THE N.W. 1/4 OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9, "BRIDLE TRAIL RANCHETTS" (PLAT NO. 1147), BEING ON THE EASTERLY RIGHT OF WAY LINE OF CANYON CREEK ROAD SOUTH (25.0 FEET FROM CENTERLINE); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 01°48'04" EAST, 106.85 FEET; THENCE 53.00 FEET ON THE ARC OF A NONTANGENT 50.00 FOOT RADIUS CURVE (THE RADIUS POINT BEARS NORTH 28°11'56" WEST) THROUGH A CENTRAL ANGLE OF 60°44'05" (THE CHORD BEARS NORTH 31°26'01" EAST, 50.55 FEET) TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE ALONG THE NORTH LINE OF SAID LOT 9 AND ITS EASTERLY EXTENSION, SOUTH 88°52'03" EAST, 636.03 FEET TO THE CENTER OF SECTION LINE OF SAID SECTION 13; THENCE ALONG SAID CENTER OF SECTION LINE, SOUTH 01°46'38" WEST, 148.48 FEET TO THE NORTH LINE OF THE PLAT OF "SUNDIAL" (PLAT NO, 2910); THENCE ALONG SAID NORTH LINE, NORTH 89°02'35" WEST, 661.11 FEET TO THE POINT OF BEGINNING.

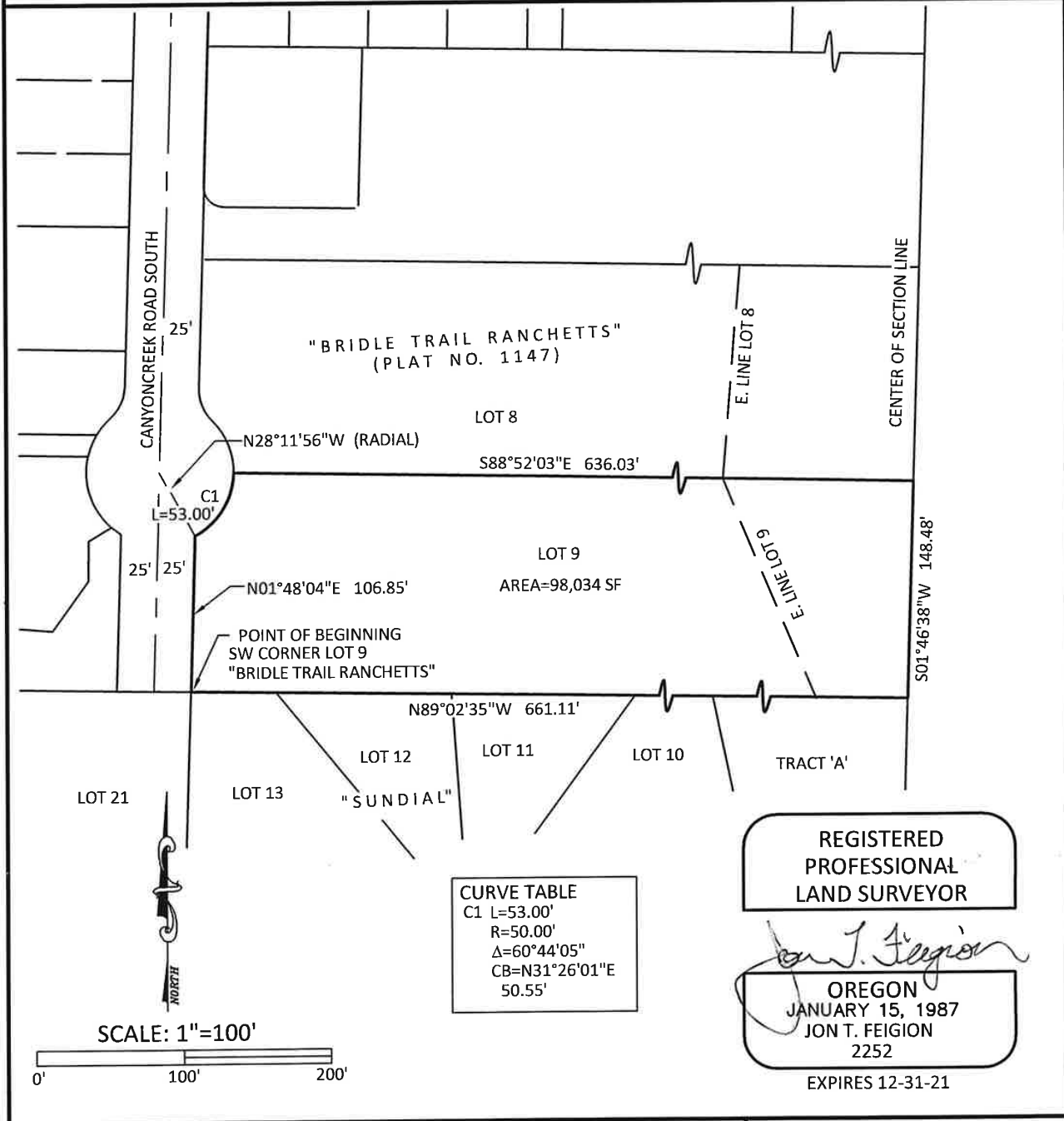
CONTAINING 98,034 SQUARE FEET, MORE OR LESS.



BASIS OF BEARINGS: PARTITION PLAT NO. 2020-097, CLACKAMAS COUNTY PLAT RECORDS

**EXHIBIT A** (PAGE 2 OF 2)

LOT 9, "BRIDLE TRAIL RANCHETTES" AND ADJACENT LAND ATTACHED  
 LOCATED IN THE  
 NW 1/4 OF SEC. 13, T.3S, R.1W., W.M.,  
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



JOB NO.: 0463-005
DATE: 4-29-21
SCALE: 1" = 100'
DRAWN BY: JTF

ASPEN MEADOWS PHASE 3  
 CLACKAMAS COUNTY  
 TAX LOT 6400 31W 33BD

**EMERIO**  
 ENGINEERING • SURVEYING • DESIGN

6445 SW FALLBROOK PLACE, SUITE 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com  
 EMERIO JOB: 0463-005



Ordinance No. 848 Attachment 2  
Zone Map Amendment Findings

Canyon Creek Phase 3 Subdivision –5 New Residential Lots

City Council  
Quasi-Judicial Public Hearing

---



---

<b>Hearing Date:</b>	May 26, 2021
<b>Date of Report:</b>	May 11, 2021
<b>Application Nos.:</b>	DB20-0039 – Zone Map Amendment

---

**Request/Summary:** The requests before the City Council is a Zone Map Amendment for approximately 2.25 acres.

**Location:** 28700 SW Canyon Creek Road South The property is specifically known as Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**Owner:** William Z. Spring

**Applicant:** SAMM-Miller, LLC (Contact: Scott Miller)

**Applicant’s Rep.:** Emerio Design, LLC (Contact: Steve Miller)

**Comprehensive Plan Designation (Current):** Residential 0-1 dwelling units per acre (du/ac)

**Comprehensive Plan Designation (Proposed):** Residential 4-5 dwelling units per acre (du/ac)

**Zone Map Classification (Current):** RA-H (Residential Agricultural-Holding)

**Zone Map Classification (Proposed):** PDR-3 (Planned Development Residential-3)

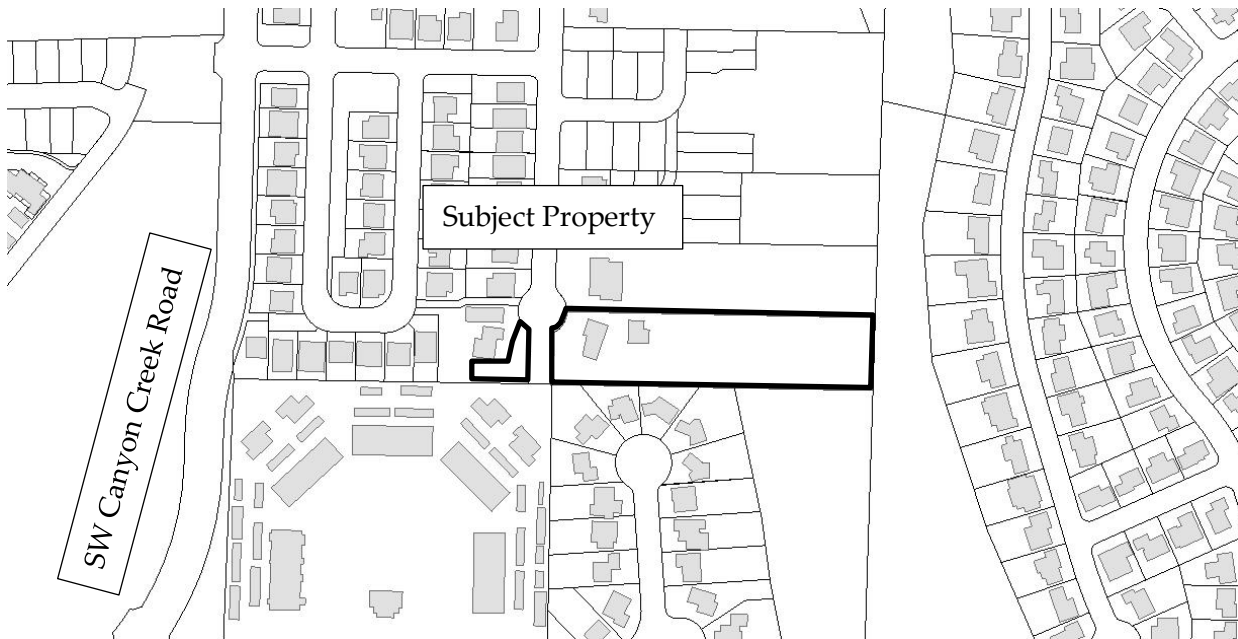
**Staff Reviewers:** Philip Bradford, Associate Planner

**Staff Recommendation:** Adopt the requested Zone Plan Map Amendment.

**Applicable Review Criteria:**

<b><u>Development Code:</u></b>	
Section 4.110	Zones
Section 4.124.3	PDR-3 Zone
Section 4.197	Zone Changes
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Oregon Statewide Planning Goals	

**Vicinity Map**



**Zone Map Amendment (DB20-0039)**

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 du/ac, the applicant proposes a corresponding PDR zoning of PDR-3. Other portions of Bridle Trail Ranchetts with past approval of increased density to 4-5 du/ac have the same PDR-3 zoning.

## Conclusion and Conditions of Approval:

Staff and the Development Review Board recommend approval with the following condition:

Request: DB20-0039 Zone Map Amendment

No conditions for this request
--------------------------------

## Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

### General Information

#### Application Procedures-In General

Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

#### Initiating Application

Section 4.009

The property owner, William Z. Spring, signed the submitted application form.

### Request: DB20-0039 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

## Comprehensive Plan

### Diversity of Housing Types

Implementation Measure 4.1.4.b.,d.

**B1.** Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

The City has approved hundreds of new residential lots, mainly in Villebois and Frog Pond West, for development over the next few years. The proposal will provide additional

residential lot options outside of Villebois and Frog Pond West within the existing City limits.

**Safe, Convenient, Healthful, and Attractive Places to Live**

Implementation Measure 4.1.4.c.

- B2.** The proposed Planned Development Residential-3 (PDR-3) zoning allows the use of planned development to enable development of safe, convenient, healthful, and attractive places to live.

**Residential Density**

Implementation Measure 4.1.4.u.

- B3.** The subject area will be zoned PDR-3, allowing the application of the proposed residential density of 4-5 du/ac to the subject property.

**Development Code**

**Zoning Consistent with Comprehensive Plan**

Section 4.029

- B4.** The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of PDR-3 is consistent with the proposed Comprehensive Plan Residential 4-5 du/ac designation. The approval of the Zone Map Amendment is contingent on City approval of the related Comprehensive Plan Map Amendment.

**List of Base Zones**

Subsection 4.110 (.01)

- B5.** The requested zoning designation of PDR-3 is among the base zones identified.

**Standards for All Planned Development Residential Zones**

**Typically Permitted Uses**

Subsection 4.124 (.01)

- B6.** The list of typically permitted uses includes residential building lots for development of allowed residential uses, and open space, covering all proposed uses on the subject properties.

**Appropriate PDR Zone**

Subsection 4.124 (.05)

- B7.** PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac.



### Zone Change Procedures

Subsection 4.197 (.02) A.

- B8.** The applicant submitted the request for a Zone Map Amendment as set forth in the applicable code sections.

### Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) B.

- B9.** The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Residential 4-5 du/ac (see Exhibit A Attachment 2 Comprehensive Plan Map Amendment Findings). As shown in Exhibit A Attachment 2 and Findings B1 through B3, the request complies with applicable Comprehensive Plan text.

### Specific Comprehensive Plan Findings for Residential Designated Lands

Subsection 4.197 (.02) C.

- B10.** Findings B1 through B3 under this request and A24 through A30 under Request A provide the required specific findings for Implementation Measures 4.1.4.b, d, e, q, and x.

### Public Facility Concurrency

Subsection 4.197 (.02) D.

- B11.** The applicant's Exhibits B1, B2, and B3 (compliance report and the plan sheets) demonstrate the existing primary public facilities are available or can be provided in conjunction with the project.

### Impact on SROZ Areas

Subsection 4.197 (.02) E.

- B12.** The proposed design of the development preserves and protects the SROZ area on the property.

### Development within 2 Years

Subsection 4.197 (.02) F.

- B13.** Related land use approvals will expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

### Development Standards and Conditions of Approval

Subsection 4.197 (.02) G.

- B14.** As can be found in the findings for the accompanying requests, the proposal meets the applicable development standards either as proposed or through a condition of approval.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 388**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE, A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL 3 (PDR-3) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE C TREE PLAN, TENTATIVE SUBDIVISION PLAT, FOR AN 5-LOT RESIDENTIAL SUBDIVISION AND NOT APPROVING REQUESTED WAIVERS THAT ARE NO LONGER NEEDED WITH AN UPDATED DESIGN LOCATED AT 28700 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOT 6400 SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR WILLIAM Z. SPRING – OWNERS.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, on March 8, 2021, the Development Review Board continued the public hearing to a date and time certain of April 12, 2021, and

WHEREAS, on April 12, 2021, the Development Review Board opened the public hearing and after hearing from staff, the applicant, and other parties continued the public hearing to a date and time certain of May 10, 2021, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated April 5, 2021, and

WHEREAS, the Planning Staff has prepared an amended staff report on the above-captioned subject dated May 3, 2021, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at meeting conducted on April 12, 2021 and May 10, 2021, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 3, 2021, as amended, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

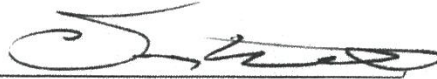
RESOLUTION NO. 388

PAGE 1 OF 2

EXHIBIT B ATTACHMENT 3

DB20-00039 through DB20-0045; Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, and Type C Tree Removal Plan.

ADOPTED by the Development Review Board of the City of Wilsonville this 10<sup>th</sup> day of May, 2021, and filed with the Planning Administrative Assistant on May 11, 2021. This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).



Daniel McKay, Chair - Panel A  
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant



Exhibit A1  
Staff Report  
Canyon Creek Phase 3 Subdivision – 5 & New Residential Lots

Development Review Board Panel 'A' Quasi-Judicial Public Hearing  
Amended and Adopted May 11, 2021  
Added language ***bold italics underline***  
Removed language ~~struck through~~

---

<b><u>1st Hearing Date:</u></b>	April 12, 2021
<b><u>Continued Hearing Date:</u></b>	<b><i><u>May 10, 2021</u></i></b>
<b><u>Date of Original Report:</u></b>	April 5, 2021
<b><u>Date of Revised Report:</u></b>	<b><i><u>May 3, 2021</u></i></b>

---

**Application Nos.:**

- DB20-0040 – Comprehensive Plan Amendment
- DB20-0039 – Zone Map Amendment
- DB20-0041 – Stage I Master Plan
- DB20-0042 – Stage II Final Plan
- DB20-0043 – Site Design Review
- DB20-0044 – Type C Tree Plan
- DB20-0045 – Tentative Subdivision Plat
- ~~DB20-0053 – Waiver~~

**Request/Summary:** The requests before the Development Review Board include a Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Master Plan, Stage II Final Plan, Type C Tree Removal Plan, ***and*** Tentative Subdivision Plat, ~~and Waiver~~.

**Location:** 28700 ~~and 28705~~ SW Canyon Creek Road South - The property is specifically known as Tax Lot 6400 ~~and a portion of Tax Lot 3800~~, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**Owner:** William Z. Spring  
~~Fallbrook, LLC (Contact: Neil Fernando)~~

**Applicant:** SAMM-Miller, LLC (Contact: Scott Miller)

**Applicant's Rep.:** Emerio Design, LLC (Contact: Steve Miller)

**Comprehensive Plan Designation (Current):** Residential 0-1 dwelling units per acre (du/ac)

**Comprehensive Plan Designation (Proposed):** Residential 4-5 dwelling units per acre (du/ac)

**Zone Map Classification (Current):** RA-H (Residential Agricultural-Holding)

**Zone Map Classification (Proposed):** PDR-3 (Planned Development Residential-3)

**Staff Reviewers:** Philip Bradford, Associate Planner  
Khoi LE, PE, Development Engineering Manager  
Kerry Rappold, Natural Resources Program Manager

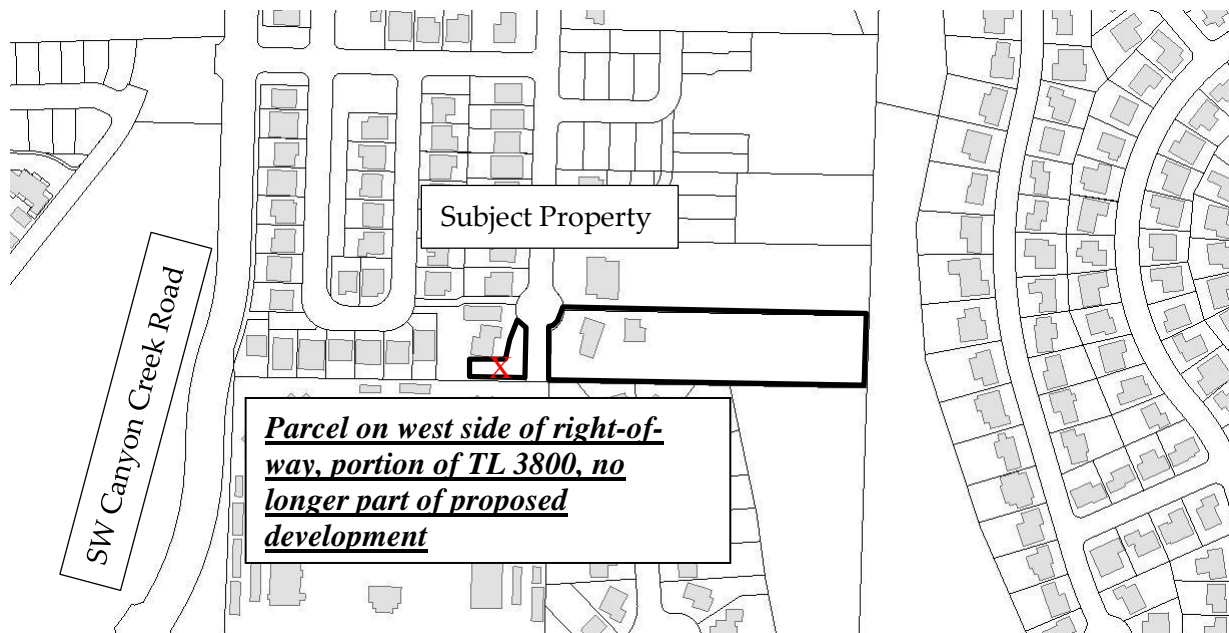
**Staff Recommendation:** Based on relevant review criteria, recommend approval to the City Council of the Comprehensive Plan Map Amendment and Zone Map Amendment ~~with conditions~~; and approve with conditions the Stage I Master Plan, State II Final Plan, Type C Tree Plan, and Tentative Subdivision Plat, ~~and Waiver~~ contingent on City Council approval of the Comprehensive Plan Map Amendment and Zone Map Amendment. Not approve the Waiver request based on the applicant's revised plan that no longer requests any waivers.

