

AFFIDAVIT OF POSTING  
ORDINANCE #161

STATE OF OREGON )  
COUNTIES OF CLACKAMAS )  
AND WASHINGTON )  
CITY OF WILSONVILLE )

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 11th day of March, 1981, I caused to be posted copies of the attached Ordinance #161, an ordinance amending the Zoning Map of the City of Wilsonville (Application of Tolovana Land Corp. and Lindquist Developers, Inc. for a Zone Change from RA-1 to PDR (R-10 and MR-1), in the following four public and conspicuous places of the City, to wit:

WILSONVILLE POST OFFICE  
WILSONVILLE CITY HALL  
LOWRIE'S FOOD MARKET  
KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 16th day of March, 1981.

  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 9<sup>th</sup> day of April, 1981.

  
NOTARY PUBLIC, STATE OF OREGON

My commission expires: May 10, 1981

ORDINANCE NO. 161

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WILSONVILLE (APPLICATION OF TOLOVANA LAND CORPORATION AND LINDQUIST DEVELOPERS, INC., FOR A ZONE CHANGE FROM RA-1 to PDR (R-10 AND MR-1)).

WHEREAS, an application was filed with the Wilsonville City Recorder on behalf of Tolovana Land Corporation and Lindquist Developers, Inc., for the purpose of changing a classification of zone on a parcel of its real property from RA-1 (rural agricultural) to R-10 (residential) and MR-1 (multi-family residential) with development as a Planned Unit Development pursuant to the reasons as set forth in Article XIII of Ordinance No. 23 (the City's Zoning Ordinance existing at that time). The application fee as required by Section 17.01 of the then existing Zoning Ordinance No. 23 has been paid. The description of the real property, consisting of approximately 75.51 acres for which the application for a zone change was filed, is set forth in Exhibit "A", attached hereto and incorporated by reference as if fully set forth herein.

WHEREAS, the Wilsonville City Planning Commission scheduled and held a public hearing on the matter as required by Section 11.02 of the then existing Zoning Ordinance No. 23, and said hearing was held April 14, 1980, commencing at the hour of 7:00 o'clock p.m., at the Wilsonville City Hall, and continued for decision only to May 10, 1980, commencing at the hour of 7:00 o'clock p.m., at the Wilsonville City Hall. Notice of the

time, place and purpose of said hearings was duly and regularly given in the manner and for the time required by Section 14.01 (1)(A) and (B) of the then existing Zoning Ordinance No. 23. The required newspaper Affidavit of Publication and the City Recorder's Affidavit of Mailing are on file in the City Recorder's records and the file of this zone change matter; and

WHEREAS, the Wilsonville City Planning Commission, after said hearing, reviewed the records and files of this matter and considered and discussed the submittals of the applicant and the reports of the Planning Staff and, upon conclusion of the hearing, voted to approve the requested zone change subject to conditions and recommendations to the City Council that the change be made subject to conditions. The findings of the Planning Commission, the procedures it followed, the exhibits and other evidence it considered, the conclusions it reached, and the recommendations it made are set forth in its Resolution entitled "PLANNING COMMISSION RESOLUTION - ZONE CHANGE RA-1 TO R-10 AND MR-1 FOR DEVELOPMENT OF TOLOVANA/LINDQUIST PLANNED UNIT DEVELOPMENT: TAX LOTS 300, 402, 490, 700, 800 AND 900 (THOSE PORTIONS EAST OF BOECKMAN CREEK) - TOLOVANA LAND CORPORATION AND LINDQUIST DEVELOPERS, INC., APPLICANTS", which was finally completed and dated as of April 14, 1980, and filed in the Planning Commission's records and file of this zone change hearing; and

WHEREAS, the City Council met in regular session and public hearing on June 2, 1980, and reviewed the records and file of this matter and findings, conclusions and recommendations of the Planning Commission and also the reports of City Staff and Planning Department and also heard and considered public testimony on the matter. Doug Seeley, Clifford Alderman, Donald Drake and Mel Kroker, representatives of Tolovana Land Corporation and Lindquist Developers, Inc., appeared for applicant and spoke as the proponents. Mrs. Juanita Lyons, Morey Conway, Doug Yeager, Jim Farrell, Mike Brocco, and Norman Oyler spoke as the opponents to the proposed zone change. Upon conclusion of the meeting/hearing, the City Council determined that the zone change request should be approved and, in support of its decision, adopted, in toto, the Planning Commission's findings, conclusions and recommendations as set forth in its Resolution, but it changed the word "60%" to "400" in Condition No. 12 so that it reads: "In no case will development beyond 400 of the units approved . . ."; changed Condition No. 13 by eliminating the word "access" and substituting "ingress or egress" so that it reads: "That there will be no ingress or egress to the property . . ."; and added to Condition No. 14: "That no residential lots have direct street access onto Vlahos Drive, including lots in previously approved subdivisions." A copy of the Planning Commission's Resolution is set forth in Exhibit "B", attached hereto and incorporated by reference as if fully