**Applicable Review Criteria:**

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.124	Standards Applying to All Planned Development Residential Zones
Section 4.124.3	PDR-3 Zone
Sections 4.139.00 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes
Section 4.198	Comprehensive Plan Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
Sections 4.600-4.640.20	Tree Preservation and Protection
<u>Comprehensive Plan and Sub-elements:</u>	

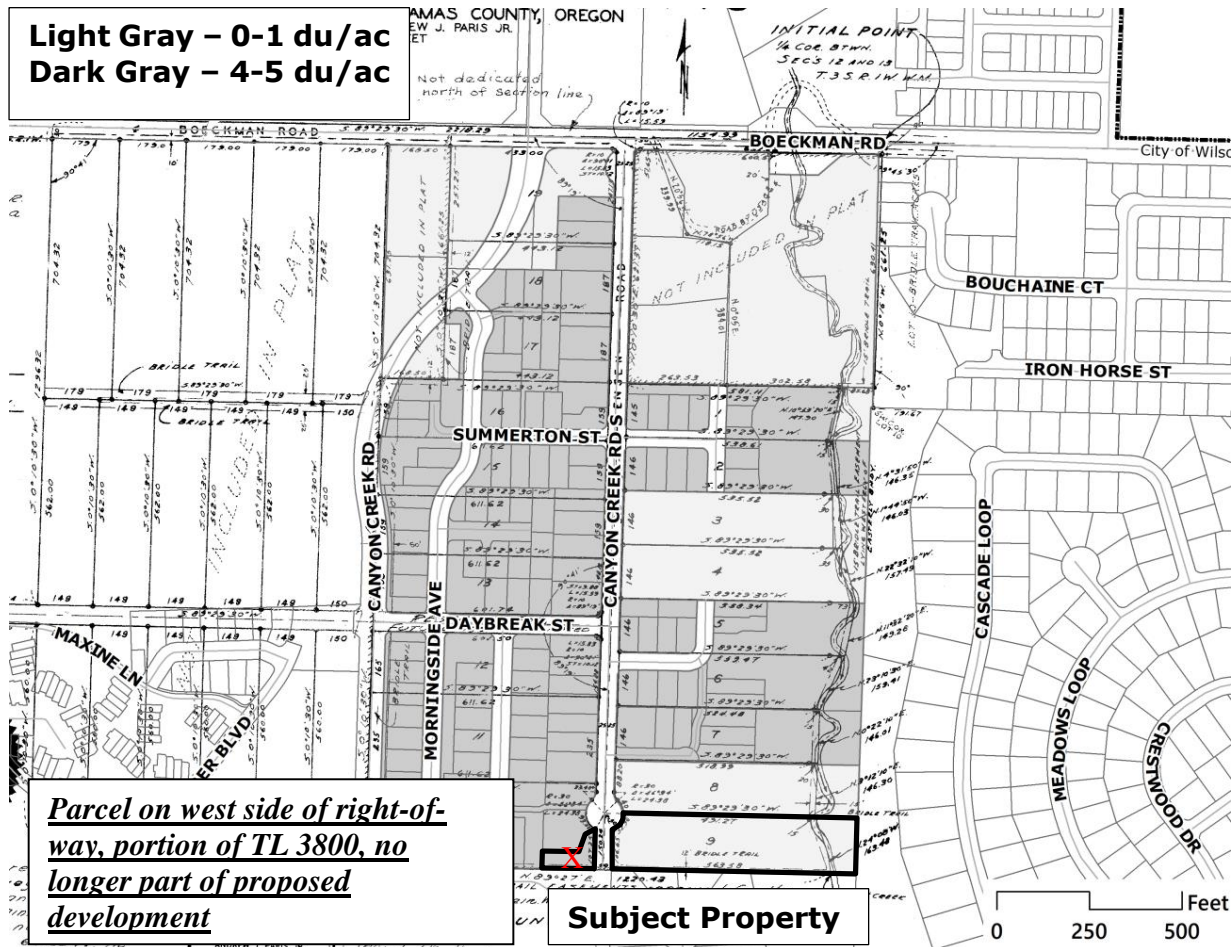
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
<b><u>Regional and State Law and Planning Documents:</u></b>	
Oregon Statewide Planning Goals	

**Vicinity Map**



**Background:**

The subject property is part of the 1964 Bridle Trail Ranchetts subdivision, developed prior to Wilsonville’s incorporation as a city. Each lot in the subdivision was approximately 2 acres in size, and adoption of the current Comprehensive Plan Map included a residential density for this area reflecting the existing subdivision. Beginning in the mid-2000s, the City approved many of the Bridle Trail Ranchett lots for Comprehensive Plan Map amendments to increase the density from 0-1 to 4-5 dwelling units an acre (du/ac). Currently, the City has approved portions of 15 of the original 19 Bridle Trail Ranchett lots for increased density of 4-5 dwelling units an acre (du/ac).



The first and largest approved change in this area from 0-1 to 4-5 du/ac was in 2004 with the adoption of Ordinance No. 570 for Renaissance at Canyon Creek. The supporting staff report discussed the need of additional homes to provide housing for people working in Wilsonville as well as others desiring to live here. In addition, the findings point out the limited amount of vacant residential land within the City, and that designations for higher residential density surround the original Bridal Trail Ranchetts subdivision.

In early 2006, Ordinance No. 604 similarly changed the Comprehensive Plan designation for approximately four acres on the east side of Canyon Creek Road South from 0-1 to 4-5 du/ac for the development of the 13-lot Cross Creek Subdivision. The City made the same findings regarding the need of additional housing units, the limited amount of vacant land within the City, and the density of surrounding areas.

In 2007, Ordinance No. 635 approved a similar Comprehensive Plan designation change for approximately 0.69 acres on the west side of Canyon Creek Road South, north of Renaissance at Canyon Creek. The City made findings consistent with the previously approved amendments.

In 2014, Ordinance No. 738 approved the same density change in 2014 for a property whose owners had elected not to participate in the 2004 Renaissance at Canyon Creek subdivision project, but desired to redevelop in 2014.

In 2016, Ordinance No. 790 changed the Comprehensive Plan designation from 0-1 to 4-5 du/ac for the 14-lot Aspen Meadows subdivision to the north of the subject property.

In 2018, Ordinance No. 823 changed the Comprehensive Plan designation from 0-1 to 4-5 du/ac for the 5-lot Aspen Meadows Phase 2 subdivision located south of the 14-lot Aspen Meadows subdivision. The City made findings consistent with the previously approved amendments.

## **Summary:**

### **Comprehensive Plan Map Amendment (DB20-0040)**

The applicant proposes to change the Comprehensive Plan Map designation for the 2.25-acre subject property from 0-1 du/ac to 4-5 du/ac, consistent with previous Comprehensive Plan Map amendments for properties in the Bridle Trail Ranchetts subdivision.

### **Zone Map Amendment (DB20-0039)**

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 du/ac, the applicant proposes a corresponding PDR zoning of PDR-3. Other portions of Bridle Trail Ranchettes with past approval of increased density to 4-5 du/ac have the same PDR-3 zoning.

### **Stage I Master Plan (DB20-0041)**

The Stage I Master Plan generally establishes the location of housing, streets, and open space tracts on the site, reviewed in more detail with the Stage II Final Plan. The applicant proposes residential lots and open space as allowed in the PDR-3 zone.

### **Stage II Final Plan (DB20-0042)**

The Stage II Final Plan includes a proposed lot layout and size as well as block size and access that demonstrate consistency with development standards for Planned Development Residential Zones. The applicant proposes installing necessary facilities and services concurrent with the development of the proposed subdivision.

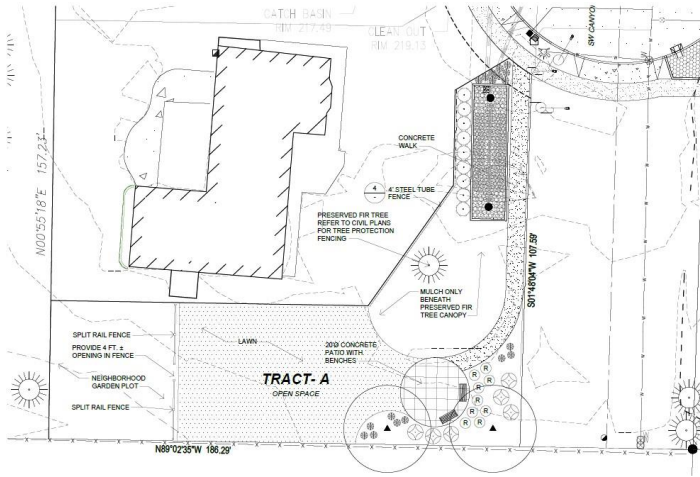
Regarding the protection of natural features and other resources, the design of the project avoids disturbance of the significant natural features on the site, particularly the Boeckman Creek riparian area. The applicant proposes development on the eastern portion of the site, which drops by approximately 15 feet near the edge of the SROZ. This slope necessitates some grading and construction of a retaining wall, specifically on lots 13 *and Tract A*, to prepare lots for development.



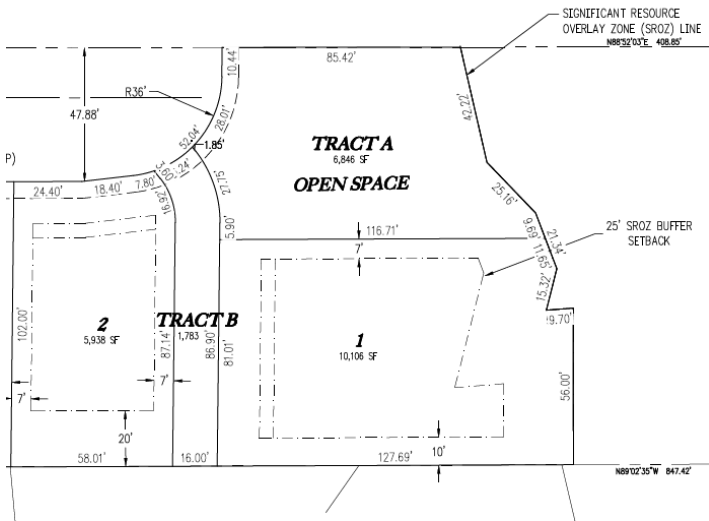
### **Site Design Review (DB20-0043)**

The applicant proposes an open space area (Tract A) which provides ~~7,691~~ 6,729 square feet of usable open space. The usable open space area provides a pedestrian connection into the open space area from the public sidewalk, a preserved tree, a stormwater facility, a community garden, and an open play area. The applicant has included a completed affidavit form attesting that the usable open space area has been designed by a registered landscape architect with experience designing similar usable open space areas within residential areas. At the time of writing this staff report, only the size and general shape of the required usable open space area has been submitted to staff. The layout, amenities, and overall appearance including landscaping are subject to the Site Design Review criteria and are intended to be reviewed by the Development Review Board. It is unlikely the applicant can provide Staff with a professionally designed landscape plan and affidavit prior to the continued hearing date of May 10, 2021. In order to ensure the future open space meets Site Design Review criteria and requirements for Open Space areas contained in Section 4.113, staff has conditioned that the final design of Tract A return before the DRB for final approval.

On April 29, 2021 the applicant sent staff a revised subdivision plan that includes a newly configured open space area (Tract A) which now provides 6,729 square feet of usable open space. The location of the open space is more appropriate than the previous proposal and allows clear sightlines into the usable open space area and adjacent natural area. Due to the time constraints involved in revising the open space to meet the requirement that it be designed by a registered landscape architect, the open space has been conditioned to return to the DRB for final design approval.



Previous Usable Open Space Location (Tract A)



Proposed Usable Open Space Location (Tract A)

**Tentative Subdivision Plat (DB20-0044)**

The applicant’s tentative subdivision plat shows all the necessary information consistent with the Stage II Final Plan for dividing the property in a manner to allow the proposed development.

**Type C Tree Removal Plan (DB20-0045)**

While the development plans preserve the large forested area in the eastern portion of the site within the Significant Resource Overlay Zone (SROZ), the plans include removal of ~~21~~ 26 trees that are either not viable or not practicable to preserve with proposed grading for development. The proposed planting of 35 trees, including street trees and additional trees in the SROZ, will mitigate for the removals.

**Waiver (DB20-0053)**

The applicant is requesting a waiver to reduce setbacks. The request includes reducing the 7-foot side yard setback as required by development standards for all residential zones to 5 feet on the

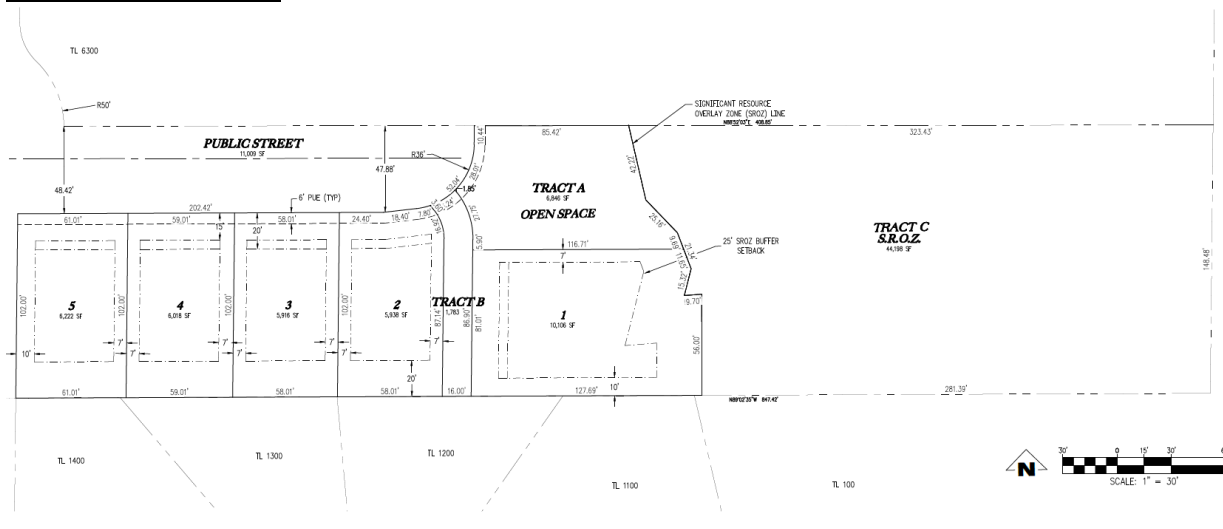
internal side yards of lots 2 and 4-7 for two-story homes. The applicant also requests a 7-foot setback on the western side of Lot 8 where 10 feet is required for corner lots by the development code in Section 4.113 Standards Applying to Residential Developments in Any Zone.

A revised layout submitted to the City on April 29, 2021 no longer shows the requested side yard setbacks that necessitated a waiver. The Applicant no longer requests the waiver application. The DRB therefore will not approve any of the previously requested waivers.

**Discussion Points:**

**Changes to Proposal after April 12, 2021 DRB Panel A Hearing**

Staff and the Applicant have been in communication regarding the project since the April 12, 2021 DRB hearing to explore various options that would result in a proposal that better addresses the resident and staff concerns, particularly regarding the waiver request. With previous conditions requiring increased setbacks and only partial support for the side-yard setback waiver, it became clear upon further review, that the density transfer from the SROZ was resulting in a need for the waiver in order to fit the additional density on a smaller infill site. The SROZ density transfer criteria require the transfer to be permitted only if other development standards for the zone are able to be met such as setbacks. Without the waiver it is not possible to meet setbacks, therefore the applicant chose to not utilize the density transfer. The applicant has since revised the proposed subdivision to contain five (5) residential lots. The new proposal provides a more consistent layout similar to adjacent established low-density neighborhoods, which is more consistent with the language and implementation measures within the Comprehensive Plan for Residential Districts.



**Redevelopment of Bridle Trail Ranchetts**

The 1964 Bridle Trail Ranchetts Subdivision created 19 lots, many of which were approximately 2 acres in size. In the most recent adoption of the Comprehensive Plan map, the entire subdivision was designated Residential 0-1 dwelling units per acre, and had a Zone Map designation of RA-

H. Subsequently, portions of 15 of the 19 lots have been rezoned to 4-5 dwelling units per acre, consistent with residential development in the City nearby. The subject proposal continues the trend reflecting the continued infill with urban residential densities of this area.

### **Residential Code Modernization Project**

In April 2020, the City approved the Residential Code Modernization Project, which updated the Planned Development Residential (PDR) and Residential (R) zones to improve clarity, consistency, and usability of standards related to density and open space. Additionally, the code updates aimed to better coordinate minimum and typical lot sizes with the Comprehensive Plan and Zoning density ranges. These changes altered the PDR-3 zone by removing the average lot size requirement of 7,000 square feet, minimum density of one unit per 8,000 square feet and minimum lot size of 5,000 square feet. The new requirements contain a minimum lot size of 4,500 square feet and no average lot size or minimum density at build out. This is the first land use application to be reviewed under the new code requirements.

### **Balancing Uses in Planter Strips**

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. As directed by the City, the applicant's plans show a priority to laying out street trees and street lighting keeping appropriate spacing from utility laterals and water meters, and then placing stormwater facilities where space remains available and placement is desirable. Due to the site constraints posed by the site, the street trees have been provided in the front yard area of the lots rather than within the planter strips.