set forth herein, and is expressly made a part of this Ordinance; and

WHEREAS, the City Attorney has prepared Ordinance No. 161 in accordance with the direction of the City Council, and the Ordinance came on for a first reading on March 2, 1981, at a regularly scheduled meeting of the City Council, and Mr. Paul Yang, representing applicant, requested of the Council that it consider modifying the conditions for imposed Condition 5 and 7 with regard to a bridge at the north end of the project over Boeckman Creek based upon a change in circumstances since the approval, in that there appears to be an additional development and Comprehensive Plan change involving land to the South of Wilsonville Road by NIKE, Inc., and the further circumstance that through a cooperative effort of Clackamas County, NIKE, Inc., the Randall-Gesselschaft Development and the Randall-Lindquist Tolovana Development and the City of Wilsonville that a bridge and realignment of the "S" curves at the South end of the property has a good chance of being accomplished which could eliminate the need to have a northerly bridge, together with the fact that the northerly bridge would be causing Vlahos Drive, previously known as Barber Street, to change from a secondary street to a collector street. Mr. Yang further presented the fact that initially the bridge to the north had been viewed as a feasible alternative, because the cost estimates were in the range of \$200,000.00 to \$300,000.00, wherein fur-

ther study has indicated the cost of such a bridge would, in reality, be closer to a million dollars. Although a bridge project to the south is equitably distributed among a greater number of participants and, therefore, be financially more feasible. He also requested eliminating Condition 9 wherein 25 percent of the multi-family units were to be rentals for the reason that the market conditions should govern that distribution and, if it was not favorable toward rentals, then the actual building units may not be built at all. Thereafter, the Mayor opened the hearing for further comments from the public and, thereafter, received statements in regard to changing other conditions from both proponents, opponents and others; and

WHEREAS, the City Council has found that there has, in fact, been a change of circumstances in regard to the feasibility of the building of a bridge to the south of the project over Boeckman Creek and the realigning of the "S" curves, and taking into consideration the current economic conditions and the careful review of the input from proponents, opponents and others, and further the input from City staff, the City Council thereafter modified, altered, deleted and amended the conditions as set forth in the proposed Ordinance No. 161, directed the City Attorney to redraft the proposed Ordinance No. 161 in accordance with motion duly made, seconded and unanimously approved, the same being entered and set forth in the Journal of the Minutes of the proceeding and to again bring on a second

draft proposal of Ordinance No. 161 for the first reading at its March 16, 1981, regularly scheduled meeting.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS, as follows:

Section 1. That the zoning map of the City of Wilsonville, dated August 26, 1980, and adopted as part of the City's Zoning Ordinance No. 154 (replacing the City's Zoning Map adopted June 11, 1971, together with the prior Zoning Ordinance No./23) adopted on the same date, shall be, and the same is hereby, amended and changed so that the zone boundaries of the City's PDR (Planned Development Residential) zone shall now include the real property hereinabove described and, upon final reading and enactment of this Ordinance, said property shall thereupon be classified as PDR (Planned Development Residential) and not as RA-1 (Rural Agricultural) zone.

Section 2. The zone change is approved, subject to full compliance with all of the following CONDITIONS:

1. The applicant and/or his authorized agent file with the Wilsonville Planning Department within a period of one year, a Stage II Comprehensive Land Use Development Plan identifying site improvements for the Tolovana/Lindquist Planned Unit Development in accordance with the procedures and standards of development as set forth in Article 6 of the City of Wilsonville Zoning Ordinance No. 154.

It is the purpose of this Condition to assure that the orderly preparation of the Stage II Planning Document be submitted to the Planning Commission within a reasonable period of time in order that the extension of water and sewer lines, together with road improvements and the coordination of drainage and all other urban services be evaluated by the Planning Commission without unnecessary delay.

The Planning Commission notes that other developments within the City will require continued effort on behalf of developers and Administrative staff in that a reasonable time limit for the submission of Stage II planning documents is essential in order for the implementation of the City's Comprehensive General Plan to take place and for the coordination of public services to be assured.

2. That prior to the submittal of Stage II Development Plans, the property owner and/or authorized agent work with the City in determining the availability of on-site water resources in order that the feasibility of locating a municipal well site might be discussed and agreed upon if determined necessary.

It is the purpose of this condition to assure that if an acceptable water source is discovered on the premises that options be discussed between the property owner and the City for acquisition of water rights and the location of a well site prior to the acceptance by the Planning Commission of the Stage II plans.

The Planning Commission finds that as the City grows east of Boeckman Creek the options for locating well sites may be exhausted following the urbanization of property. Therefore, all reasonable efforts should be undertaken to investigate the possibility for obtaining water on the east side of Boeckman Creek prior to the development of vacant properties.

3. That the total density per acre of the Tolovana/Lindquist Planned Unit Development be determined on the basis of the Stage II Preliminary Development Plan and that said density be evaluated based on the platting pattern as established in reference to the City of Wilsonville's Comprehensive General Plan.

It is the purpose of this Condition to confirm the Planning Commission's consideration of the density requested (890 units) in light of the existing 7-12 units per acre and to acknowledge that a detailed evaluation of land characteristics, density patterns, road systems and other physical features of the property will eventually determine the ultimate density count. Therefore, any approval of total dwelling units will be determined at the time of the review of the Stage II Development Plans.



4. That the applicant identify an overall phasing program for the entire Tolovana/Lindquist Planned Unit Development in order that coordination between water and sewer services may be implemented and to assure that the overall growth rate of the Planned Unit Development is presented in a manner that does not indicate a completion schedule which surpasses the City's capacity to serve the project.

The Planning Commission notes that this factor, more than any other element, assures the controlled growth of residential development in the area, thereby justifying the zone change and approval of the Stage II Development Plan.

In addition, while the approval of the Stage II Development Plans will be based on the design of the project in its final form in compliance with Article 6 of Ordinance No. 154, the allocation of building permits will be based on acceptable phasing of the project.