### **~~Land Divisions to Create Open Space Tract~~**

~~The applicant controls the site to the west of the subject property located at 28705 SW Canyon Creek Road S. In November of 2020, the city approved an application to partition the property, creating the parcel that is now proposed as a usable open space tract for this subdivision (Casefile AR20-0032).~~

### **Usable Open Space Requirements**

The Applicant proposes the ~~five~~ eight-lot subdivision with development plans that include an open space tract of ~~7,691~~ 6,729 square feet outside of the SROZ. For developments with less than 10 units, an open space area must be at least 1,000 square feet in order to count toward the 25% open space requirement. Half of the open space area must be located outside the SROZ and be programmed for active recreational use. ~~The applicant has provided an open space area that meets the size and usability requirements and has submitted the required affidavit that shows the open space was designed by a professional landscape architect.~~ *Due to the changes made to site plan and thus, the proposed open space area, the Applicant will be required to return to the*

DRB for a detailed open space area design that meets the site design review standards. The Applicant will need to submit an open space designed by a professional landscape architect, and should the landscape architect change from the previous proposal, a new affidavit will be required.

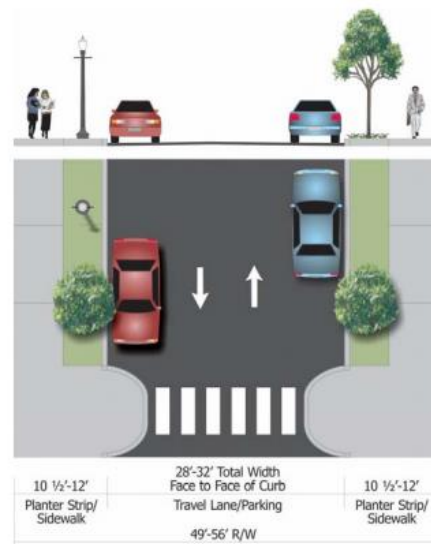
### **Traffic Study Memo**

The proposed development generates less than 25 PM peak trips; therefore, a full Transportation Impact Study is not required. At the time the Trip Generation Memo was written by DKS Associates, the proposed development contained 11 dwelling units. The current proposal contains ~~eight (8)~~ five (5) dwelling units and would generate less trips than stated within the Trip Generation Memo. As the proposed development now contains less units than originally anticipated, a revised Trip Generation Memo is not required. The Trip Generation Memo concluded by stating the subdivision would generate 10 new PM peak hour trips (6 in, 4 out), and that 3 PM peak hour trips will travel through I-5/Elligsen Road interchange and 1 PM peak hour trip will travel through the I-5 Wilsonville Road interchange. The proposed plan provides adequate access to each parcel and that the existing walkway that connects Canyon Creek Road South to SW Morningside is not impacted by the proposed plan. No additional off-site improvements were required and DKS did not note any safety concerns stemming from the proposed subdivision.

## Public Streets and Private Drives

The applicant proposes a new Public Street and a new private drive (Tract B) to provide access to the subdivision. The private drive provides access to three lots and is not proposed for extension. The private drive along with the cul-de-sac bulb aid in providing truck turn around space for TVF&R and Republic Services vehicles. The proposed public street has a proposed width of 48.42' at the west and 47.88' at the eastern end. Figure 3-9. Local Street Cross-Section from the Transportation System Plan (TSP) shows a right-of-way width for a local street to be between 49' and 56' feet. As noted in the TSP, 47' is allowed with constraints, and in this particular situation, the applicant proposes street improvements including two-way traffic, sidewalk, and a planter strip on the south side of the proposed street. Full improvements are not feasible as the property to the north is under separate ownership and not under redevelopment to require right-of-way dedication. If the property to the north is developed, there will be additional right-of-way dedication and public improvements required that will meet the Local Street Cross-Section standard. The applicant's modified site plan has also widened the proposed right-of-way to provide a public street wide enough for parking on one side of the street. The proposed public street continues to meet the standards for partial street improvements.

**FIGURE 3-9. LOCAL STREET CROSS-SECTION**



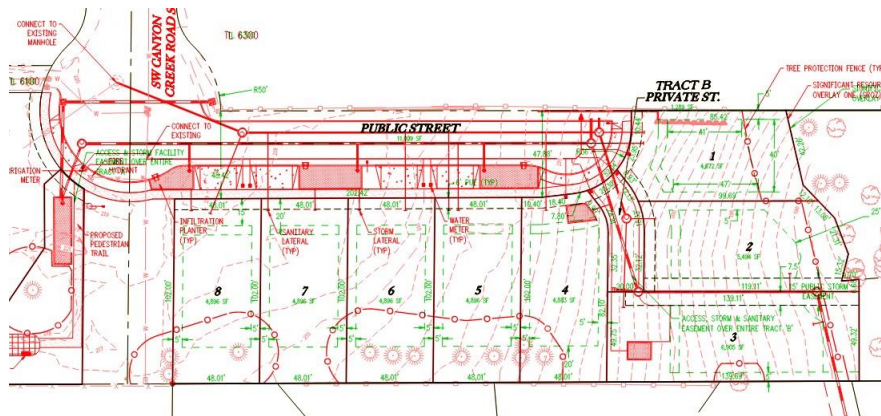
Notes:

1. Minimum right-of-way width of 47 feet (parking on one side) and 51 feet (parking on both sides). Providing parking on both sides is preferred unless constraints exist.
2. Minimum sidewalk width is 5 feet; minimum planter strip width is 5 feet.
3. Curb width of ½ foot is included in the planter strip width.
4. Curb and sidewalk bulb-outs at crosswalks or street intersections as determined by Community Development Director.
5. Street lights shall be located within the planter strip as required in the PW Standards.
6. No lane striping on street. Signage as required.
7. New streets shall incorporate low impact development design as practicable.

## Tree Removal and Protection Plans

There are currently 92 trees that have been surveyed on the subject property. The applicant proposes the removal of ~~21~~ 26 trees outside the SROZ due to grading and site improvements, and one (1) tree due to poor condition. The proposed mitigation consists of planting 26 additional trees in the SROZ area, 6 black tupelo *Nyssa sylvatica* street trees, one (1) Red Maple *Acer rubrum* street tree, and two (2) eastern redbud *Cercis Canadensis* trees within the usable open space area for a total of 35 trees.

However, the arborist report notes that several of the trees shown as preserved along the rear lot lines for lots ~~2-5~~ 4-8 should be reevaluated against the future home plans as the tree protection fencing overlaps with the buildable area of the proposed lots (shown in the image below delineated by green dashed lines). It is important the tree protection fencing is realistic and easy to maintain as fencing ensures construction impacts will not impact the root zones of the trees and increases the likelihood the preserved trees will survive after construction is complete. Staff has witnessed similar situations in other projects and in order to preserve the trees to the greatest extent possible, a condition of approval has been added to reassess the trees with the project arborist when the future house plans are provided to ensure maximum preservation. In the case that tree removal is requested for one of the trees indicated for preservation, the project arborist will submit a report to City Staff including a written explanation of the measures considered to preserve the trees along with the reasoning that makes preservation not feasible.



## Side Yard Setback Waiver Request

The applicant has requested a waiver for side yard setbacks for two-story homes, which would decrease the setbacks from the required 7-foot setback to a 5-foot setback on the interior lot lines of the lots. The applicant also requests a waiver for the required 10-foot setback for Lot 8, which is a corner lot. Staff supports the waiver for the interior setback reduction on the interior lot lines based on the applicant's rationale; however, a condition of approval has been added to require a 10-foot setback in line with the requirements for a corner lot as this setback is not typically waived. Furthermore, as a condition of the zone map amendment, staff has included a condition of approval to require 10-foot setbacks on the northern lot line of Lot 1 and southern lot line of Lot 3, which maintains the setback of the Rural Agricultural Holding – Residential (RAH-R) zone.

## Comments Received and Responses:

Comments were received from the following individuals during the public comment period and are included in Exhibits D1 through D20 of this Staff Report:

- Email from D. and J. Carlson
- Email from H. And J. Lulay
- Email from B. Lund
- Email from A. and M. Calcagno
- Email from S. and S Lorente
- Email from J. Britt
- Email from K. Troupe
- Email from M. Davis
- Email from M. Lama
- Email from A. Halter
- Email from K. and B Colyer
- Email from K. Tinker
- Email from K. Halstead
- Email from K. and R. Fink
- Email from M. Kochanowski
- Email from M. and A. Falconer
- Email from S. Heath
- Email from J. Dupell
- Email from C. Halstead
- Email from G. Pelser
- Email from N. and P. Mukherjee
- Email from W. Spring
- Email from Housing Land Advocates (HLA) and Fair Housing Council of Oregon (FHCO)

A summary of comments by topic area is included below. All concerns raised in the comments received are addressed in the Summary and Discussion Points sections above as well as in the Findings, which can be found later in this Staff Report.

### Traffic Congestion

The majority of comments received by the City note concerns regarding additional development where there is only one access point in and out of the neighborhood. A Trip Generation Memo was prepared by DKS and is included as part of Exhibit B1. A local street such as SW Daybreak that provides access to SW Canyon Creek Road can handle 1,000 to 1,500 daily trips without issues. Streets within a neighborhood such as this, with less than 100 dwelling units would not see congestion at neighborhood intersections. It should be noted the City policy is not to minimize traffic on local streets, but rather to ensure all streets and intersections function within established limits. The traffic memo confirmed the street network continues to function at the City standards set forth in the code.



## Privacy Concerns

In addition to tree removal impacts contributing to a loss of privacy, residents expressed concerns and asked questions regarding fencing and screening requirements where the new subdivision abuts existing development. Based on the proposed layout, headlights on the private street (Tract B) may impact adjacent properties at night. The code does not require screening or buffering where two residential zones meet. This is particularly true as the proposed zone PDR-3 is a lower density zone than the PDR-4 zone to the south. While there is no requirement for the proposed subdivision to require a fence along the proposed residential lots, the occupants of the new homes will likely also desire privacy and developers typically construct privacy fences along property lines. ~~In addition, to address neighborhood concerns of more intense development resulting from the zone change, a Condition of Approval for the Zone Map Amendment requires the setbacks along existing north and south property lines be kept at no less than 10 feet, which is the current setback required in the existing RA-H zone for these property lines.~~

## Lot Size

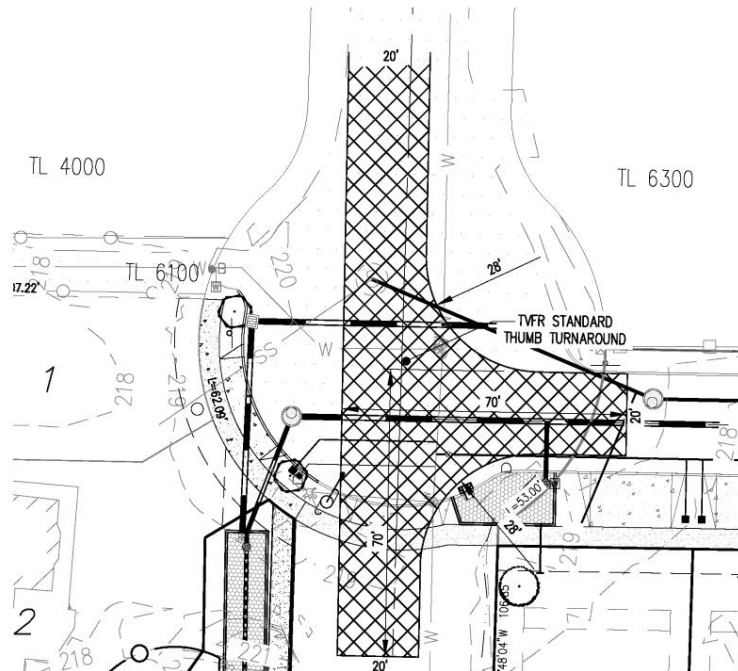
Residents expressed concerns about the proposed residential lots containing a smaller lot size than the other residential lots zoned PDR-3 in the immediate vicinity. Concern is expressed that this subdivision will be inconsistent with the adjacent developments. Based on code changes that went into effect in June 2020 that revised the minimum lot size in the PDR-3 zone, the residential lots proposed all exceed the minimum lot requirement. Lot size is a clear and objective development criteria. If lot sizes meet the minimum size set by the zone, then there are no grounds for denying an application based on lot size. It should also be noted that the property development to the south has substantially larger lots than typical for the zone they are located in (PDR-4), which actually is a denser zone with a lower minimum lot size than the proposed project. The underlying zoning standards, not the adjacent development pattern which happens to have larger lot sizes than zoned for, is what the City is required to apply when evaluating a development application. *The revised proposal has reduced the amount of lots in the proposal from eight (8) to five (5), which results in fewer lots with larger lot sizes, which is more consistent with the surrounding residential developments.*

## Parking

Neighbors expressed concerns regarding on-street parking in the nearby Aspen Meadows subdivision despite there being no parking signs. Residents are concerned that the same situation will occur upon development of this proposed subdivision, which exacerbates their concerns regarding fire safety. The proposed subdivision contains at least one (1) off-street parking space per unit meeting the code requirement of one (1) space per dwelling unit, additionally with the condition that each driveway contain enough room to fit a standard 9 x 18 parking space, each lot will provide two (2) parking spaces. *The revised proposal now includes on-street parking to address concerns regarding parking.*

## Fire Safety

TVF&R has reviewed the proposed development and did not raise any additional concerns regarding access when providing staff with conditions of approval. In order to address resident concerns, the applicant has included the TVF&R turn around standard overlaid on the subdivision plan that demonstrates that a turnaround in this location is feasible. All homes located in excess of 150 feet down the new public street will be equipped with fire sprinklers as required by the fire code.



## Tree Removal and Natural Habitat Impacts

Neighbors to the south of the proposed development expressed concerns about a potential wetland on the property and that the existing Douglas fir trees on the property provide quality habitat to wildlife in the Boeckman Creek vegetated corridor. No evidence in the record nor from a site visit supports the wetland concern. Any wetland that did exist would need to meet established standards for the City to enforce protection and restrict development. Trees within the SROZ are not subject to removal on the subject property. For trees outside of the protected natural areas, the City's established policy for tree removal is that tree preservation should be considered in balance with other requirements. All tree preservation policies established in City code are being followed and trees will be preserved where possible. Staff has added a condition of approval to ensure the maximum preservation of the trees by requiring the project arborist to submit a report and with an explanation of measures considered to preserve trees and reasoning that makes the preservation of the trees not feasible.

## **Property Values**

Several residents noted concerns about the configuration of the proposed subdivision resulting in reduced property values for adjacent properties. No evidence in the record related to this concern demonstrate any criteria applicable to this application would be violated.

## **Grading Plans**

Several residents raised concerns regarding the steep slope on site and questioned how future homes will be built on a site that will require grading work. Another resident noted inconsistencies within the grading plans provided by the applicant and their feasibility concerning the homes being shown on Lots 1 and 2. Staff would like to note that the homes shown on Lots 1 and 2 were requested to show feasibility of fitting a home on the lot and are not reflective of the final homes to be built in those locations. The current grading plans are preliminary grading plans; the final grading plans will be reviewed during the site grading permit process and cross-referenced during the building permit process to ensure compliance.

## **Architectural Compatibility**

There are concerns that these homes will not take into consideration the precedent set by adjacent subdivisions in terms of the architectural design of the future dwellings on the proposed lots. This application is for an 8-lot subdivision; construction of future dwelling units will be reviewed under separate permits. Architectural design of future residential units is not a criteria applicable to this application. The Development Code does not contain design standards residential dwelling units outside Villebois, Frog Pond, and Old Town; therefore, future dwellings will be able to utilize any architectural style. Adjacent properties and development projects were not subject architectural design requirements either.

## **Process and Role of the Planning Division and Board**

A number of comments concern the nature of the process, City staff, decision makers and their role in approving development. Staff, the Development Review Board members, and City Council, in their roles reviewing development applications, must be impartial and focus on the facts of the case and how the facts align with adopted policies and code standards. The staff report serves not to represent the developer or surrounding residents; the purpose is to represent the City as a whole through the City's policies and standards which serve to represent the needs and interests of the community, and to evaluate the development application against those standards. Planners use their technical knowledge and professional judgment to evaluate the specifics of a project and whether it meets the relevant standards of the Code, presenting this in the staff report to DRB. If a development proposal meets all of the clear and objective development standards, then the staff recommend approval of the project regardless of any personal opinion they may hold.

### **Housing Land Advocates and Fair Housing Council of Oregon Comments**

*A comment letter submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO) was received by Staff after the deadline to submit public comments in order to be integrated into the staff report. The letter, received on April 12, 2021, requests the Board defer adoption of Resolution No. 388 until Goal 10 findings are added to the staff report. Goal 10 findings that evaluate the proposal under the Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) have been added to the staff report to satisfy this request, see Finding A38.*

## Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board recommend approval and approve, as relevant, the proposed application (DB20-0039 through DB20-0045 and ~~DB20-0053~~) with the following conditions:

### Planning Division Conditions:

#### Request A: DB20-0040 Comprehensive Plan Map Amendment

This action recommends to the City Council approval of the Comprehensive Plan Map Amendment for the subject property. The Zone Map Amendment (DB20-0039) and all approvals contingent on it are contingent on the Comprehensive Plan Map Amendment.

No conditions for this request

#### Request B: DB20-0039 Zone Map Amendment

This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. This action is contingent upon the Comprehensive Plan Map Amendment (DB20-0040). Case files DB20-0041, DB20-0042, DB20-0043, DB20-0044, DB20-0045, and ~~DB20-0053~~ are contingent upon City Council's action on the Zone Map Amendment request.

~~PDB 1. Ongoing: Future homes constructed shall maintain the side yard setbacks of the RAH R zone of 10 feet at the northern lot line of Lot 1 and the southern lot line of Lot 3. See Finding B14.~~

No conditions for this request

#### Request C: DB20-0041 Stage I Master Plan

Approval of DB20-0041 (Stage I Master Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).

~~PDC 1. General: The applicant shall revise AR20-0032, and record the partition with Clackamas County to ensure the subdivision meets the open space requirements. See Finding C14.~~

No conditions for this request

#### Request D: DB20-0042 Stage II Final Plan

Approval of DB20-0042 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).

**PDD 1. General:** The approved Stage II Final Plan (Final Plan) shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. The Planning Director through the Class I Administrative Review Process may approve minor changes to the Final Plan if such changes are consistent with the purposes and general character of the Final Plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding D7.