5. All commitments in the 46-page Tolovana Lindquist report on a request for zone change be included as part of the Conditions unless explicitly modified in subsequent Stage II approvals concerning roads, trails, streets, lights, etc.
6. That the applicant agrees to a waiver of remonstrance against public improvements.
7. A Construction Traffic Control Program shall be approved by the Planning Commission at Stage II.
8. No Building Permits shall be issued until Wilsonville Road construction is started and no Occupancy Permits be issued until such construction is completed.
9. If required by the Fire Marshall, emergency access routes would be constructed in accordance with the City Engineer's specifications.
10. There be a minimum of two (2) access points from the property onto Wilsonville Road.
11. That no residential lots have direct street access onto Wilsonville Road.
12. A Traffic Signal may be required at The Wilsonville Road access point as a Stage II condition if warranted.


Section 3. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's Zoning Map in compliance with the dictates of Section 1 of this Ordinance.

Section 4. It being determined by the Wilsonville City Council that an emergency exists, this Ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.

Submitted to the Council and read the first time at a regular meeting thereof on the 16<sup>th</sup> day of March, 1981, and scheduled for second reading at a regular meeting of the Council on the 6<sup>th</sup> day of April, 1981, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.

  
Deanna J. Thom, City Recorder

ENACTED by the Council on the 6<sup>th</sup> day of April, 1981, by the following votes: YEAS 5 NAYS 0.

  
Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 7<sup>th</sup> day of May April 1981.

  
William G. Lowrie, Mayor

January 26, 1981

OK

LEGAL DESCRIPTION

FOR

TOLOVANA LINDQUIST

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON  
Parcel Lying West of Boeckman Creek

PARCEL I:

BEGINNING at a point 4.27 chains South  $82^{\circ} 45'$  East from the one-quarter section corner between Sections 13 and 24, in T. 3S., R. 1W., of the Willamette Meridian; thence North 27.72 chains to a stake; thence North  $89^{\circ} 03'$  East, 15.33 chains to a pipe in the center of the County Road; thence South  $13^{\circ} 30'$  West, 13.37 chains following the center line of present traveled road to an iron pipe; thence South  $4^{\circ}$  West, 8.65 chains along the center line of said road to a iron pipe; thence South  $60^{\circ}$  West, 13.35 chains to the place of beginning.

PARCEL II

BEGINNING at a point 17.48 chains West (in the center of the County Road to an iron pipe) from the one-quarter section corner on the east boundary of Section 13, on the Willamette Meridian, in T. 3S., R. 1W., of the Willamette Meridian; thence South  $13^{\circ} 30'$  West 13.50 Chains to an iron pipe; thence South  $89^{\circ} 03'$  West 15.33 chains to a stake; thence North 13.00 chains to a stake; thence North  $89^{\circ} 03'$  East, 18.65 chains to the center of the County Road and to the place of beginning.

EXCEPTING from the above that portion within roads.

PARCEL III:

BEGINNING at the one-quarter corner in the South line of Section 13, T. 3S., R. 1W., of the Willamette Meridian, Clackamas County, Oregon; and running thence North  $89^{\circ} 19' 15''$  East along said South line of Section 13 a distance of 279.60 feet to an iron pipe at the Southeast corner of that certain tract of land conveyed to Richard Stangel by instrument recorded in the Clackamas County Records in Recorder's Fee No. 75-5674; thence North  $00^{\circ} 01' 30''$  West along the East line of the aforesaid Stangel tract 147.79 feet to an iron rod at the Northeast corner thereof, said point being also the Southeast corner of that certain tract of land conveyed to George C. Vlahos and Betty L. Vlahos by contract recorded in Recorder's fee No. 72-11008, Clackamas County Records; thence North  $00^{\circ} 01' 43''$  East

Exhibit "A"

along the East line of said Vlahos tract 771.94 feet to an iron rod; thence North  $89^{\circ} 58' 19''$  West 25.0 feet, more or less, to a point in the centerline of Boeckman Creek; thence South-westerly along the centerline of Boeckman Creek to its' point of intersection with the aforesaid South line of Section 13; thence North  $89^{\circ} 19' 15''$  East along said South line 651.65 feet to the point of beginning.

Save and Except; That portion of the above described tract of land lying within Market Road No. 12.



PLANNING COMMISSION RESOLUTION  
ZONE CHANGE RA-1 TO R-10 AND MR-1 FOR  
DEVELOPMENT OF TOLOVANA/LINDQUIST  
PLANNED UNIT DEVELOPMENT  
TAX LOTS 300, 402, 490, 700, 800 AND 900  
(THOSE PORTIONS EAST OF BOECKMAN CREEK)  
TOLOVANA LAND CORPORATION AND  
LINDQUIST DEVELOPERS, INC., APPLICANTS

WHEREAS, Tolovana Land Corporation and Lindquist Developers, Inc. have made application to the Wilsonville Planning Commission for a zone change from RA-1 to R-10 and MR-1 on those properties as described, and

WHEREAS, said zone change is for the purpose of developing the Tolovana Planned Unit Development pursuant to the provisions as set forth in Article XIII of the City of Wilsonville Zoning Ordinance No. 23 & consistent with those standards as accepted by the City of Wilsonville Planning Commission and City Council to be incorporated in the Stage II and Stage III planned development process, and

WHEREAS, Findings, Exhibits and testimony have been entered into the public record by the Planning Commission at its regularly scheduled meeting conducted on March 10, 1980, at which time the Administrative Record was developed representing the Planning Commission's action pursuant to the requirements as set forth in Article XI of the City of Wilsonville Zoning Ordinance No. 23:

Section 11.02 Amendment Procedures

1. The following procedure shall be followed in applying for the acting on all amendments:

A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting. After it is proposed it shall, within forty (40) days after the hearing, provide a report and recommendation to the City Council regarding the proposed amendment.