PDD 2.	<b><u>Prior to Final Plat Approval:</u></b> All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D34.
PDD 3.	<b><u>Prior to Final Plat Approval:</u></b> Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D37.
PDD 4.	<b><u>General:</u></b> A waiver of remonstrance against formation of a local improvement district shall be recorded in the County Recorder's Office as well as the City's Lien Docket as part of the recordation of the final subdivision plat. See Finding D59.
PDD 5.	<b><u>General:</u></b> The design of the private access drive in Tract B shall provide for a useful lifespan and structural maintenance schedule comparable to a public local residential street. See Finding D68.
PDD 6.	<b><u>General:</u></b> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D70.
PDD 7.	<b><u>Prior to Final Plat Approval:</u></b> On the final subdivision plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D31.
PDD 8.	<b><u>General:</u></b> All street trees and right-of-way landscaping shall be installed fronting a lot prior to issuance of an occupancy permit for a home on the lot. See Finding D51.
PDD 9.	<b><u>General:</u></b> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code. See Finding D52.
PDD 10.	<b><u>General:</u></b> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville's Development Code. See Findings D53 and D54.
PDD 11.	<p><b><u>General:</u></b> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> <li>• Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.</li> <li>• Native topsoil shall be preserved and reused to the extent feasible.</li> <li>• Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.</li> <li>• All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.</li> <li>• Shrubs shall reach their designed size for screening within three (3) years of planting.</li> <li>• Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center</li> </ul>

<p>minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum.</p> <ul style="list-style-type: none"> <li>• No bare root planting shall be permitted.</li> <li>• Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.</li> <li>• Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.</li> </ul> <p>Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding D47.</p>
<p><b>PDD 12. <u>General:</u></b> All trees shall be balled and burlapped and conform in size and grade to "American Standards for Nursery Stock" current edition. See Finding D47.</p>
<p><b>PDD 13. <u>General:</u></b> Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. The applicant shall provide specific details on the proposed irrigation method prior to installation of street trees. See Finding D48.</p>
<p><b>PDD 14. <u>Prior to Final Plat Approval:</u></b> The applicant shall submit a revised Sheet L1 showing the landscaping plan to match the new shape and square footage of the proposed usable open space area in Tract A. <i><u>If the project landscape architect changes, the applicant shall submit a new Affidavit of Professional Credentials for Residential Usable Open Space Areas in the City of Wilsonville. For final approval of the revised open space area, the applicant shall return to the Development Review Board for review of the redesigned open space.</u></i> See Finding D49.</p>
<p><b>PDD 15. <u>Prior to Final Plat Approval:</u></b> The applicant shall revise the CC&amp;R's and Bylaws documents to require the future Homeowners Association to actively enforce no parking areas, tow any illegally parked vehicle within 12 hours, and establish fees for homeowners who violate the no parking zones. See finding D37.</p>

### **Request E: DB20-0043 Site Design Review of Parks and Open Space**

<p>Approval of DB20-0043 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039)</p>
<p><b>PDE 1. <u>Prior to Final Plat Approval:</u></b> The applicant shall submit landscape plans meeting applicable design standards and receive DRB approval of the landscape plans for the usable open space (Tract A) and install the approved landscaping unless such landscaping installation is deferred based written agreement with the City.</p>

**Request F: DB20-0044 Type C Tree Plan**

Approval of DB20-0044 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).	
PDF 1.	<b>General:</b> This approval for removal applies only to the <del>21</del> 26 trees identified in the applicant's submitted Tree Maintenance and Protection Plan, see Exhibit B3 <i>as revised</i> . All other trees on the property shall be maintained unless removal is approved through separate application.
PDF 2.	<b>Prior to Grading Permit Issuance:</b> The applicant/owner shall submit an application for a Type 'C' Tree Removal Permit on the Planning Division's Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City's Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding F18.
PDF 3.	<b>Prior to Final Plat Approval:</b> The applicant/owner shall install the required 26 mitigation trees, as shown in the applicant's sheets 4 and L1 of Exhibit B3 <i>as revised</i> , per Section 4.620 WC.
PDF 4.	<b>General:</b> The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
PDF 5.	<b>Prior to Commencing Site Grading:</b> The applicant/owner shall install six-foot-tall chain-link fencing around the drip line of preserved trees as identified on the Tree Preservation and Removal Plan Sheet 3 of 14 in Exhibit B2 <i>as revised</i> . The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding F24.
PDF 6.	<b>Ongoing:</b> The project arborist shall be on site to observe any grading or construction that may impact the required tree protection fencing and to ensure the root zones of the trees are not negatively impacted by construction. See finding F24.
PDF 7.	<b>Prior to Final Plat:</b> The applicant shall appropriately clear debris and invasive species within the SROZ area prior to planting any mitigation plantings. See Finding F23.
PDF 8.	<b>Prior to Final Plat:</b> The applicant shall submit a revised tree preservation and removal plan that shows the retention of trees 6245, 6245, 6247, and 6248, including proper tree protection fencing. <i>Should the trees require removal in the future, City of Wilsonville approval will be required and the applicant shall follow the steps outlined in Condition of Approval PDF 9 to demonstrate that the removal is necessary.</i> See Finding F20.
PDF 9.	<b>Ongoing:</b> While an extensive arborist report has been completed and trees and conditions have been inventoried to determine which trees will be preserved, based



on staff analysis of the plans it is expected that future construction situations may arise involving preserved trees at the rear of Lots ~~two four~~ (2) (4) through ~~five eight~~ (5) (8). If such issues or situations arise, the project arborist shall provide City staff with a written explanation of the measures considered to preserve the trees along with the line of reasoning that makes the preservation of the tree not feasible. Prior to further construction within the tree protection zone, the City will verify the validity of the report through review by an independent arborist to ensure that the tree cannot be preserved. If it is ultimately decided that the tree cannot be preserved by both arborists, then the developer may remove the tree, and will be required to plant one tree of the same variety at another location within the project area. See Finding F20.

**PDF 10.** *The applicant shall provide the two (2) mitigation trees located in the usable open space (Tract A) as proposed on April 12 within the new usable open space area (Tract A), and provide street trees consistent with the amounts shown on the previous configuration of the proposal. See Finding F20.*

### **Request G: DB20-0053 Tentative Subdivision Plat**

Approval of DB18-0031 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).

**PDG 1.** **Prior to Final Plat Approval:** Any necessary easements or dedications shall be identified on the final subdivision plat.

**PDG 2.** **Prior to Final Plat Approval:** The final subdivision plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Subdivision Plat.

**PDG 3.** **Prior to Final Plat Approval:** Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Finding E14.

**PDG 4.** **Prior to Final Plat Approval:** Prior to the recording of the final subdivision plat, the applicant/owner shall submit for review and approval by the City Attorney CC&R’s, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.

**PDG 5.** **Prior to Final Plat Approval:** For all public pipeline easements, public access easements, and other easements, as required by the city, shown on the final subdivision plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County.

**Request H: DB20-0053 Waiver**

Approval of DB20-0053 (Tentative Partition Plat) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).
<del>PDH 1. Ongoing: Future construction on Lot 8 shall have a 10-foot side yard setback along the western lot line. See Finding H2.</del>

*The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.*

**Engineering Division Conditions:**

**Request D: DB20-0040 Stage II Final Plan**

<b>PFD 1.</b>	Prior to Issuance of Public Works Permit, Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit A1.
<b>PFD 2.</b>	Prior to Issuance of Public Works Permit, submit site plans to Engineering demonstrating how the site being served with public utilities: domestic and fire water, sanitary sewer, and storm drainage. Public utility improvements shall be designed and constructed in accordance with the Public Works Standards.
<b>PFD 3.</b>	Prior to Issuance of Public Works Permit, submit site plans to Engineering showing street improvements including pavement, curb, planter strip, street trees, sidewalk, and driveway approaches along site frontage on Canyon Creek Road South and the proposed new public street. Street improvements shall be constructed in accordance with the Public Works Standards. The eyebrow corner shall be designed with minimum centerline radii to allow fire, utility, moving trucks turnaround.
<b>PFD 4.</b>	Prior to Issuance of Public Works Permit, submit a storm drainage report to Engineering for review and approval. The storm drainage report shall demonstrate the proposed development is in conformance with the Low Impact Development (LID) treatment and flow control requirements, and the Public Work Standards.

<b>PFD 5.</b>	Prior to Issuance of Public Works Permit, a Performance Bond in an amount equals to 150% of the approved Design Engineer's construction estimate shall be submitted to Engineering for public infrastructures construction guarantee purposes.
<b>PFD 6.</b>	Prior to Site Commencement, an approved Erosion Control Permit must be obtained and erosion control measures must be in place. Erosion Control Permit must be renewal annually until the entire site is completely established and stabilized.
<b>PFD 7.</b>	Prior to Final Plat Approval, street improvements including pavement, curb, planter strip, street trees, streetlights, sidewalks and driveway approaches along the site frontage on Canyon Creek Road South and the new public street shall be constructed and completed.
<b>PFD 8.</b>	Prior to Final Plat Approval, storm drainage improvements along the site frontage on Canyon Creek Road South, in the new public street, in Tract A, and the private street Tract B, and the easement located on <u>Lot 1</u> <del>lots 2 and 3</del> shall be constructed and completed.
<b>PFD 9.</b>	Prior to Final Plat Approval, the 8-inch public sanitary sewer mains, associated manholes and laterals serving the proposed lots shall be constructed and completed.
<b>PFD 10.</b>	Prior to Final Plat Approval, public 8-inch DI water main, associated fittings, fire hydrants, blow-off assembly, and services serving the proposed lots shall be constructed and completed.
<b>PFD 11.</b>	Prior to Final Plat Approval, streetlights shall be constructed and energized.
<b>PFD 12.</b>	Prior to Final Plat Approval, provide a copy of the Home Owner Association (HOA) establishment legal document to Engineering for City's record.
<b>PFD 13.</b>	Prior to Final Plat Approval, provide a copy of the HOA's CC&R to Engineering for review and City's record. The CC&R shall include language indicating the maintenance responsibility for <i>the open space Tract A</i> , the private street Tract B and all the stormwater LID facilities.
<b>PFD 14.</b>	A Stormwater Maintenance Agreement and Access Easement for the maintenance and access to all the LID stormwater facilities located on private lots shall be in place. The document shall be recorded as a part of the Final Plat recordation.
<b>PFD 15.</b>	A Stormwater Maintenance Agreement for the maintenance of the LID stormwater facilities locate in the right of way or public tract shall be in place. The document shall be recorded as a part of the Final Plat recordation.
<b>PFD 16.</b>	Record a 6-foot Public Utility Easement (PUE) as a part of the Final Plat recordation.
<b>PFD 17.</b>	Record the Open Space-Tract A and the Private Street-Tract B as a part of the Final Plat recordation.
<b>PFD 18.</b>	Record the <del>Access</del> , Storm <i>easement over the entirety of</i> Tract B as a part of the Final Plat.

<b>PFD 19.</b>	Record the 15-foot stormwater easement over the public stormwater line located on Tract A and Lot 1 as a part of the Final Plat.
<b>PFD 20.</b>	The City will prepare all easement documents and provide them to the Developer for signatures. Exhibits and legal descriptions associated with all Tracts and Easements and Agreements however shall be prepared by a license Surveyor/Engineer hired by the Developer. The developer will also be responsible for the preliminary title report, title insurance and recording fees associated with the recordation of all the Tracts and Easements and Agreements.
<b>PFD 21.</b>	Prior to Issuance of Conditional Acceptance, a Maintenance Bond in the amount equals to 10% of the cost to construct the public improvements shall be submitted to Engineering for maintenance purposes. The Maintenance Bond shall be kept in place for a period of 2 years from the day of Conditional Acceptance.
<b>PFD 22.</b>	Prior to Issuance of Conditional Acceptance, a Maintenance Bond in the amount of 100% of the cost to install all required landscaping in water quality/quantity facilities and vegetated corridors, plus 100% of the cost to maintain the landscaping in these areas shall be submitted to Engineering for maintenance purposes. The Maintenance shall be kept in place for a period of 2 years from the day of Conditional Acceptance.
<b>PFD 23.</b>	Prior to Issuance of Conditional Acceptance, provide the City with the As-Built plans for the City's record.

### **Natural Resources Division Conditions:**

#### All Requests

<b>NR 1.</b>	Natural Resource Division Requirements and Advisories listed in Exhibit C3 apply to the proposed development.
--------------	---

### **Building Division Conditions:**

#### All Requests

<b>BD1.</b>	<p>Prior to construction of the subdivision's residential homes, designated through approved planning procedures, the following conditions must be met and approved through the Building Official:</p> <ol style="list-style-type: none"> <li>Street signs shall be installed at each street intersection and approved per the public work design specifications and their required approvals.</li> <li>All public access roads and alleys shall be complete to "Base Lift" for access to the residential home sites.</li> <li>All public and service utilities to the private building lots must be installed, tested and approved by the City of Wilsonville's Engineering/Public Works Department or other service utility designee.</li> <li>All required fire hydrants and the supporting piping system shall be installed tested and approved by the Fire Code Official prior to model home construction. (OFC 507.5).</li> </ol>
-------------	---

## Development Review Board Conditions:

### All Requests

<b>DRB 1.</b>	<i><u>Update the plans swapping Tract A with Lot 1 maintaining the required open space requirements</u></i>
<b>DRB 2.</b>	<i><u>City Staff will assess the Applicants proposal of designing and installing a new outfall on Boeckman Creek in effort to reduce site and slope disturbance and tree removal, however the preferred approach is to minimize the number of new outfalls to reduce impact to Boeckman Creek. City Staff shall ensure any changes that revise lot layout or storm water utilities for the proposed subdivision meet all adopted standards and code criteria</u></i>
<b>DRB 3.</b>	<i><u>Preserve any additional trees that are possible in the open space as a result Development Review Board Condition DRB 1 and DRB 2.</u></i>
<b>DRB 4.</b>	<i><u>The Applicant shall demonstrate the Private Drive be used as a vehicle turn around.</u></i>

### Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB20-0039 through DB20-0053. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

### Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing April 12, 2021
- A3. Staff's Presentation Slides for Public Hearing May 10, 2021

### Materials from Applicant

- B1. **Applicant's Narrative and Materials**
  - Signed Development Permit Application
  - Narrative
  - Amended Property Information Report – National Title Insurance Company
  - Legal Description
  - Tax Map
  - Tree Protection Specifications
  - Tree Inventory Data
  - Arborist Report – Morgan Holen & Associates
  - Draft CC&Rs and Bylaws

DKS Trip Generation Memo  
 Preliminary Stormwater Management Plan  
 Reduced 11x17 Subdivision Plans

**B2. Drawings and Plans – 8-Lot Subdivision**

1 Cover Sheet  
 2 Existing Conditions & Demolition Plan  
 3 Tree Preservation and Removal Plan  
 4 Tree Mitigation Plan  
 5 Preliminary Plat  
 6 Preliminary Grading Plan  
 7 Preliminary Site and Utility Plan  
 8 Preliminary Public Street Plan and Profile  
 9 Preliminary Storm Plan and Profile  
 10 Preliminary Lighting Plan  
 Preliminary Street Tree Plan  
 Lots 1 & 2 Lot Fit Exhibit  
 Lot 1 Floor Plan  
 Lot 2 Floor Plan  
 L1 Landscape Plan

**B3. Affidavit of Professional Credentials for Residential Usable Open Space Areas in the City of Wilsonville**

Relevant Projects List

**B4. TVF&R Standard Thumb Turn Around Plan**

**B5. 3/24/21 E-mail Response to Staff Questions from Emerio Design**

**B6. Revised Legal Description and Sketch**

**B7. Republic Services Service Provider Letter**

**B8. Signed Land Use Application Extension of Time Form April 13, 2021**

**B9. Revised Plan Set April 29, 2021**

**B10. Additional Findings from Applicant, May 3, 2021**

**B11. Plan Set Presented by the Applicant at the Hearing May 10, 2021**

**Development Review Team Correspondence**

- C1. Engineering Requirements
- C2. Building Division Requirements
- C3. Natural Resource Requirements
- C4. TVF&R Standards

**Other Correspondence**

D1. Email from D. and J Carlson Dated February 25, 2021, April 1, 2021, and April 2, 2021

D2. Email from H. and J Lulay Dated February 25, 2021 and April 2, 2021

D3. Email from B. Lund Dated February 25, 2021, March 5, 2021, and April 1, 2021

D4. Email from A. and M. Calcagno Dated February 26, 2021 and April 2, 2021

- D5. Email from S. and S. Lorente Dated February 26, 2021
- D6. Email from J. Britt Dated March 6, 2021
- D7. Email from K. Troupe Dated March 7, 2021 and April 1, 2021
- D8. Email from M. Davis Dated March 27, 2021
- D9. Email from M. Lama Dated March 30, 2021 and April 2, 2021
- D10. Email from A. Halter Dated April 2, 2021
- D11. Email from K. and B. Colyer Dated April 1, 2021
- D12. Email from K. Tinker Dated April 1, 2021
- D13. Email from K. Halstead Dated April 2, 2021
- D14. Email from K. and R. Fink Dated April 2, 2021
- D15. Email from M. Kochanowski Dated April 2, 2021
- D16. Email from A. Falconer Dated April 2, 2021
- D17. Email from S. Heath Dated April 2, 2021
- D18. Email from J. Dupell Dated April 2, 2021
- D19. Email from C. Halstead Dated April 2, 2021
- D20. Email from G. Pelser Dated April 2, 2021
- D21. Email from Helena Lulay dated April 8, 2021.
- D22. Email from Brenda Lund dated April 8, 2021
- D23. Email from Nilanjan Mukherjee dated April 2, 2021
- D24. Unlabeled Comment letter received from Bill Spring via email
- D25. Letter dated April 12, 2021 received jointly from Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO)
- D26. Written testimony submitted by Mike Lama during DRB A Meeting
- D27. PowerPoint presented by Anthony Calcagno
- D28. PDF presentation by Dave Carlson
- D29. PowerPoint presented by Joan Carlson
- D30. PDF presentation by Mark Kochanowski
- D31. PowerPoint presented by Michelle Calcagno
- D32. PDF presentation by Helena Lulay
- D33. Email from Brenda Troupe Dated May 5, 2021
- D34. Email from Dave Carlson Dated May 5, 2021
- D35. Email from Joan Carlson Dated May 5, 2021
- D36. Email from Chip Halstead Dated May 6, 2021
- D37. Email from Kristi Halstead Dated May 6, 2021
- D38. Email from Anthony and Michelle Calcagno Dated May 7, 2021
- D39. Email from Helena Lulay, Dated May 7, 2021
- D40. Petition

### **Procedural Statements and Background Information:**

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on September 8, 2020. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on

October 8, 2020. The applicant submitted additional material on November 18, 2020. Planning Staff conducted a second completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on December 11, 2020. The applicant submitted additional materials on December 23, 2020. Planning Staff deemed the application complete on January 7, 2021. The City must render a final decision for the request, including any appeals, by May 7, 2021. *The applicant submitted a signed Land Use Application Extension of Time form on April 13, 2021 to extend the 120-day time limit set by ORS 221.178. The applicant has extended the date for final action to June 30, 2021.*

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RA-H	Residential
East:	PDR-4	SROZ, Residential
South:	PDR-4	SROZ, Residential
West:	PDR-3	Residential

3. Previous City Planning Approvals:  
Current subdivision (Bridle Trail Ranchetts) approved prior to City incorporation  
AR20-0032 – Class II Administrative Review 2-Lot Partition
4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.



## Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

### General Information

#### Application Procedures-In General

Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

#### Initiating Application

Section 4.009

The property owners William Z. Spring and Neil Fernando on behalf of Fallbrook, LLC, have has signed the submitted application form.

#### Pre-Application Conference

Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on March 28, 2019 (PA19-0006) in accordance with this subsection.