AND, WHEREAS, the Planning Commission is required to establish Findings pertaining to the applicant's request in relation to the City of Wilsonville Comprehensive General Plan Map Ordinance No. 58, City of Wilsonville Zoning Ordinance No. 23, Subdivision Regulations Ordinance No. 16 and documentation submitted by the applicant to wit:

FINDINGS

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

Exhibit "B"

1. That the zone change application for R-10 and MR-1 applies to those portions of Tax Lots 300, 402, 490, 700, 800 and 900 which are located east of Boeckman Creek and currently zoned RA-1 consisting of 75.51 acres.

2. That the City of Wilsonville Comprehensive General Plan Map Ordinance No. 58 identifies the properties in question as 7-12 dwelling units per acre, with an open space (OS) designation of that land area which is considered Boeckman Creek and the banks thereof.

It is noted by the Planning Commission that the applicant proposes the construction of 890 dwelling units which has been calculated on the premise that that portion of the open space included within the boundaries of the property cannot be counted toward the dwelling unit count. This conclusion has been arrived at following consultation with the Planning Department, since to include open space as part of the credit toward building unit density would be to misinterpret the intent of the Comprehensive General Plan and its land use classifications.

It is noted by the Planning Commission that the proposed 890 units of the Tolovana Planned Development is in general compliance with the intent of the Comprehensive Plan since the open space designation on the east side of Boeckman Creek has been identified on the applicant's exhibits showing the integrity of the creek bank to be retained and left in its natural environment.

3. That the Comprehensive General Plan identifies properties to the east of Wilsonville Road to be eventually utilized for public purposes and to be developed as school sites (high school and junior high).

Properties immediately north of the site area classified as residential 7-12 dwelling units per acre with a gradual decrease in residential density north to Boeckman Road indicating 5-7 dwelling units per acre.

It is noted by the Planning Commission that the open space designation for Boeckman Creek continues northward to Boeckman Road and beyond. Boeckman Creek acts as a natural drainage course for not only the property in question but areas extending north beyond Boeckman Road and the Wilsonville City limits. This open space area now supports an equestrian trail.

4. That the property in question may be adequately served with water, sewer and transportation facilities through the orderly extension of existing utilities and the creation of public rights-of-way and road improvements.

The Planning Commission finds that through the Stage II and Stage III Planned Unit Development process, the coordination of existing water facilities serving Courthouse Estates (8" and 12" lines) will be made possible. Specifications as to exact water line size and placement will be in accordance with the recommendations filed by the City Engineer and the Superintendent of Public Works.

The Planning Commission further finds that a review of the regional development pattern and an anticipated growth for the area east of Boeckman Creek indicates the potential for looping of water systems thereby increasing water availability to undeveloped properties and improving the overall water system for the City south of Boeckman Road and east of the City Center area.

At the present time the Courthouse Estates Planned Unit Development opposite the property in question on the west side is served by an 8" water line extending east from Parkway Avenue on the north side of the City Center zone. According to Exhibit No. 15 as submitted with the applicant's documents, this line would be extended across Boeckman Creek to serve the Tolovana Development.

Final Specifications as to the completion of the water system would, of course, be subject to engineering approval.

5. That the recently developed 12" Boeckman Creek sewer trunk line would provide adequate services for the property.

Planning Commission further finds that the recent completion of the second phase of the sewer treatment plant has brought the average daily capacity to 1,000,000 gallons per day and that Phase III, scheduled for completion in 1982, will increase the average daily flow capacity to 2.25 million gallons per day.

In October of 1978 the Planning Department submitted to the Commission a report indicating that ten major residential developments had been acted on for a total of 2,620 units (refer Exhibit identifying projects 1 through 10). At that time the second phase of the sewer treatment plant had yet to be completed and there was concern indicated by the Planning Commission that the 910 sewer hookups allocated by Ordinance No. 112, which was predicated on the sewer treatment's capacity, was inefficient to provide adequate waste water treatment for anticipated growth.

However, with the completion of the second phase of the sewer treatment plant and the anticipated completion of the third phase scheduled

for 1982, technical coordination of phasing of the Tolovana Planned Unit Development is considered by the Planning Department and Planning Commission to be a critical factor in coordinating urban facilities for both water and sewer and will be undertaken during the course of Stage II and Stage III review.

6. That the property in question is currently zoned RA-1 with the proposed development to occur as a Planned Unit Development under MR-1 and R-10 zoning to authorize densities and guidelines for the standards of development for lot area, setbacks, building height, lot coverage, etc.

The Planning Commission finds that the Court-side Estates, a Planned Unit Development immediately across Boeckman Creek to the west, has been developed through initial R-7 and MR-1 zoning resulting in 161 single-family building sites and 138 multi-family units.

The configuration of MR-1 zoning would extend east from Boeckman Creek to a point approximately midway towards the interior of the site with the boundaries separating MR-1 zoning and R-10 zoning running parallel with Wilsonville Road (refer Exhibit No. 8).

The surrounding properties south from Boeckman Road to the Willamette River are currently zoned RA-1 and are largely undeveloped with the exception of residential development fronting on Canyon Creek Road, Boeckman Road and Montgomery Way. These respective areas are developed primarily on large building sites which represent densities of approximately one building unit per acre serviced by individual well sites and septic tanks.

The Planning Commission acknowledges that the MR-1 and R-10 zoning would establish the type of structures allowed in the zones, i.e., condominiums, townhouses, apartments, single-family dwellings, etc., but that the ultimate density would be determined by the Comprehensive General Plan. Any discrepancy between the number of units proposed in the Stage II Development Plans and the City of Wilsonville Comprehensive General Plan would be required to be adjusted in favor of Ordinance No. 58. This process is required by the nature of the Comprehensive Plan being the lead document which prevents any additional dwelling units from being authorized without a Comprehensive Plan Amendment. Therefore, while the initial proposal as set forth in the applicant's exhibit identifies a total of 890 units, all standards of development as set forth in the City's Planned Unit Development Ordinance will be required to be met.

7. That the applicant's proposed transportation system identifies a collector and residential street system designed to restrict movement along Wilsonville Road in favor of directing traffic in a northerly and



westerly direction thereby reducing the daily traffic volume on Wilsonville Road especially through the "S" turns near Rose Lane.

The Planning Commission finds that the pattern of development indicates an extension of a major collector route across Boeckman Creek through Courtside Estates and intersecting with the City Center loop road near the north. The same right-of-way would also intersect Wilsonville Road north of the proposed school site thereby completing the access and implementing the Comprehensive General Plan for a proposed east-west collector (refer Exhibit No. 10).

The question of bridging Boeckman Creek remains one of a technical nature and would be required to be resolved through the approval of construction plans by the City Engineer. In addition, financing for the proposed connection between Courtside Estates and Tolovana would require addressment at the Stage II and Stage III level of development when presented to the Planning Commission for its consideration.

The Planning Commission acknowledges the creation of a public right-of-way and the restriction of development near said right-of-way on the south side of the development which has been proposed for the straightening of Wilsonville Road near the "S" curves.

The Planning Commission further finds that this alignment has restricted development on the east side of Boeckman Creek and has proven to be a major planning issue which the Planning Department has recommended to be seriously considered in light of the Tolovana proposed development.

The Planning Commission finds that the cost of extensive improvements to Wilsonville Road at this point should be considered as a County responsibility since Wilsonville Road serves to move traffic through the City on a regional basis and therefore cannot validly be considered as a local street system serving only Wilsonville. However, if the County is unable to make the necessary improvements in an alternate way to fund road improvements to Wilsonville Road is not found, development would have to be limited in this section of the City.

The Planning Commission has been advised by the Planning Department that the applicant has been put on notice that this factor would be considered as a major planning item and that dedication of a public right-of-way should be seriously considered as part of the plan of development.

It is noted by the Planning Commission that only one direct access onto Wilsonville Road from the interior of the development has been proposed, with the second major intersection aligning with the north property line of the proposed school site.

The obvious intent of the developers is to provide a more accessible route to the City Center through the Courtside Estates Planned Unit Development without

requiring Wilsonville Road and the "S" turns to be used as the only access to the City Center. While the proposal has significant merit, there are some effects on properties in the Courtside Estates fronting on the collector street which might be adversely affected by the anticipated traffic volume increase.

The Planning Department has recommended that this factor be given serious consideration at the Stage II and Stage III review level prior to the adoption of the plan. In addition, phasing of the Tolovana PUD could be accomplished in order to reduce traffic impact on Wilsonville Road until such time as improvements to the "S" curves could be scheduled by Clackamas County.

8. That natural drainage will be provided by Boeckman Creek which empties directly into the Willamette River (refer Figure 1, Robert E. Meyers Storm Drainage Study, March, 1979). It is noted by the Planning Commission that a 48" corrugated metal pipe structure is in place at Wilsonville Road which will accommodate 200 cubic feet per second.

It is further noted by the Planning Commission that this drainage structure has not been identified by Robert E. Meyers to be acceptable in terms of its capacity to accommodate the anticipated water flow.

As indicated previously, Boeckman Creek is identified as an open space system for the purpose of retaining the integrity of the natural storm drainage course. Therefore, strict observation of building placement in relation to the slopes of Boeckman Creek will be required in order to prevent sloughing of banks and possible erosion due to disturbing the natural vegetation and soil characteristics.

Both the Planning Commission and the Design Review Board are cognizant of the relationship between urbanization and water runoff which the City of Wilsonville must evaluate at the Design Review Board level prior to the issuance of building permits for all structures with the exception of single-family residences.

The Planning Commission finds that both topographical and drainage features of the property have been reviewed by the applicant and confirmed on the Site Drainage Exhibit No. 4.

9. That the application has submitted and identifies a request for approval of 890 units through the zone change process. However, the Planning Commission notes that the R-10 and MR-1 designations primarily authorizes the applicant to proceed with the preparation of Stage II and Stage III development plans which will determine the final residential density based on open space, land contours, street alignments, compliance with the Comprehensive General Plan,

and other physical features of the property which will be reviewed and approved by the Planning Commission at a later date.

10. That the property in question is separated from the urban growth boundary by Wilsonville Road on the east and properties identified for public use as educational facilities which abut the City limit lines.

The Planning Commission finds that the urban growth boundary, therefore, is substantially unaffected by the property in question since the development of the school facilities will represent a major growth factor in the City of Wilsonville and the surrounding area as the school district develops its property as indicated on the Comprehensive General Plan.

The Planning Commission further finds that the major obstacle in the urbanization of the Tolovana site has primarily been due to the nature of the transportation system servicing the property in the form of Wilsonville Road and the "S" curves, which to date have been recognized by the City as a hazardous condition.