#### Lien Payment before Approval

Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

#### General Submission Requirements

Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements contained in this subsection.

#### Zoning-Generally

Section 4.110

This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199, applied in accordance with this Section.

## Request A: DB20-0040 Comprehensive Plan Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Development Code - Comprehensive Plan Amendment Process

#### Procedures and Criteria in Comprehensive Plan

Subsection 4.198 (.01)

- A1. The lot of the subject development site is of sufficient size for development in a manner consistent with the purposes and objectives of Section 4.140.

#### Review Bodies

Subsection 4.198 (.02)

- A2. The DRB and City Council are considering the request as described.

#### Applicant Agreeing to Conditions of Approval

Subsection 4.198 (.05)

- A3. The owner will be required to sign a statement accepting conditions for approvals granted contingent on the Comprehensive Plan Map Amendment and Zone Map Amendment.

### Comprehensive Plan Amendment Required Findings

#### Meets Identified Public Need

Subsection 4.198 (.01) A.

- A4. The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City.

Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

Policy 4.1.4 and its implementation measures, seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” The proposal provides additional residential lots supporting an ongoing desire for homes at various price levels as part of Wilsonville’s strong diversity of housing unit types.

### **Meets Identified Public Need As Well As Reasonable Alternative**

Subsection 4.198 (.01) B.

- A5. The proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Renaissance at Canyon Creek and Aspen Meadows, and provides a consistent density and development type as the area becomes more dense and urban over time. The consistency with nearby development makes the proposed continued residential use at the proposed density meet the need for a variety of homes better than other density or design options for the site. The decision to not use the available SROZ density transfer supports the ability to have lots that meet the context of immediately adjacent lots.

### **Supports Statewide Planning Goals**

Subsection 4.198 (.01) C.

- A6. The City's Comprehensive Plan complies with the Statewide Planning Goals. The consistency of the proposal with the Comprehensive Plan, as stated in the findings for this request, demonstrates the proposal also complies with the Statewide Planning Goals. See also Findings A33-A37.

### **No Conflict with Other Portions of Plan**

Subsection 4.198 (.02) D.

- A7. The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map.

### **Comprehensive Plan-Initiating, Applying for, and Considering Plan Amendments**

#### **Who May Initiate Plan Amendments**

Introduction Page 7 "Plan Amendments" 1.

- A8. The property owner of the subject lot has initiated the proposed amendment.

#### **How to Make Application**

Introduction Page 7 "Plan Amendments" 2.

- A9. The property owner of the subject lots, who has submitted a signed application form provided by the City and paid the required application fee, initiated the proposed amendment.

#### **Consideration of Plan Amendments**

Introduction Page 7 "Plan Amendments" 3.

- A10. The City Council will consider the plan amendment only after receiving a recommendation from the Development Review Board.

## **Standards for Approval of Plan Amendments**

### **Conformance with Other Portions of the Plan**

Introduction Page 7 "Plan Amendments" 4. a.

A11. The change of residential density for the subject properties does not lead to nonconformance with other portions of the Comprehensive Plan.

### **Public Interest**

Introduction Page 7 "Plan Amendments" 4. b.

A12. The request is in the public interest by providing needed housing. See also Finding A4.

### **Public Interest Best Served by Timing of Amendment**

Introduction Page 7 "Plan Amendments" 4. c.

A13. The timing of the amendment is appropriate. See Finding A5.

### **Factors to Address in Amendment**

Introduction Page 7 "Plan Amendments" 4. d.

A14. The area is suitable for the proposed development as it is in a residential area with similar development and has the necessary public services, including streets, available. It is similar to and follows the trends in recent nearby developments such as Renaissance at Canyon Creek and Aspen Meadows. The density is consistent with these other recent nearby developments. No parties submitted substantial evidence supporting concerns that the development would negatively affect property values. Preservation of natural resource areas is part of the development. The application of design standards ensures healthful, safe and aesthetic surroundings.

### **Conflict with Metro Requirements**

Introduction Page 7 "Plan Amendments" 4. e.

A15. The review did not identify any conflicts with Metro requirements. Particularly, Wilsonville's housing mix continues to exceed Metro's requirements.

### **Public Notice Requirements**

Introduction Page 8 "Plan Amendments" 5.

A16. The City has or will send all required public hearing notices.

## **Urban Growth Management**

### **Urbanization for Adequate Housing**

Implementation Measure 2.1.1.b.

A17. The proposal provides for additional housing density to accommodate those employed with the City. See also Finding A4.

### **Revenue Sources for Urbanization**

Implementation Measure 2.1.1.d.

A18. Existing requirements for improvements and systems development charges apply to the development proposed concurrently with the Comprehensive Plan Map amendment.

### **New Development and Concurrency**

Implementation Measure 2.1.1.e.

A19. The City's concurrency requirements in the Development Code apply to the concurrently proposed development.

### **Encourage Master Planning**

Implementation Measure 2.1.1.f.2.

A20. The subject property is large enough, being greater than the two-acre threshold for planned development established in Section 4.140, for design consistent with the City's planned development regulations to support design quality and conformity with the Comprehensive Plan.

### **Public Facilities and Services**

#### **Urban Development Only Where Facilities and Services Can Be Provided**

Implementation Measure 3.1.2.a.

A21. Application of the concurrency standards of the City's Development Code ensures the development proposed concurrently with this amendment request will have all necessary facilities and services provided. See Stage II Final Plan in Request D.

#### **Paying for Facilities and Services**

Implementation Measures 3.1.3.a., 3.1.4.f., 3.1.5.c., 4.1.4.h.

A22. The City has all necessary codes and processes in place to ensure the development pays for public facilities/services directly related to the development.

#### **Growth and Sewer Capacity**

Implementation Measure 3.1.4.b

A23. The City will not allow development without adequate sanitary sewer capacity. As reviewed in the Stage II Final Plan, adequate sanitary sewer capacity exists by connecting to the existing sewer in Canyon Creek Road South.

### **Land Use and Development**

#### **Variety of Housing Types**

Implementation Measures 4.1.4.b, 4.1.4.j., and 4.1.4.o.

A24. Wilsonville has a rich diversity of housing types. Infill in other areas of the Bridle Trail Ranchetts involved residential development of a similar density as proposed (including

Renaissance at Canyon Creek and Aspen Meadows subdivisions). The proposal supports the area's existing role amongst Wilsonville's housing mix.

### **Encouraging Variety and Housing Balance**

Implementation Measure 4.1.4.c and 4.1.4.d

**A25.** Being relatively small for a planned development, not a lot of variety would be expected within the development. However, the proposal provides some variety of lot sizes allowing diversity of housing products.

The proposed development does not detract from the City's ongoing work to encourage variety and promote housing balance. Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

The addition of ~~eight (8)~~ five (5) residential lots would not take away from the variety that currently exists within the city.

### **Housing Needs of Existing Residents**

Implementation Measure 4.1.4.f.

**A26.** The proposed housing will fit into the rich diversity of Wilsonville's housing to allow existing residents to move up or move down, thus opening their units to others.

### **Housing Development and the Social and Economic Needs of the Community**

Implementation Measure 4.1.4.g.

**A27.** Wilsonville has a rich diversity of housing types, to which these additional homes would contribute. The diversity of housing types supports the variety of needs of members of the community.

### **Jobs Housing Balance**

Implementation Measures 4.1.4.l. and 4.1.4.p.

**A28.** It is anticipated the planned homes could be occupied by people working in Wilsonville. The location is close to employment centers including Town Center and the industrial area north of Boeckman between Canyon Creek Road and Parkway Avenue.

## Provision of Open Space and Protection of Established Neighborhoods

Implementation Measure 4.1.4.t

A29. The applicant proposes an open space area that is consistent with the development standards applicable to the requested zoning of the property, PDR-3. The city's Comprehensive Plan requires new development to preserve the character of established neighborhoods, in particular the low-density zones. The site abuts properties with a comprehensive plan designation of 0-1 du/ac to the north, 4-5 du/ac to the west, and 6-7 du/ac to the south and east. It is important to note that while the property to the south has a higher density designation, it was developed at a substantially lower density that would make the configuration more similar to 2-3 or 4-5 du/ac designated properties. The previous iteration of the project presented at the April 12, 2021 DRB Panel A Hearing utilized the density transfer provision in WC Section 4.130.11. The density transfer is permitted if the applicable code criteria is met for uses, setbacks, outdoor living area, landscaping, building height, and parking. With the previously requested waiver it became clear that the project was not able to utilize the SROZ density transfer without a setback waiver, which does not meet the intent of the provision and resulted in a site configuration that was inconsistent with the surrounding neighborhoods. The applicant has now revised the proposal to include five (5) residential lots, which provides a site configuration that is more consistent with the established neighborhood context and is no longer utilizing the SROZ density transfer nor proposing the side-yard setback request.

## Residential Districts and Density

Implementation Measures 4.1.4.u. and 4.1.4.z.

A30. The applicant requests the density to change from 0-1 du/ac to 4-5 du/ac in an area transitioning from rural residential to denser urban residential. Similar changes have occurred on other nearby properties including the areas currently occupied by Renaissance at Canyon Creek and Aspen Meadows subdivisions.

## 2-3 or 4-5 Dwelling Unit Per Acre Residential District

"Residential Planning Districts" page D-19

A31. The 4-5 du/ac designation is appropriate as adequate access to streets is available creating traffic volumes within the limits set by the City, it is adjacent to a variety of residential densities, including low density, and it is an appropriate density to allow development while preserving the natural slope and riparian areas of the properties.

## Metro Urban Growth Functional Plan

### Maintaining or Increasing Housing Capacity

Title 1 3.07.110

A32. The proposal will increase the City's housing capacity within the current City limits.

## Statewide Planning Goals

### Citizen Involvement

#### Goal 1

A33. A thorough citizen involvement process, as defined in Wilsonville's Development Code and Comprehensive Plan, ensures citizen involvement in the decision.

### Land Use Planning

#### Goal 2

A34. The Comprehensive Plan Amendment is required to meet policies based on the statewide framework and is required to provide adequate facts to make a decision based on the applicable review criteria.

### Agriculture Lands

#### Goal 3

A35. The areas proposed for new housing development are not currently in commercial agriculture use. Increasing development within the City limits has the potential to lessen slightly the demand for housing on land currently in use for commercial agriculture.

### Natural Resources, Scenic and Historic Areas, and Open Spaces

#### Goal 5

A36. The City's SROZ overlay standards ensure protection of significant natural resources on the eastern portion of the subject properties.

### Air, Water and Land Resources Quality

#### Goal 6

A37. The requirements to preserve the natural area as well as stormwater requirements help maintain water quality. No significant negative impacts to air and land resources can reasonably be anticipated.

### Housing

#### Goal 10

A38. The proposed Comprehensive Plan map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.



- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.
- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City is beginning the process of ensuring that additional residential land is available through the concept planning process for the Advance Road new urban growth area. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Changing the Comprehensive Plan Map to a higher density zone will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and implementing administrative rules once the City's updated code is adopted.
- The proposal directly impacts approximately 0.4% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 2 of 477 acres).

## Request B: DB20-0039 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Comprehensive Plan

#### Diversity of Housing Types

Implementation Measure 4.1.4.b.,d.

- B1.** Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

The City has approved hundreds of new residential lots, mainly in Villebois and Frog Pond West, for development over the next few years. The proposal will provide additional residential lot options outside of Villebois and Frog Pond West within the existing City limits.

#### Safe, Convenient, Healthful, and Attractive Places to Live

Implementation Measure 4.1.4.c.

- B2.** The proposed Planned Development Residential-3 (PDR-3) zoning allows the use of planned development to enable development of safe, convenient, healthful, and attractive places to live.

#### Residential Density

Implementation Measure 4.1.4.u.

- B3.** The subject area will be zoned PDR-3, allowing the application of the proposed residential density of 4-5 du/ac to the subject property.

### Development Code

#### Zoning Consistent with Comprehensive Plan

Section 4.029

- B4.** The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of PDR-3 is consistent with the proposed Comprehensive Plan Residential 4-5 du/ac designation. The approval of the Zone Map Amendment is contingent on City approval of the related Comprehensive Plan Map Amendment.

List of Base Zones  
Subsection 4.110 (.01)

B5. The requested zoning designation of PDR-3 is among the base zones identified.

**Standards for All Planned Development Residential Zones**

**Typically Permitted Uses**

Subsection 4.124 (.01)

B6. The list of typically permitted uses includes residential building lots for development of allowed residential uses, and open space, covering all proposed uses on the subject properties.

**Appropriate PDR Zone**

Subsection 4.124 (.05)

B7. PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac.

**Zone Change Procedures**

Subsection 4.197 (.02) A.

B8. The applicant submitted the request for a Zone Map Amendment as set forth in the applicable code sections.

**Conformance with Comprehensive Plan Map, etc.**

Subsection 4.197 (.02) B.

B9. The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Residential 4-5 du/ac (see Request A). As shown in Request A and Findings B1 through B3, the request complies with applicable Comprehensive Plan text.

**Specific Comprehensive Plan Findings for Residential Designated Lands**

Subsection 4.197 (.02) C.

B10. Findings B1 through B3 under this request and A24 through A30 under Request A provide the required specific findings for Implementation Measures 4.1.4.b, d, e, q, and x.

**Public Facility Concurrency**

Subsection 4.197 (.02) D.

B11. The applicant's Exhibits B1, B2, and B3 (compliance report and the plan sheets) demonstrate the existing primary public facilities are available or can be provided in conjunction with the project.

**Impact on SROZ Areas**

Subsection 4.197 (.02) E.

**B12.** The proposed design of the development preserves and protects the SROZ area on the property.

**Development within 2 Years**

Subsection 4.197 (.02) F.

**B13.** Related land use approvals will expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

**Development Standards and Conditions of Approval**

Subsection 4.197 (.02) G.

**B14.** As can be found in the findings for the accompanying requests, the proposal meets the applicable development standards either as proposed or through a condition of approval. ~~One condition is added to address neighbor concerns about the closeness of new homes to existing property lines. Condition of Approval PDB 1. requires the side yard setback in the current RA-H zone of 10 feet be maintained along the north and south project boundaries. The Zone Map Amendment would otherwise allow 7-foot setbacks where a side yard of a new lot faces the existing property lines. This would apply primarily to proposed lots 1 and 3 as other lots either do not touch existing property lines or have the rear yards facing existing property lines where setbacks greater than 10 feet would already be required.~~

### Request C: DB20-0041 Stage I Preliminary Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

**Comprehensive Plan****City Support Development of Land Within City Consistent with Land Use Designation**

Goal 2.1, Policy 2.1.1., Implementation Measure 2.1.1.a.

**C1.** The City's Comprehensive Plan designates the subject property for residential use. The proposed Comprehensive Plan Map amendment would increase the density for the subject property and would continue to be supportive of the development of the subject land for residential dwellings as long as proposed development meets applicable policies and standards.

### **Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance**

Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

- C2. The proposal provides for urbanization of an area planned for residential use to provide additional housing within the City available to workers employed within the City. However, no special provisions or programs target the units to workers employed within the City.

### **City Obligated to do its Fair Share to Increase Development Capacity within UGB**

Implementation Measure 2.2.1.b.

- C3. The property is within the urban growth boundary and available for use consistent with its residential designation. Allowing development of the property for additional residential units supports the further urbanization and increased capacity of residential land within the Urban Growth Boundary.

### **Urban Development Only Where Necessary Facilities can be Provided**

Implementation Measure 3.1.2.a.

- C4. As can be found in the findings for the Stage II Final plan, the proposed development provides all necessary facilities and services.

### **Provision of Usable Open Space**

Implementation Measures 3.1.11.p, 4.1.5.kk

- C5. Findings related to Section 4.113 of the Development Code offer additional details related to provision of usable open space.

### **Wide Range of Housing Choices, Planning for a Variety of Housing**

Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

- C6. Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

45.7% Apartments  
 40.4% Single-Unit Dwellings  
 7.5% Middle Housing  
 4.8% Condominiums  
 1.3% Mobile Homes

The City has approved hundreds of new residential lots, mainly in Villebois and Frog Pond West, for development over the next few years. The proposal will provide additional residential lot options outside of Villebois and Frog Pond West within the existing City limits.

### **Accommodating Housing Needs of Existing Residents**

Implementation Measure 4.1.4.f.

- C7. The applicant intends on providing a housing product attractive to existing residents of the City as a whole including current homeowners and current renters looking to purchase in a medium to high price range, similar to other nearby homes. The number of units and location context do not lend themselves to creation of housing units at a lower price point to accommodate existing residents looking at the low to medium low price range

### **Planned Development Regulations**

#### **Planned Development Lot Qualifications**

Subsection 4.140 (.02)

- C8. The planned ~~five~~ eight-lot subdivision will accommodate residential development, a functional public street, and preserved open space consistent with the purpose of Section 4.140.

#### **Ownership Requirements**

Subsection 4.140 (.03)

- C9. The owner of the subject property has signed an application form included with the application.

#### **Professional Design Team**

Subsection 4.140 (.04)

- C10. Steve Miller of Emerio Design is the coordinator of a professional design team with all the necessary disciplines including an engineer, a surveyor, and a planner among other professionals.

#### **Planned Development Permit Process**

Subsection 4.140 (.05)

- C11. The subject property is greater than 2 acres, is designated for residential development in the Comprehensive Plan, and is proposed to be zoned Planned Development Residential. The property will be developed as a planned development.

#### **Comprehensive Plan Consistency**

Subsection 4.140 (.06)

- C12. The proposed project, as found elsewhere in this report, complies with the PDR-3 zoning designation, which implements the proposed Comprehensive Plan designation of Residential 4-5 du/ac.

## Planned Development Application Requirements

Subsection 4.140 (.07)

**C13.** Review of the proposed Stage I Master Plan has been scheduled for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the Stage I Master Plan is under an application by the property owner.
- The applicant submitted a Stage I Master Plan request on a form prescribed by the City.
- The applicant identified a professional design team and coordinator. See Finding C10.
- The applicant has stated the uses involved in the Master Plan and their locations.
- The applicant provided the boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant proposes a single phase of development.
- Any necessary performance bonds will be required.

## Standards for Residential Development in Any Zone

### Outdoor Recreational Area and Open Space Land Area Requirements

Subsections 4.113 (.01)

**C14.** The proposed ~~five~~ ~~eight~~-lot subdivision must provide 25% open space half of which (12.5%) must be located outside of the Significant Resource Overlay Zone (SROZ) and be usable open space programmed for active recreational use. The applicant has provided Tract A to be the usable open space area for the subdivision. The GDA including Tract A is ~~105,727~~ ~~98,034~~ square feet. After removing the SROZ area of 44,198 square feet, the net buildable area is ~~61,527~~ ~~53,836~~ square feet. 25% of the GDA is ~~15,381~~ ~~13,459~~ square feet and 12.5% of the site GDA is ~~7,690~~ ~~6,729~~ square feet. The revised open space area shown on the plans is now ~~7,691~~ ~~6,729~~ square feet which meets the minimum open space requirement for the proposed subdivision. ~~To ensure the subdivision meets the open space requirements as the open space tract was created by AR20-0032, a condition of approval PDC 1 that requires the applicant to record the proposed partition with the county prior to site development.~~

### Other Standards

Subsections 4.113 (.03) through (.14)

**C15.** The applicant proposes meeting these standards. See Request D, Stage II Final Plan.

## **Standards for All Planned Development Residential Zones**

### **Typically Permitted Uses**

Subsection 4.124 (.01)

C16. The list of typically permitted uses includes residential uses the lots can accommodate and open space on the subject property.