However, the Planning Commission recognizes that the urbanization of the Tolovana site might be reconciled through alternative traffic routes and the orderly phasing of the development which in effect will influence and be affected by the schedule for extension of water and sewer lines to the property.

11. That the availability of municipal water to the site will depend on other growth factors for the City of Wilsonville, i.e., schedule of development for Wilsongreen, Montebello II, Willamette Village Planned Development, Charbonneau Planned Development, Day Dream Ranch, and Courtside Estates.

The Planning Commission estimates that a reasonable phasing of the Tolovana Planned Development can be implemented through conditions attached to the Stage II and Stage III Development Plans in response to the growth of the City's water system and the demands placed upon it.

12. That the Tolovana site is reasonably close to fire protection facilities, i.e, Wilsonville Road Substation and Elligsen Road Main Fire Hall.

The Planning Commission finds that arterial routes are available to the Tolovana site by way of I-5, Wilsonville Road, Elligsen Road to Stafford Road/Wilsonville Road, Parkway Avenue/Boeckman Road/Wilsonville Road, etc.

13. The Planning Commission finds that of considerable importance to the development of

the Tolovana Planned Development will be provide alternative housing types and location for a housing market which at the present time suffers from escalated interest rates which have affected the housing market considerably.

The platting of the property in stages may allow for alternative price ranges for housing to be presented to the public, thereby, hopefully, establishing a wider range of building sites and housing choices within the City of Wilsonville thus conforming with the housing goals and objectives as set forth by the LCDC Goals and Guidelines.

14. There is currently a lack of housing relative to the work force in the City of Wilsonville with 3,200 jobs currently in the City (approximately 4,500 estimated within one year) and only about 300 people who live in Wilsonville who work in Wilsonville.

14. While we note the inclusion of the Ash Meadows documentation as a reference, we do not necessarily accept any of its findings in approving this application.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Wilsonville Planning Commission does hereby recommend to the City Council, based on the Findings as contained herein, the Planning Department's recommendation for approval and Conditions as adopted and entered into the public record, that zone change application from RA-1 to R-10 and MR-1 as submitted be approved.

#### CONDITIONS OF APPROVAL

The following Conditions are hereby entered into the public record as part of the Planning Commission's recommendation to the City Council and are the result of consideration of the City of Wilsonville's policies for the implementation of the Comprehensive General Plan:

1. The applicant and/or his authorized agent file with the Wilsonville Planning Department within a period of one year, a Stage II Comprehensive Land Use Development Plan identifying site improvements for the Tolovana/Lindquist Planned Unit Development in accordance with the procedures and standards of development as set forth in Article XII of the City of Wilsonville Zoning Ordinance No. 23.

It is the purpose of this Condition to assure that the orderly preparation of the Stage II Planning document be submitted to the Planning Commission within a reasonable period of time in order that the extension of water and sewer lines, together with road improvements and the coordination of drainage and all other urban services be evaluated by the Planning Commission without unnecessary delay.

The Planning Commission notes that other developments within the City will require continued effort on behalf of developers and Administrative staff in that a reasonable time limit for the submission of Stage II planning documents is essential in order

for the implementation of the City's Comprehensive General Plan to take place and for the coordination of public services to be assured.

2. That prior to the submittal of Stage II Development Plans, the property owner and/or authorized agent engage within the City in determining the availability of on-site water resources in order that the feasibility of locating a municipal well site might be discussed and agreed upon if determined necessary.

It is the purpose of this condition to assure that if an acceptable water source is discovered on the premises that options be discussed between the property owner and the City for acquisition of water rights and the location of a well site prior to the acceptance by the Planning Commission of the Stage II plans.

The Planning Commission finds that as the City grows east of Boeckman Creek the options for locating well sites may be exhausted following the urbanization of property. Therefore, all reasonable efforts should be undertaken to investigate the possibility for obtaining water on the east side of Boeckman Creek prior to the development of vacant properties.

3. That the total density per acre of the Tolovana/Lindquist Planned Unit Development be determined on the basis of the Stage II Preliminary Development Plan and that said density be evaluated based on the platting pattern as established in reference to the City of Wilsonville's Comprehensive General Plan.

It is the purpose of this Condition to confirm the Planning Commission's consideration of the density requested (890 units) in light of the existing 7-12 units per acre and to acknowledge that a detailed evaluation of land characteristics, density patterns, road systems and other physical features of the property will eventually determine the ultimate density count. Therefore, any approval of total dwelling units will be determined at the time of the review of the Stage II Development Plans.

4. That Stage II Development Plans identify an access from the north of the Tolovana/Lindquist PUD in order that ample time may be given to the implementation of the extension of Wilsonville Road east from the "S" curves prior to the full development of the project.

It is the purpose of this condition to assure ample time for the improvement of Wilsonville Road prior to the build-out of the Tolovana/Lindquist PUD and to prevent an extreme increase in average daily vehicle trips on Wilsonville Road prior to the resolution of this problem.

The Planning Commission notes that the build-out from the north to the south of the project will result in much of the traffic generated to be

directed across Boeckman Creek through Courtside Estates PUD and into the Town Center.

In the meantime, negotiations with Clackamas County may be undertaken in order to determine the schedule of improvement for Wilsonville Road through the "S" curves.

5. That the Stage II Development Plans include a schedule for the implementation of the bridging of Boeckman Creek at the north end of the project and that said improvement be bonded as part of the overall approval process for the Tolovana/Lindquist PUD in compliance with provisions as set forth by the City of Wilsonville Subdivision Regulations Ordinance No. 16.