### **Accessory Uses**

Subsection 4.124 (.02)

C17. While the proposal does not specifically propose any of the listed accessory uses, they continue to be allowed accessory uses.

### **Appropriate PDR Zone and Maximum and Minimum Density**

Subsection 4.124 (.05)

C18. PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac. See Requests A and B.

### **Block and Access Standards**

Subsection 4.124 (.09)

C19. Street locations and lot configurations are such as to support the development of blocks supportive of these standards with existing and potential future development of adjacent properties.

### **PDR-3 Zone**

### **Development Standards**

Section 4.124(.07)

C20. Each lot meets the minimum lot size of 4,500 square feet. The lots are all at least 40 feet wide meeting the minimum lot width at the building line and meet the minimum street frontage requirements. Lots will allow all structures will meet the maximum lot coverage of 50% for the largest building and 60% for all structures along with the 35 foot height limit at the time of building permit issuance.



### Request D: DB20-0042 Stage II Final Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

#### Planned Development Regulations

##### Planned Developments Lot Qualifications

Subsection 4.140 (.02)

- D1.** The planned ~~five~~ eight lot subdivision will provide residential building lots, a functional public street, and preserved open space consistent with the purpose of Section 4.140. The subject property is 2.25 acres and is suitable for a planned unit development. Concurrent with the request for a Stage II Final Plan, the applicant proposes to rezone the property to PDR-3.

##### Ownership Requirements

Subsection 4.140 (.03)

- D2.** The owner of the subject property signed an application form included with the application.

##### Professional Design Team

Subsection 4.140 (.04)

- D3.** Steve Miller of Emerio Design is the coordinator of a professional design team with all the necessary disciplines including an engineer, a surveyor, and a planner among other professionals.

#### Stage II Final Plan Submission Requirements and Process

##### Consistency with Comprehensive Plan and Other Plans

Subsection 4.140 (.09) J. 1.

- D4.** With the requested Comprehensive Plan Map Amendment, Request A, the project is consistent with the Comprehensive Plan and other applicable plans of which staff is aware.

##### Traffic Concurrency

Subsection 4.140 (.09) J. 2.

- D5.** As shown in the Trip Generation Memorandum, Exhibit B1, the City expects the proposed subdivision to generate ten new p.m. peak hour trips. Of the studied intersections, the City expects the proposed development to generate three p.m. peak hour trip through the I-5/Elligsen Road interchange area and one p.m. peak hour trip through the I-5/Wilsonville Road interchange area. No identified intersection would fall below the City's Level of Service D. At the time the Trip Generation Memo was written the proposed development contained 11 dwelling units. ~~The current proposal contains 8 dwelling units and would~~

generate less trips than stated within the memo. *The current proposal now contains 5 lots / dwelling units and would generate less trips than stated within the Memo.*

**Table 1: Trip Generation Summary**

Land Use (ITE Code)	Size	Trip Rate <sup>b</sup>	P.M. Peak Hour Trips		
			In	Out	Total
<i>Proposed</i>					
Single-Family Detached Housing (210)	11 DU <sup>a</sup>	1.1 trips/DU	7	5	12
<i>Existing</i>					
Single-Family Detached Housing (210)	2 DU <sup>a</sup>	1.1 trips/DU	-1	-1	-2
<b>Net New Total Trips</b>			<b>6</b>	<b>4</b>	<b>10</b>

<sup>a</sup>DU = 1 Dwelling Unit

<sup>b</sup>Trip rates shown were back-calculated using the ITE fitted curve equation.

### Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

- D6. The applicant proposes sufficient facilities and services, including utilities, concurrent with development of the residential subdivision.

### Adherence to Approved Plans

Subsection 4.140 (.09) L.

- D7. Condition of Approval PDD 1 ensures adherence to approved plans except for minor revisions approved by the Planning Director.

## General Residential Development Standards

### Purpose of Outdoor Recreational Area

Subsection 4.113 (.01)

- D8. The purpose and intent of the open space requirements are met through the provision of a ~~7,690~~ 6,729 open space tract to meet the usable open space tract along with an additional 44,198 square feet of open space located within the SROZ.

### 25 % Open Space Required

Subsection 4.113 (.01) B.

- D9. As over half of the subject property is classified as SROZ, well in excess of 25 percent of the property is proposed as open space.

### Required Open Space Characteristics

Subsection 4.113 (.01) C.

- D10. The proposed ~~five~~ eight-lot subdivision must provide 25% open space half of which (12.5%) must be located outside of the Significant Resource Overlay Zone (SROZ) and be usable open space programmed for active recreational use. The applicant has provided Tract A to be the usable open space area for the subdivision. The GDA including Tract A

is 105,727 square feet. After removing the SROZ area of 44,198 square feet, the net buildable area is ~~61,527~~ 53,836 square feet. 25% of the GDA is ~~15,381~~ 13,459 square feet and 12.5% of the site GDA is ~~7,690~~ 6,729 square feet. The revised open space area shown on the plans is now ~~7,691~~ 6,729 square feet which meets the minimum open space requirement for the proposed subdivision. ~~To ensure the subdivision meets the open space requirements as the open space tract was created by AR20-0032, a condition of approval PDC 1 that requires the applicant to record the proposed partition with the county prior to site development.~~

~~The open space will be owned by an HOA and contains a non-fenced stormwater feature, an open play area to accommodate a variety of activities, and a community garden. The applicant has provided a concrete pathway into the open space area that terminates in a seating area. The application contains an affidavit that attests to the open space area being designed by a registered landscape architect with past experience designing similar residential park areas.~~ The proposed open space will be owned by an HOA and at the time of publishing this staff report, the specifics of the open space area design are unknown. Staff has conditioned that the applicant return before the DRB and provide additional documentation demonstrating compliance with the open space standards. See condition of approval PDD 14 and Finding D49 for additional discussion.

### **Building Setbacks – Lots Over 10,000 Square Feet**

Subsection 4.113 (.02) A.

- D11. Except for the 44,198 square foot SROZ tract which is not buildable, ~~no~~ one lots (Lot 1) within the proposed ~~8-lot subdivision~~ 5-lot subdivision exceeds 10,000 square feet. ~~This subsection is not applicable.~~ The proposed lot will meet the front yard and garage setback of 20 feet, and side yard setbacks of 10 feet, and rear yard setback of 20 feet in accordance with this subsection. Compliance with these standards will be reviewed and enforced during the building permit review process.

### **Building Setbacks – Lots Not Exceeding 10,000 Square Feet**

Subsection 4.113 (.02) B.

- D12. The proposed lots will allow homes to be built to meet the front yard setback of 15 feet, garage door setback of 20 feet, side yard setbacks of five (one story) to seven (two stories) feet, and rear yard setback of 15 (one story) to 20 (two stories) feet. ~~The applicant has requested a waiver to reduce the side yard setback to five feet for two-story homes, see Request H. Condition of Approval PDB 1 requires an additional 10-foot side yard setback for Lots 1 and 3.~~

### **Effects of Compliance Requirements and Conditions on Cost of Needed Housing**

Subsection 4.113 (.13)

- D13. No parties have presented evidence nor has staff discovered evidence that provisions of this section are in such a manner that additional conditions, either singularly or

cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

### **Underground Utilities Required**

Subsection 4.118 (.02) and Sections 4.300 to 4.320

**D14.** The developer will install all utilities underground.

### **Habitat Friendly Development Practices to be Used to the Extent Practicable**

Subsection 4.118 (.09)

**D15.** The portions of the subject property proposed for development do not contain any wildlife corridors or fish passages. Consistent with City and other standards, the applicant proposes protection of the SROZ, and no disturbance within this area is proposed. Outside the SROZ, the developer will minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and storm water infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources.

### **Permitted Uses**

Subsections 4.124 (.01) and (.02)

**D16.** The applicant proposes open space and residential lots, which are or accommodate allowed uses in the PDR zones. While no allowed accessory uses are specifically mentioned in the applicant's materials, they will continue to be allowed.

### **Block and Access Standards in PDR Zones**

#### **Maximum Block Perimeter: 1800 Feet**

Subsection 4.124 (.09) 1.

**D17.** No new blocks will be created as part of the proposed subsection. The existing block lengths in the neighborhood will not be compromised with the proposed development and no additional blocks will be created as part of the proposed subdivision.

#### **Maximum Spacing Between Streets for Local Access: 530 Feet**

Subsection 4.124 (.09) 2.

**D18.** The proposed public street providing access to the project is approximately 155 feet south of SW Helene Street. The distance between the subdivision entrance, which for the purposes of measurement is the cul-de-sac bulb of SW Canyon Creek Road S and the private street is approximately 227 feet.

**Maximum Block Length Without Bicycle or Pedestrian Crossing: 330 Feet**

Subsection 4.124 (.09) 3.

D19. The newly proposed public street providing access to the subdivision from SW Canyon Creek Road S is less than 330 feet. An existing bicycle and pedestrian crossing is provided from SW Canyon Creek Road S to SW Morningside Ave.

**PDR-3 Zone Standards****Minimum (4,500 sf) Lot Size**

Subsections 4.124 (.07)

D20. The Preliminary Subdivision Plans show all lots exceeding the minimum lot size of 4,500 square feet for the PDR-3 zone.

**Minimum Density and Maximum Density**

Subsection 4.124 (.05)

D21. Minimum density has been calculated based on the Comprehensive Plan density range, understood to be the controlling standard for density, as historically applied elsewhere with Planned Development Residential zoning. The minimum and maximum density calculation for the site is as follows:

Total Gross Acreage: 2.43 AC

Total SROZ: 1.01 AC

Total Usable Acreage: 1.41 AC (Gross — SROZ)

SROZ AC 1.01 x 4 DU/AC = 4.04 x .50 (50% SROZ transfer credit) = 2.02 or 2

SROZ AC 1.01 x 5 DU/AC = 5.05 x .50 (50% of SROZ transfer credit) = 2.5 or 3

Usable acres 1.24 x 4 DU/AC = 5.64 or 6 minimum lots

Usable acres 1.24 x 5 DU/AC = 7.05 or 7 maximum lots

5 minimum lots + 2 transfer credits = 8 minimum lots

6 maximum lots + 3 transfer credits = 10 maximum lots

Total Gross Acreage: 2.25 AC

Total SROZ: 1.01 AC

Total Usable Acreage: 1.24 AC

Usable Acres 1.24 x 4 DU/AC = 4.96 or 4 minimum lots

Usable Acres 1.24 x 5 DU/AC = 6.2 or 6 maximum lots

The proposed development is for a 5-lot subdivision, thus meeting the minimum density of the range for the site in compliance with this subsection and the proposed comprehensive

plan designation.**Minimum Lot Width: 40 Feet**

Subsection 4.124(.07)

D22. The Preliminary Subdivision Plans show all lots with more than a 40-foot width.

**Minimum Street Frontage: 40 Feet, 24 Feet on Cul-de-sac**

Subsection 4.124(.07)

D23. The tentative subdivision plat shows Lots ~~4-8~~ 1-5 having a minimum street frontage of at least 40 feet. Lot 1 has frontage on ~~both a cul-de-sac and~~ a private drive, with the ~~combined~~ frontage exceeding 40 feet. ~~Lots 2-3 have frontage on a private drive (Tract B) and meet the minimum lot frontage.~~

**Minimum Lot Depth: 60 Feet**

Subsection 4.124 (.07)

D24. The tentative subdivision plat shows the minimum lot depth for all lots exceeds 60 feet.

**Maximum Height: 35 Feet**

Subsection 4.124 (.07)

D25. No homes will be approved for construction in this subdivision with a height greater than 35 feet.

**Maximum Lot Coverage**

Subsection 4.124 (.07)

D26. All lots will meet the maximum lot coverage of 50% for the largest building and 60% for all structures at time of building permit issuance.

**SROZ Regulations****Prohibited Activities**

Section 4.139.04

D27. The site contains 44,198 square feet of SROZ area in Tract C located to the east of ~~lots 1-3.~~ Lot 1 and Tract A Condition of Approval NR 1 requires the SROZ portion of the site to be preserved in a conservation easement along with Tract C to prohibit any disturbance of natural vegetation without first obtaining approval from the City.

**Uses and Activities Exempt from These Regulations**

Section 4.139.04

D28. The regulations apply to a significant portion of the property within the SROZ. The applicant proposed no development within the SROZ; however, the applicant limits plantings in the SROZ to those identified as native on the Metro Native Plant List.

Condition of Approval NR13 requires that the City's Natural Resources Manager approve the SROZ plantings prior to their installation.

## Density Transfer from Significant Resource Overlay Zone

### Transfer of Density from SROZ Permitted

Subsection 4.139.11 (.02)

~~D29. The applicant proposes a density transfer of two units consistent with this subsection. The permitted density transfer is three units based on the following calculation: SROZ acres  $1.01 \times 5$  du/ac (maximum density per proposed Comprehensive Plan designation) = 65.05  $\times$  0.5 (50% SROZ transfer credit) = 2.58 or 3 units. The Applicant is not utilizing a density transfer from the SROZ, therefore this Subsection does not apply.~~

### SROZ Density Transfer Limiting Standards.

Subsection 4.139.11 (.02) B. 2.-3.

~~D30. The standards for outdoor living area, landscaping, building height and parking are still met as established by other findings under this request. The proposed lots are of a similar size as many in the area and meet the minimum of the PDR 3 zone and will allow development of homes similar to many in the area. Setbacks and relationships to adjacent properties are similar with or without the density transfer. Setbacks for the PDR 3 zone are met. Lots for permitted residential uses and parks and open space continue to be the only uses proposed with the density transfer. All other applicable standards are able to be met with the density transfer. Based on testimony provided during the April 12, 2021 DRB Panel A Hearing and only conditional support from staff regarding the previous side-yard setback waiver request, staff reevaluated the proposed density of the subdivision and worked with the applicant on a solution. It became apparent that the Waiver request was necessitated by the SROZ density transfer, as the additional lots as allowed by the transfer would only be able to fit on the property through the Waiver request. The SROZ density transfer requires projects to meet setbacks of the zone, therefore the SROZ transfer is not supportable. The applicant has revised the proposed development which now includes five (5) residential lots which does not utilize a density transfer, and thus, no longer includes a waiver request.~~

## On-site Pedestrian Access and Circulation

### Continuous Pathway System

Section 4.154 (.01) B. 1.

D31. The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. To ensure full access and function of the planned pathway system for the public, Condition of Approval PDD 7 requires public access easements across all pathways within private tracts or lots.

**Safe, Direct, and Convenient**

Section 4.154 (.01) B. 2.

D32. The submitted plans show sidewalk and pathways providing safe, direct, and convenient access to homes and open spaces in the adjacent Aspen Meadows subdivision.

**Vehicle/Pathway Separation**

Section 4.154 (.01) B. 3.

D33. The proposed design vertically and or horizontally separates all sidewalks and pathways from vehicle travel lanes except for driveways and crosswalks.

**Crosswalks Delineation**

Section 4.154 (.01) B. 4.

D34. Condition of Approval PDD 2 requires the clear marking of all crosswalks with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast).

**Pathway Width and Surface**

Section 4.154 (.01) B. 5.

D35. The applicant proposes all pathways to be concrete or asphalt, meeting or exceeding the 5-foot required width.

**Parking Area Design Standards**

**Minimum and Maximum Parking**

Subsection 4.155 (.03) G.

D36. Each dwelling unit requires one parking space. The applicant states each lot will accommodate at least one exterior parking space. The dimensional standard for a standard parking space is nine by eighteen feet; each driveway will be at least 12 feet wide by 20 feet long ensuring each unit meets the parking standard. Additionally, the proposed homes will have at least a single-car garage, providing an additional parking space.

**Other Parking Area Design Standards**

Subsections 4.155 (.02) and (.03)

D37. The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for Parking	☒	Though final design of garages and driveways is not part of the current review they are anticipated to meet the minimum dimensional standards to be considered a parking space as well as fully accessible. Condition of



		Approval PDD 3 requires meeting the dimensional standards.
I. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	Garages and driveways will be surfaced with concrete.
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage is professionally designed and being reviewed to meet City standards
<b>Subsection 4.155 (.03) General Standards</b>		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	The parking areas will be typical residential design adequate to maneuver vehicles and serve the needs of the homes. In order to address concerns regarding access and maneuvering areas, Condition of Approval PDD 15 requiring the HOA actively enforce no parking areas, tow any illegally parked vehicle within 12 hours, and establish fees for homeowners who violate the no parking zones.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	Pursuant to Section 4.154 pedestrian circulation is separate from vehicle circulation by vertical separation except at driveways and crosswalks.

### Other General Regulations

#### Access, Ingress and Egress

Subsection 4.167 (.01)

D38. Planned access points are typical of local residential streets. The City will approve final access points for individual driveways at the time of issuance of building permits.

### Protection of Natural Features and Other Resources

#### General Terrain Preparation

Section 4.171 (.02)

D39. The major natural feature associated with this development is Boeckman Creek and its associated riparian canyon. This area is designated for protection as SROZ and will not be disturbed. Prior to any site earth work a grading permit must be issued by the City's Building Division ensuring planned grading conforms with the Uniform Building Code. Contractors will also use erosion control measures, and stake and protect SROZ and preserved trees prior to commencement of site grading. The applicant designed the development to limit the extent of disturbance of soils. Tree removal is limited to those that are non-viable, dead, diseased, dying, or those that will impede construction of infrastructure, street improvements, driveways and future building sites.

### **Trees and Wooded Areas**

Section 4.171 (.04)

D40. The major natural feature associated with this development is Boeckman Creek and its associated riparian canyon. The applicant proposes preserving all trees within the SROZ. Outside of the SROZ, the applicant proposes retaining all trees except those that are in the way of the required frontage improvements, the new public street, the proposed private road or future dwellings. As noted in Request F, the applicant proposes removing 21 ~~26~~ trees outside of the SROZ.

### **Earth Movement and Soil Hazard Areas**

Subsections 4.171 (.07) and (.08)

D41. The applicant states the subject property does not contain any earth movement or soil hazard areas.

### **Historic Resources**

Subsection 4.171 (.09)

D42. The applicant nor the City have identified any historic, cultural, or archaeological items on the sites, nor does any available information on the history of the site compel further investigation.