The Planning Commission notes that the bridging of Boeckman Creek will have some effect on single-family homes sites located in the Courtside Estates Planned Unit Development fronting on the proposed collector street designed to intersect with the City Center Loop Road. It is further noted by the Planning Commission that the alignment will implement a phase of the Comprehensive General Plan linking the Town Center with Wilsonville Road on the east side of Boeckman Creek.

6. That the applicant identify an overall phasing program for the entire Tolovana/Lindquist Planned Unit Development in order that coordination between water and sewer services may be implemented and to assure that the overall growth rate of the Planned Unit Development is presented in a manner that does not indicate a completion schedule which surpasses the City's capacity to serve the project.

The Planning Commission notes that this factor, more than any other element, assures the controlled growth of residential development in the area, thereby justifying the zone change and approval of the Stage II and Stage III Development Plan.

In addition, while the approval of the Stage II and Stage III Development Plans will be based on the design of the project in its final form in compliance with Article XII of Ordinance No. 23, the allocation of building permits will be based on acceptable phasing of the project.

7. That the Courtside Estates road system linking the alignment of the Boeckman Creek bridge and the City Center road system on Tax Lot 401 as proposed by the Lindquist Development Company be designed, approved and a performance bond posted, prior to the issuance of building permits for Phase I of the Tolovana/Lindquist PUD, and that the road be platted and completed prior to the issuance of occupancy permits. It is the purpose of this condition to assure the construction of the bridge, the extension of water lines to the initial phase

of the Tolovana/Lindquist Development and to prevent the unnecessary use of Wilsonville Road through the "S" curves prior to its re-alignment or any change of policy which the City Council may adopt in the future.

8. All commitments in the 46-page Tolovana/Lindquist report on a request for zone change be included as part of the Conditions unless explicitly modified in subsequent Stage II and Stage III approvals concerning roads, trails, streets, lights, etc.

9. At least 25% of the multi-family units are available as rental units after five years and at the completion of the project.

10. That Barber Street should be developed to a minimum Section C as referenced in Carl Buttke's report or better with pedestrian sidewalks separated from the street.

11. That the applicant agrees to a waiver of remonstrance against public improvements.

12. In no case will development beyond ~~60%~~ 400 of the units approved in Stage II be allowed until Wilsonville Road is straightened and improved to a three-lane road or to standards approved by the City Engineer from the northeast corner of the development to the Wilsonville interchange.

13. That there be no access to the property on the east from Wilsonville Road until Wilsonville Road is improved and that the only access to the property be from Barber Street until Wilsonville Road is improved and straightened in accordance with the City Engineer's specifications. If required by the Fire Marshall, emergency access routes would be constructed in accordance with the City Engineer's specifications. There will eventually be multiple access points to Wilsonville Road and they should be identified on the plat.

## EXHIBITS

The following Exhibits are hereby entered into the public record by the Planning Commission and adopted as confirmation of its consideration of the planning material as submitted by the applicant and Wilsonville Planning Department.

1. City of Wilsonville Comprehensive General Plan Ordinance No. 58.

It is the purpose of this document to identify the property in question and to confirm the residential density as set forth hereon as being 7-12 dwelling units per acre.

It is further the purpose of this document to identify the open space system as aligned with Boeckman Creek, the transportation system identifying the realignment of Wilsonville Road and its designation as an arterial road system, the creation of a collector roadway system linking Wilsonville Road and Parkway Avenue across Boeckman Creek north of the project in question, the proposed public high school and junior high sites east of Wilsonville Road, the City limit lines defining the urban growth boundary east of Wilsonville Road and the various land uses, densities and classifications which are directly related to the subject property.

2. City of Wilsonville Zoning Ordinance No. 23 Map and Text.

It is the purpose of these documents to confirm the property as presently being zoned RA-1 and to identify the zoning pattern for the Court-side Estates Planned Unit Development (R-7 and MR-1) and the City Center Zone which ultimately will be linked with the project through the road network system.

3. Draft report on Recommended Transportation Plan, City of Wilsonville, as submitted by Carl H. Buttke, Consulting Transportation Engineer, dated February 18, 1980.

It is the purpose of this report to identify the recommended Traffic Plan for the area in question confirming the realignment of Wilsonville Road on the south side of the project and the bridging of Boeckman Creek from the Town Center to Wilsonville Road (Refer Figure 3, Recommended Plan).

4. City of Wilsonville Existing Sewer System.

It is the purpose of this document to confirm an existing 12" sewer trunkline running parallel with Boeckman Creek which will ultimately serve the project in question and regions to the north.



5. City of Wilsonville Existing Water System.

It is the purpose of this Exhibit to identify that the property in question may be served through an extension of an existing 8" water main.

It is noted by the Planning Commission that the ultimate extension of water lines will depend upon recommendations by the City Engineer in an effort to loop systems wherever possible and to increase water line sizes to acceptable standards in order to maintain high levels of water pressure to those areas within the project and scheduled for future growth.

6. Robert E. Meyers Storm Drainage Study.

It is the purpose of this Exhibit to identify the storm drainage characteristics of the area in question.

It is further the purpose of this Exhibit to confirm the culvert size (Item No. 58) of the 48" corrugated metal pipe under Wilsonville Road shown as having a 200 cubic foot per second capacity for drainage.

7. Project Status Report as prepared by the Wilsonville Planning Department identifying projects 1 through 10 and documenting the number of approved residential projects and their stages of development.

8. Applicant's Exhibits and application identifying Exhibits 1 through 21 setting forth project description, Fasano requirements, and Exhibits.