### **Public Safety and Crime Prevention**

#### **Design for Public Safety, Addressing, Lighting to Discourage Crime**

Section 4.175

D43. The development will be a traditional residential subdivision to create a quiet area with eyes on the street to discourage crime. Lighting will be typical of other subdivisions in Wilsonville. The Building Permit process will ensure appropriate addresses are affixed to the homes for emergency responders.

### **Landscaping Standards**

Landscape Standards Code Compliance

Subsection 4.176 (.02) B.

D44. The applicant requests no waivers or variances to landscape standards. Thus all landscaping and screening must comply with standards of this section.

### **Intent and Required Materials**

Subsections 4.176 (.02) C. through I.

D45. The planting areas along the street and the open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a

mixture of trees and stormwater swale plantings. Except where driveways and utility conflicts prevent, street trees are placed 30 feet on center.

### **Types of Plant Material, Variety and Balance, Use of Natives When Practicable**

Subsection 4.176 (.03)

D46. The applicant proposes a professionally designed landscape using a variety of plant material. The design incorporates native plants, including coastal strawberry and spreading rush.

### **Quality and Size of Plant Material**

Subsection 4.176 (.06)

D47. Trees are specified at 2" caliper or greater than 6 foot for evergreen trees. Shrubs are all specified 2 gallon or greater in size. Ground cover is all specified as greater than 4". Turf or lawn is used for minimal amount of the proposed public landscape area. Conditions of Approval PDD 12 and PDD 13 ensure other requirements of this subsection are met including use of native topsoil, mulch, and non-use of plastic sheeting.

### **Landscape Installation and Maintenance**

Subsection 4.176 (.07)

D48. The installation and maintenance standards are or will be met by Condition of Approval PDD 14 as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- An irrigation system is required to ensure the plant materials survive during the establishment period. – need additional condition?

### **Landscape Plans**

Subsection 4.176 (.09)

D49. The applicant's submitted landscape plans in Exhibit B3 provide the required information. *The information contained in Exhibit B3 is based on the previous proposal.* Due to the changes in the proposed open space Tract A discussed in Findings C14 and D10, the landscape plans shown on Sheet L1 do not correspond to the plans designed by the landscape architect. ~~Condition of Approval PDD 14 ensures the applicant submit a revised landscape plan based on the new shape and configuration of the proposed open space~~ *For final approval of the revised open space area, the applicant shall return to the Development Review Board for review of the redesigned open space. If the project landscape architect changes, the applicant shall submit a new Affidavit of Professional Credentials for Residential Usable Open Space Areas in the City of Wilsonville. Condition of Approval PDD 14 ensures the applicant will return to the DRB for review of the usable*

*open space plans, provide a new affidavit should the project landscape architect change, and provide new landscaping plans to correspond to the new configuration of the usable open space area (Tract A).*

### **Completion of Landscaping**

Subsection 4.176 (.10)

D50. The applicant has not requested to defer installation of plant materials.

### **Specific Landscaping Requirements**

Section 4.450

D51. When the applicant returns to the DRB for approval of the landscape plan for the relocated open space Conditions of Approval ensuring the requirements of this section will be met.

### **Street Improvement Standards-Generally**

#### **Conformance with Standards and Plan**

Subsection 4.177 (.01)

D52. The proposed streets appear to meet the City's public works standards and transportation systems plan. Further review of compliance with public works standards and transportation plan will occur with review and issuance of the Public Works construction permit. The required street improvements are a standard local residential street proportional to and typical of the residential development proposed.

#### **Street Design Standards-Future Connections and Adjoining Properties**

Subsection 4.177 (.02) A.

D53. The proposed design provides for the future possibility of continuation of the new public street onto the adjacent property to the north and connect to SW Helene Street.

#### **City Engineer Determination of Street Design and Width**

Subsection 4.177 (.02) B.

D54. The City Engineering Division has preliminarily found the street designs and widths as consistent with the cross sections shown in Figure 3-9 of the 2013 Transportation Systems Plan. The Engineering Division will check final conformance with the cross sections shown in the Transportation Systems Plan during review of the Public Works Permit.

#### **Right-of-Way Dedication**

Subsection 4.177 (.02) C. 1.

D55. The tentative subdivision plat shows right-of-way dedication. See Request E.

**Waiver of Remonstrance Required**

Subsection 4.177 (.02) C. 2.

D56. Condition of Approval PDD 4 requires a waiver of remonstrance against formation of a local improvement district be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of the recordation of a final plat.

**Dead-end Streets Limitations**

Subsection 4.177 (.02) D.

D57. The full length of the proposed public street exceeds the 200-foot maximum for a dead-end street. However, the street may be extended in the future with development of the property to the north. The project contains a private drive, providing an outlet and turn-around for emergency services, along with a turn around in the existing cul-de-sac bulb at the southern end of SW Canyon Creek Road S which is included in Exhibit B4. The number of homes accessing the street is less than the maximum allowed for a dead-end street.

**Street Improvement Standards-Clearance****Corner Vision Clearance**

Subsection 4.177 (.02) E.

D58. Street locations and subdivision design allow the meeting of vision clearance standards.

**Vertical Clearance**

Subsection 4.177 (.02) F.

D59. Nothing in the proposed subdivision design would prevent the meeting of vertical clearance standards.

**Street Improvement Standards-Interim Improvements****Interim Improvement Standards**

Subsection 4.177 (.02) G.

D60. The City Engineer has or will review all interim improvements to meet applicable City standards.

**Street Improvement Standards-Sidewalks****Sidewalk Requirements**

Subsection 4.177 (.03)

D61. The applicant proposes sidewalks along all public street frontages abutting proposed lots and along the project frontage with Canyon Creek Road South.

## **Street Improvement Standards-Bicycle Facilities**

### **Bicycle Facility Requirements**

Subsection 4.177 (.04)

D62. The streets within and adjacent to the project do not require any bike facilities per the Transportation Systems Plan.

## **Residential Private Access Drives**

### **Definition**

Subsection 4.001 (224.) B

D63. The applicant proposes Tract B as a residential private access drive. The connection of this private drive would provide access to a total of two dwelling units. No future extension of the street is possible.

### **Access to No More Than 4 Dwelling Units**

Subsection 4.177 (.07) A.

D64. The proposed private access drive provides access to two homes, less than the four home limit set by this subsection.

### **Lifespan and Structure Similar to Public Local Street for Private Access Drives**

Subsection 4.177 (.07) B.

D65. Condition of Approval PDD 6 ensures the design of the private access drives provides for a useful lifespan and structural maintenance schedule comparable to a public local residential street.

### **Addresses for Private Access Drives**

Subsection 4.177 (.07) C.

D66. The orientation of the homes fronting the private access drive and the short length of the drive enables addressing the homes off the nearby public street.

### **Access Drive Development Standards**

Subsection 4.177 (.07) D. and 4.177 (.08)

D67. Condition of Approval PDD 7 ensures the responsible parties keep the access drives clear and the access drives are capable of carrying a 23-ton load.

## **Street Improvement Standards-Intersection Spacing**

### **Offset Intersections Not Allowed**

Subsection 4.177 (.09) A.

D68. The applicant does not propose any offset intersections.

**Transportation System Plan Table 3-2**

Subsection 4.177 (.09) B.

D69. All involved streets are local streets with no spacing standard.

**Request E: DB20-0019 Site Design Review for Parks and Open Space**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

E1. The applicant previously proposed a professionally designed park space meeting the applicable standards for Site Design Review. However, late changes to the site layout in response to evidence raised during the public hearing process led to the relocation of the open space. The Development Review Board is required to make a decision on other related applications prior to the design team having sufficient time to complete a professional design of the relocated open space. No evidence on the record would prevent a design on the proposed open space area meeting applicable City standards. Certainty exists a design meeting City standards can be created for the proposed space. It is simply a process of allowing the landscape architect adequate time, not afforded by the current process, to create a new site-specific design meeting City standards. A Condition of Approval requiring the applicant return to the DRB with a design meeting the applicable open space design standards is an appropriate mechanism to ensure all applicable standards are met. Condition of Approval PDE 1, along with Condition of Approval PDD 4 ensures the applicable standards will be met.

**Objectives of Site Design Review****Proper Functioning of the Site, High Quality Visual Environment Meets Objectives**Subsections 4.400 (.02) A., 4.400 (.02) C., J., and Subsection 4.421 (.03)

~~E1. The proposed professionally designed landscaping provides stormwater, air quality, and other site functions while not interfering with utilities, sidewalks, or other site features. The landscaping also adds to the high quality visual environment. By functioning properly and contributing to a high quality visual environment, the proposed design fulfills the objectives of site design review.~~

**Encourage Originality, Flexibility, and Innovation**Subsection 4.400 (.02) B. and Subsection 4.421 (.03)

~~E2. The City code affords the applicant's design team flexibility to create an original design appropriate for the site. The applicant provides an active open space area that contains a variety of areas to meet the needs of the future residents of the subdivision. The community garden area will provide a calm activity for residents, next to the garden area~~

the applicant proposes an open play area that could accommodate a variety of activities. There is also a seating area adjacent to trees, which provide a sense of enclosure.

## **Jurisdiction and Power of the DRB for Site Design Review**

### **Development Review Board Jurisdiction**

#### Section 4.420

~~E3. Condition of Approval PDE 1 ensures landscaping is carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. The City will issue no building permits prior to approval by the Development Review Board. The applicant has requested no variances from site development requirements.~~

## **Design Standards**

### **Preservation of Landscaping**

#### Subsection 4.421 (.01) A. and Section 4.171

~~E4. The major natural feature associated with this development is Boeckman Creek and its associated riparian canyon. This area is designated for protection as a SROZ is proposed to ultimately be dedicated to the City. A conservation easement is being placed along the rear of lots 1-3 to preserve the non-usable area of those lots. The elevation drops by approximately 15 feet from east to west toward the Boeckman Creek Canyon. This slope necessitates a significant amount of grading to provide the infrastructure needed to serve the development, as well as to prepare lots for development. The extent of the necessary grading requires removal of the majority of trees on the site outside of the SROZ.~~

### **Surface Water Drainage**

#### Subsection 4.421 (.01) D.

~~E5. A professionally designed drainage system demonstrates proper attention.~~

### **Above Ground Utility Installations**

#### Subsection 4.421 (.01) E.

~~E6. The applicant proposes no above ground utility installations.~~

### **Screening and Buffering of Special Features**

#### Subsection 4.421 (.01) G.

~~E7. No exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures exist requiring screening.~~



**Applicability of Design Standards**Subsection 4.421 (.02)

~~E8. This review applies the design standards to the proposed streetscape and open space areas, which are the portions of the proposed development subject to site design review.~~

**Conditions of Approval Ensuring Proper and Efficient Functioning of Development**Subsection 4.421 (.05)

~~E9. Staff recommends no additional conditions of approval to ensure the proper and efficient functioning of the development.~~

**Site Design Review Submission Requirements****Submission Requirements**Section 4.440

~~E10. ——— The applicant has provided a sufficiently detailed landscape plan and street tree plan to review the streetscape and open space areas subject to site design review.~~

**Time Limit on Site Design Review Approvals****Void after 2 Years**Section 4.442

~~E11. The applicant has indicated that they will pursue development within two years. The approval will expire after two years if not vested, or an extension is not requested and granted, consistent with City Code.~~

**Installation of Landscaping****Landscape Installation or Bonding**Subsection 4.450 (.01)

~~E12. ——— Condition of Approval PDE 2 ensures all landscaping in common tracts shall be installed prior to final plat approval or as otherwise agreed upon in a written agreement with the City. Condition of Approval PDE 3 further requires all street trees and other right of way landscaping be installed in right of way fronting a lot prior to issuance of an occupancy permit for a home on the lot.~~

**Approved Landscape Plan**Subsection 4.450 (.02)

~~E13. ——— Condition of Approval PDE 4 ensures the approved landscape plan is binding upon the applicant/owner. It prevents substitution of plant materials, irrigation systems, or other aspects of an approved landscape without official action of the Planning Director or Development Review Board, as specified in this Code.~~

**Landscape Maintenance and Watering**Subsection 4.450 (.03)

~~E14. — Condition of Approval PDE 5 ensures continual maintenance of the landscape, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with appropriate City approval.~~

**Modifications of Landscaping**Subsection 4.450 (.04)

~~E15. — Condition of Approval PDE 5 provides ongoing assurance by preventing modification or removal without the appropriate City review.~~

~~Natural Features and Other Resources~~**Protection**Section 4.171

~~E16. — The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of site design review. See Findings D33 through D37 under Request D.~~

**Landscaping****Landscape Standards Code Compliance**Subsection 4.176 (.02) B.

~~E17. — The applicant requests no waivers or variances to landscape standards. Thus all landscaping and screening must comply with standards of this section.~~

**Intent and Required Materials**Subsections 4.176 (.02) C. through I.

~~E18. — The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes an analysis of the functional application of the landscaping standards. See Finding D37 under Request D.~~

**Quality and Size of Plant Material**Subsection 4.176 (.06)

~~E19. — A note on the landscape plans ensures the quality of the plant materials will meet American Association of Nurserymen (AAN) standards. Trees are specified at 2" caliper or greater than 6 foot for evergreen trees. Shrubs are all specified 2 gallon or greater in size. Ground cover is all specified as greater than 4". Turf or lawn is used for minimal~~

amount of the proposed public landscape area. Condition of Approval PDE 6 ensures other requirements of this subsection are met including use of native topsoil, mulch, and non use of plastic sheeting.

### **Landscape Installation and Maintenance**

Subsection 4.176 (.07)

~~E20. — The installation and maintenance standards are or will be met by Condition of Approval PDE 8 as follows:~~

- ~~• Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.~~
- ~~• Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.~~
- ~~• Irrigation Notes on the applicant's sheet L2 provides for irrigation during the establishment period.~~

### **Landscape Plans**

Subsection 4.176 (.09)

~~E21. — The applicant's submitted landscape plans in Exhibit B2 provide the required information.~~

### **Completion of Landscaping**

Subsection 4.176 (.10)

~~E22. — The applicant has not requested to defer installation of plant materials.~~

### **Request F: DB20-0042 Type C Tree Removal Plan**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

#### **Type C Tree Removal**

##### **Review Authority When Site Plan Review Involved**

Subsection 4.610.00 (.03) B.

F1. The requested tree removal is connected to site plan review by the Development Review Board. Review is thus under the authority of the DRB.

##### **Reasonable Timeframe for Removal**

Subsection 4.610.00 (.06) B.

F2. It is understood the tree removal will be completed by the time the applicant completes construction of all homes and other improvements in the subdivision, which is a reasonable time frame for tree removal.

##### **Security for Permit Compliance**

Subsection 4.610.00 (.06) C.

F3. As allowed by Subsection 4.610.00 (.06) C. 1. the City is waiving the bonding requirement as the application is required to comply with WC 4.264(1).

#### **General Standards for Tree Removal, Relocation or Replacement**

##### **Preservation and Conservation**

Subsection 4.610.10 (.01) B.

F4. The applicant has taken tree preservation into consideration, and has limited tree removal to non-viable trees and trees necessary to remove for development.

##### **Development Alternatives**

Subsection 4.610.10 (.01) C.

F5. No significant wooded areas or trees would be preserved by design alternatives.

##### **Land Clearing Limited to Right-of-Way and Areas Necessary for Construction**

Subsection 4.610.10 (.01) D.

F6. The proposed clearing is necessary for streets, homes, and related improvements.

### **Residential Development to Blend into Natural Setting**

Subsection 4.610.10 (.01) E.

- F7. Preservation and enhancement of the SROZ area allows the development to blend with the significant natural elements of the property. The project area is otherwise relatively flat land without significant natural features with which to blend.

### **Compliance with All Applicable Statutes and Ordinances**

Subsection 4.610.10 (.01) F.

- F8. This standard is broad and duplicative. As found elsewhere in this report, the City is applying the applicable standards.

### **Tree Relocation and Replacement, Protection of Preserved Trees**

Subsection 4.610.10 (.01) G.

- F9. Reviews of tree removal, replacements, and protection is in accordance with the relevant sections related to replacement and protection.

### **Tree Removal Limitations**

Subsection 4.610.10 (.01) H.

- F10. The proposed tree removal is due to health or necessary for construction.

### **Additional Standards for Type C Permits**

#### **Tree Survey and Tree Maintenance and Protection Plan to be Submitted**

Subsection 4.610.10 (.01) I. 1.-2.

- F11. The applicant submitted the required Tree Survey Maintenance and Protection Plan.

#### **Utilities Locations to Avoid Adverse Environmental Consequences**

Subsection 4.610.10 (.01) I. 3.

- F12. The Utility Plan shows a design to minimize the impact upon the environment to the extent feasible given existing conditions, particularly the Boeckman Creek SROZ. The City will further review utility placement in relation to preserved trees during review of construction drawings and utility easement placement on the final subdivision plat.

### **Type C Tree Plan Review**

#### **Tree Removal Related to Site Development at Type C Permit**

Subsection 4.610.40 (.01)

- F13. The review of the proposed Type C Tree Plan is concurrent with other site development applications.

### **Standards and Criteria of Chapter 4 Applicable**

Subsection 4.610.40 (.01)

F14. This standard is broad and duplicative. As found elsewhere in this report, this review applies applicable standards.

### **Application of Tree Removal Standards Can't Result in Loss of Development Density**

Subsection 4.610.40 (.01)

F15. Review of the proposal allows residential unit counts consistent with the proposed Comprehensive Plan Map density range.

### **Type C Tree Plan Review with Stage II Final Plan**

Subsection 4.610.40 (.01)

F16. The applicant submitted the Type C Tree Plan concurrently with the landscape plan for the proposed development. Review of the proposed Type C Tree Plan is concurrent with the Stage II Final Plan. See Request D.

### **Required Mitigation May Be Used to Meet Landscaping Requirements**

Subsection 4.610.40 (.01)

F17. The applicant proposes counting the proposed street trees, SROZ plantings, and trees within the usable open space area as the mitigation for removal.

### **No Tree Removal Before Decision Final**

Subsection 4.610.40 (.01)

F18. Review of the proposed Type C Tree Plan is concurrent with other necessary land use approvals. The City will not issue any tree removal permit prior to final approval of concurrent land use requests.

### **Tree Maintenance and Protection Plan Submission Requirements**

Section 4.610.40 (.02)

F19. The applicant submitted the necessary copies of a Tree Maintenance and Protection Plan.

### **Tree Relocation, Mitigation, or Replacement**

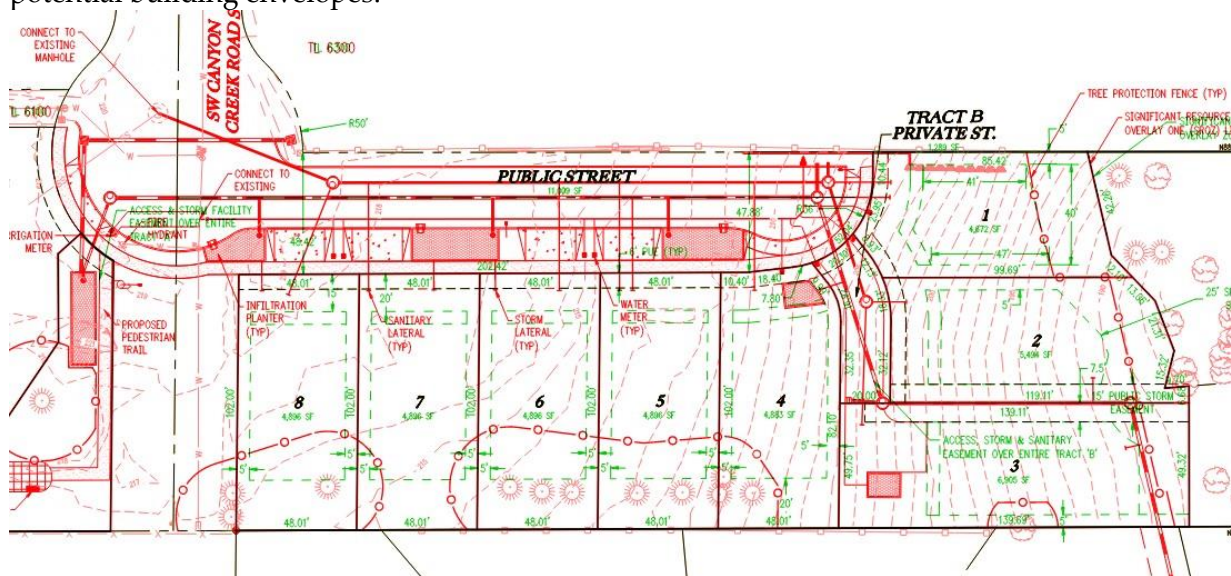
#### **Tree Replacement Required**

Subsection 4.620.00 (.01)

F20. The applicant proposes removal of ~~21~~ 26 trees 6 inches d.b.h. or greater. The applicant will plant six trees as street trees and 26 trees within the SROZ, and two trees within the usable open space area exceeding a one to one ratio. The arborist report does note that 9 trees shown as being preserved on the applicant's plan set may not be feasible stating the following: *"Trees planned for retention in the rear of lots 3-6 should be re-evaluated in terms of*

*future home plans. The protection zones proposed for creation of the subdivision encroach into a substantial portion of the allowable building envelopes and it may not be feasible to provide adequate protection for these trees with home building.”*

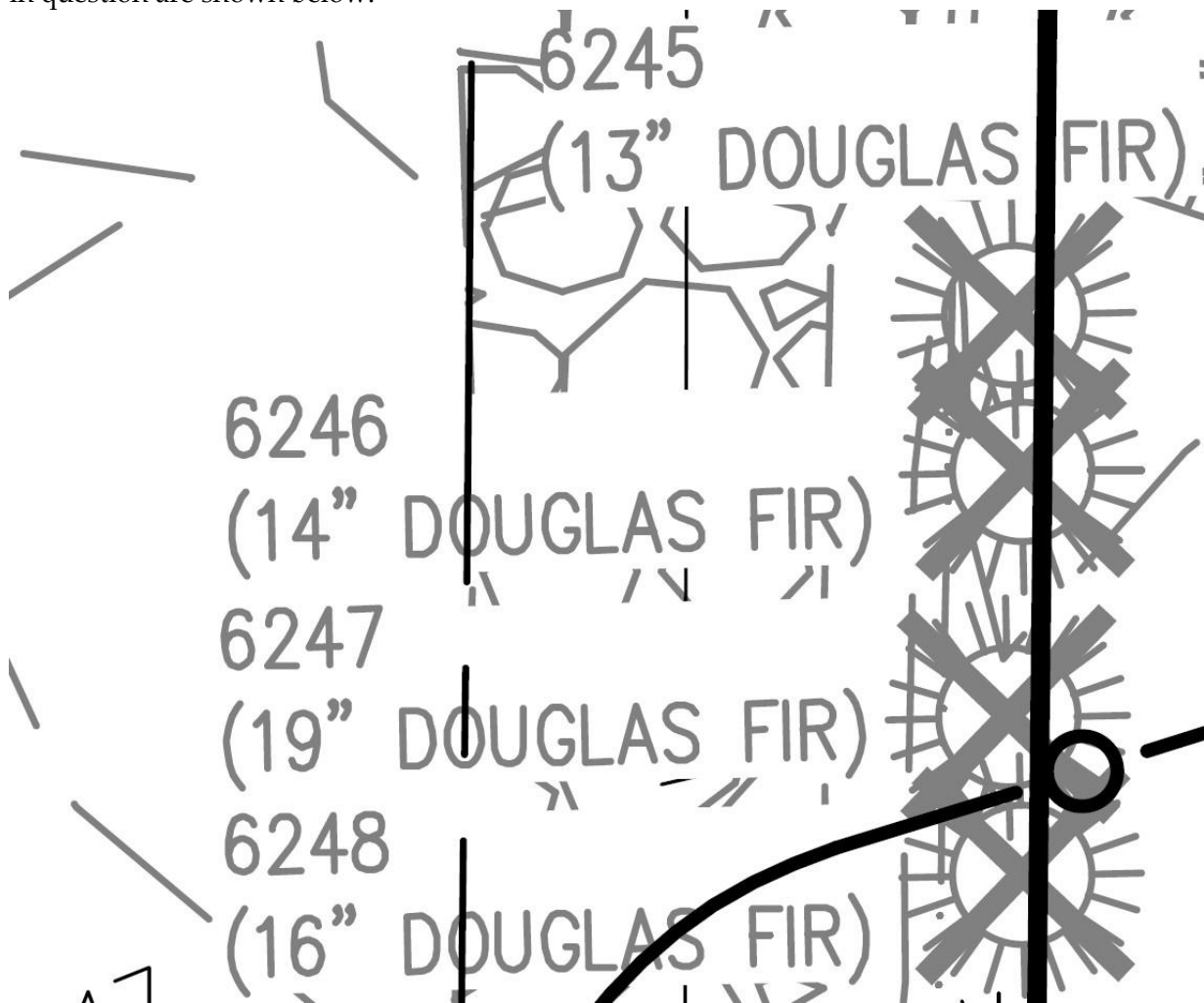
Based on when the arborist report was written, the lot numbers do not reflect the current proposal and lot numbers for the final site plan. Based on the proposed plans and arborist report, staff has concerns regarding the trees proposed for retention at the rear of lots 2-5 & 3-8. The image below overlays the proposed preliminary site plan and preliminary plat and clearly shows significant overlap between the tree protection fencing and the delineated buildable area of the lots. The trees are depicted directly adjacent to the potential building envelopes.



Staff questioned the applicant on the proposed tree preservation plans as they relate to the construction of future homes on the newly created lots. The applicant's response contained in Exhibit B5 states: *"The submitted tree preservation and removal plan is specific to the construction of the subdivision only and does not include potential tree removal to accommodate the future homes. Any necessary tree removal required for lots 4-6 and 7 to accommodate future dwellings will be addressed during the building permit review process."*

By time of this staff report publication, the Applicant did not submit new exhibits showing modified building envelopes. Nor did the Applicant submit new findings and exhibits to modify the tree removal and protection plan as a result of a reduced buildable area that would not be feasible. As such, staff has included Condition of Approval PDF 9 that requires an assessment and written report by an arborist if any of these preserved trees are proposed for removal in the future due to construction; the report must provide a written explanation of the measures considered to preserve the trees along with the line of reasoning that prevents preservation, submitted to City staff, who will verify the validity through review by a second arborist.

In addition to the issues concerning the trees at the rear of lots 2-5 4-8, the trees proposed for removal along the western property line of Lot 8 appear to be on City of Wilsonville property and the applicant does not have City permission to remove these trees. The trees in question are shown below:



Condition of approval PDF 8 requires Tree Numbers 6245 (13" Douglas Fir), 6246 (14" Douglas Fir), 6247 (19" Douglas Fir), and 6248 (16" Douglas Fir) shall be retained unless City approval and signature is granted for these four (4) trees. The applicant shall revise the tree protection fencing plan to ensure these trees are properly protected during grading and construction. Should these trees require removal in the future due to construction, the applicant shall provide an assessment from an arborist as outlined in Condition of Approval PDF 9, and may be removed if City Staff and an independent arborist concur that removal is necessary.



Based on the revised plans provided by the applicant, the usable open space area (Tract A) has been shifted to the east and revised in size and shape. The previous open space tract contained two trees that counted toward mitigation. Condition of Approval PDF 10 requires the mitigation of these trees to shift to the new usable open space area (Tract A) and that the amount of street trees remain consistent with the numeric amounts contained within this finding.

### **Replacement Requirement: 1 for 1, 2" Caliper**

Subsection 4.620.00 (.02)

F21. The applicant proposes tree mitigating removed trees on the basis of one tree for each tree removed. Staff does not recommend any inch per inch mitigation. The applicant proposes planting more trees than trees proposed for removal. The tree mitigation and street tree plans show each tree, including street trees and trees in the SROZ, meets or exceeds the minimum diameter requirement.

### **Replacement Plan and Tree Stock Requirements**

Subsections 4.620.00 (.03) and (.04)

F22. Review of the tree replacement and mitigation plan is prior to planting and in accordance with the Tree Ordinance, as established by other findings in this request. The applicant's landscape plans show tree stock meeting the tree stock requirements.

### **Replacement Locations Requirements: On Site and Same General Area to Extent Feasible and Desirable**

Subsection 4.620.00 (.05)

F23. The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development. Much of the mitigation is planned to occur within the SROZ and in addition to the tree mitigation, there is a condition of approval from Natural Resources to include twenty-five (25) native shrubs in the mitigation area upon review and approval from the Natural Resources Manager. Based on staff visits to the site, there is significant debris located within the mitigation area and there are staff concerns about the viability of replanting in this area. Condition of Approval PDF 7 requires the applicant to appropriately clear debris and invasive species within the SROZ area prior to planting any mitigation plantings in the SROZ area.

### **Protection of Preserved Trees**

#### **Tree Protection During Construction**

Section 4.620.10

F24. Condition of Approval PDF 5 ensures tree protection measures, including fencing are in place consistent with Public Works Standards Detail Drawing RD-1240. Based on the feasibility of retaining the trees at the rear of lots 4-8, Condition of Approval PDF 6 requires the project arborist to be on site during grading and future construction to ensure the root zones of the existing trees are protected properly.

**Request G: DB20-0044  
Tentative Subdivision Plat**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

**Land Division Authorization**

**Plat Review Authority**

Subsection 4.202 (.01) through (.03)

- G1.** The Development Review Board is reviewing the tentative subdivision according to this subsection. The Planning Division will review the final subdivision plat under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

**Undersized Lots Prohibited**

Subsection 4.202 (.04) B.

- G2.** The proposed land division does not divide lots into smaller sizes than allowed by the PDR-3 zone. See Finding D20 under Request D.

**Plat Application Procedure**

**Pre-Application Conference**

Subsection 4.210 (.01)

- G3.** The applicant requested and attended a pre-application conference in accordance with this subsection.

**Tentative Plat Preparation**

Subsection 4.210 (.01) A.

- G4.** Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, Emerio Design, prepared the tentative subdivision plat.

**Tentative Plat Submission**

Subsection 4.210 (.01) B.

- G5.** The applicant has submitted a tentative subdivision plat with all the required information.

**Phases to Be Shown**

Subsection 4.210 (.01) D.

- G6.** The applicant proposes development in a single phase with subsequent home development pursuant to the market and other factors.

**Remainder Tracts**

Subsection 4.210 (.01) E.

- G7. The tentative subdivision plat accounts for all land within the plat area as lots, tracts, or right-of-way.

**Street Requirements for Land Divisions****Master Plan or Map Conformance**

Subsection 4.236 (.01)

- G8. As found in other findings in this report, the land division is in harmony with the Transportation Systems Plan and other applicable plans.

**Adjoining Streets Relationship**

Subsection 4.236 (.02) A.

- G9. The proposed public street allows for the potential future extension of the street to the north. The two remaining lots within the Bridle Trail Ranchetts subdivision have a Comprehensive Plan designation of 0-1 dwelling units an acre reflecting the current development. While no plans or requirements, short or long term, exist to require the these lots to develop and connect to the proposed subdivision it is possible that the property owners may elect to change the Comprehensive Plan and Zone Map and pursue development similar to the subject lots. Therefore, the provision for street continuation should be provided.

**Planning for Further Land Divisions**

Subsection 4.236 (.02) C.

- G10. No further land divisions are planned or anticipated requiring consideration in arrangement of lots and streets.

**Streets Standards Conformance**

Subsection 4.236 (.03)

- G11. As part of the Stage II Final Plan approval, the streets conform with Section 4.177 and block sizes requirements. See Request D.

**Topography**

Subsection 4.236 (.05)

- G12. No significant topography exists affecting street layout decisions.

**Reserve Strips**

Subsection 4.236 (.06)

- G13. No reserve strips are proposed as part of this subdivision, therefore this criteria is not applicable.

### Future Street Expansion

Subsection 4.236 (.07)

**G14.** The proposed public street is extended to the boundary of the land division to allow for potential future extension. Condition of Approval PDE 3 requires signs stating “street to be extended in the future” or similar language approved by the City Engineer.

### Additional Right-of-Way

Subsection 4.236 (.08)

**G15.** No additional right-of-way is required for the proposed subdivision plat.

### Street Names

Subsection 4.236 (.09)

**G16.** No street names are proposed with this application. The City Engineer will check all street names to not be duplicative of existing street names and otherwise conform to the City’s street name system at the time of the final subdivision plat review.

## **General Land Division Requirements-Blocks**

### Blocks for Adequate Building Sites in Conformance with Zoning

Subsection 4.237 (.01)

**G17.** Streets and block size for Planned Development Residential zones are addressed in the Stage II Final Plan. See Request D. The tentative subdivision plat provides adequate residential building sites, and safe and convenient access and circulation will be provided by the project for vehicles, pedestrians, and bicycles in compliance with applicable requirements in the Wilsonville Development Code and Transportation System Plan.

## **General Land Division Requirements-Easements**

### Utility Line Easements

Subsection 4.237 (.02) A.

**G18.** As will be further verified during the Public Works Permit review and final subdivision plat review, the applicant will install all utility lines in right-of-way or dedicated easements. Franchise utility providers will install their lines within public utility easements established on the plat.

### Water Courses

Subsection 4.237 (.02) B.

**G19.** The applicant proposes a dedicated tract for the drainage way and associated riparian area of the Boeckman Creek SROZ.

### **General Land Division Requirements-Pedestrian and Bicycle Pathways**

Mid-block Pathways Requirement  
Subsection 4.237 (.03)

G20. No mid-block pathways are proposed or required.

### **General Land Division Requirements-Tree Planting**

Tree Planting Plan Review and Street Tree Easements  
Subsection 4.237 (.03)

G21. The City is reviewing the tree planting plan concurrently with the tentative subdivision plat, see Request D.

### **General Land Division Requirements-Lot Size and Shape**

Lot Size and Shape Appropriate  
Subsection 4.237 (.05)

G22. Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed single-family residential development and meet standards for the PDR-3 zone.

### **General Land Division Requirements-Access**

Minimum Street Frontage  
Subsection 4.237 (.06)

G23. The full width of the front lot line of each lot fronts a public street or private drive. Each lot meets or exceeds the minimum lot width at the front lot line. See Finding D23 in Request D.

### **General Land Division Requirements-Other**

Lot Side Lines  
Subsection 4.237 (.08)

G24. Side lot lines run at or near a 90-degree angle to the front line.

Corner Lots  
Subsection 4.237 (.13)

G25. All corner lots have radii exceeding the 10-foot minimum.

### **Lots of Record**

Lots of Record  
Section 4.250

G26. The applicant provided documentation all subject lots are lots of record.

### Request H: DB20-0053 Minimum Side Yard Setback Waiver

H1. *The applicant's revised site plan layout submitted April 29, 2021 no longer necessitates the requested setback waivers. The waivers therefore should not be approved.*

As described in the Findings below, the request meets the applicable criteria.

#### **Waivers: Waive Minimum Side Yard Setback**

##### Waiver of Typical Development Standards

Subsection 4.118 (.03) A.

H1. The applicant requests a waiver to reduce the required minimum side yard setback from 7 feet to 5 feet for Lots 1-8 for two-story homes. For single-story homes the required side yard setback is 5 feet. Lot 8 is a corner lot where the required side yard setback on the western lot line is 10 feet. Since the initial request, the applicant revised the waiver request to reduce side yard setbacks for side yards internal to the project to 5 feet from 7 feet for two-story homes, and to reduce the 10-foot setback for a corner lot from 10 feet to 7 feet for the lot line of lot 8. The typical development standards able to be waived pursuant to this subsection include setbacks. Condition of Approval PDB 1 establishes a 10-foot setback for the north side of Lot 1 and south side of Lot 3 which are not subject to the waiver request.

##### Purpose and Objectives of Planned Development Regulations

Subsection 4.140 (.01) B.

H2. Pursuant to Subsection 4.118 (.03) A, waivers must implement or better implement the purpose and objectives listed in this subsection. The applicant specifically requests the minimum side yard setback waiver, however the narrative responses from the applicant states that "the applicant has added additional features to mitigate for those waivers, which are addressed in detail under the subsection of this document pertaining to the waiver." However, in those subsections staff finds no additional evidence that the applicant has provided any evidence of better implementing the purposes and objectives within the subsection. The proposed layout of the subdivision creates an undesirable site condition for the existing development to the south by placing the side lot line of the proposed lots where it would be more typical for the rear of these lots to face the adjacent subdivision.

The reduction in side yard setback from 7 feet to 5 feet in the case of north side of lots 1 and south side of lot 3 is not supported by staff and is addressed in further detail in Finding B14. Lot 8 is a corner lot abutting unimproved City right of way and must be setback 10 feet along the western property line. Staff requested additional findings from the applicant to support the waiver request and the additional findings provided are included in Exhibit B6. The additional findings focus on the size of the homes and how they will be more compatible with the existing area by granting the waiver. The applicant also revises the waiver request to specifically request a 5-foot side yard setback waiver for internal to project side yards, which are internal to the proposed subdivision. For Lots 1, 3, and 8 the applicant

~~proposes a 7 foot side yard setback, which is the side yard setback required by the PDR-3 zone for a two story home. As Lot 8 is a corner lot 10 feet would be required on the western side yard. As much of the rationale for the waiver request now focuses on larger building footprints staff still does not find this a strong basis for recommending approval of the waiver.~~

~~Staff recommends Condition of Approval PDH 1, granting approval of the waiver to allow reduced setbacks on the interior lot lines of Lots 1-8, which is consistent with other developments in the area. However, staff recommends that the setbacks for the western property line of Lot 8 remain 10 feet in accordance with the required setbacks for a corner lot. As a condition of the zone map amendment, staff has added a condition to require the northern property line of Lot 1 and the southern property line of Lot 3 to be 10 feet, as currently required by the RA-H zone, in order to reduce the impact of the proposed subdivision on adjacent developments.~~