It is the purpose of this document to confirm the applicant's request for a zone change from RA-1 to R-10 and MR-1 and the justification for the zone change as submitted by the applicant, i.e., Fasano findings, exhibits, land use data, and other related data.

ACTION TAKEN AT PLANNING COMMISSION MEETING OF MARCH 10, 1980:

Rich Drew moved that Planning Commission direct staff to ask Carl H. Buttke to give us more details about the "S" curves in an informal fashion specifically on current capacity, carrying capacity and recommended alignment.

Helen Burns seconded the motion.

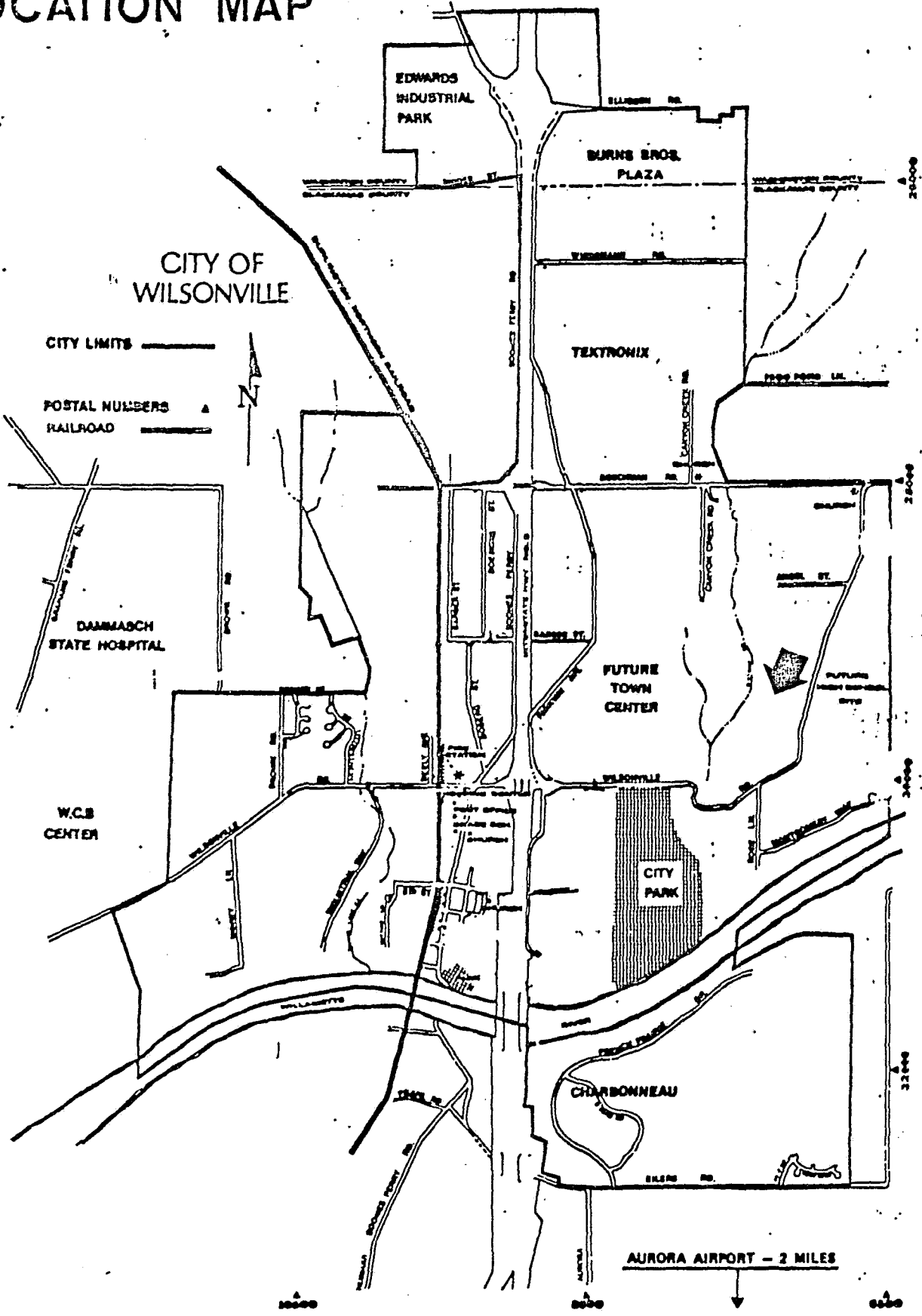
Rich Drew moved to amend the motion to read that Planning Commission direct Carl Buttke to make the aforementioned study, not to spend over \$300 and to have it by the next Planning Commission meeting on April 14, 1980.

Marlene Rifai seconded the amendment to the motion which passed 6-0.

ACTION TAKEN AT PLANNING COMMISSION MEETING OF APRIL 14, 1980:

Marlene Rifai moved that Planning Commission recommend to City Council approval of the zone change on Tax Lots 300, 402, 490, 700, 800 and 900 based on the Findings that are contained in the staff report with the addition of Findings 14 and 15 and Condition 7 being modified with the addition of Conditions 8, 9, 10, 11, 12 and 13. Bob Dant seconded the motion which passed 6-0.

# LOCATION MAP



TOLOVANA / LINDQUIST

Applicant:

Request: ZONE CHANGE:  
RA-1 to R-10 & MR-1.

Hearing Date: 3-10-80

Exhibit:  Location Map

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Comprehensive Plan  | <input type="checkbox"/> Drainage Basin         | <input type="checkbox"/> Land Use Local    |
| <input type="checkbox"/> Zoning (existing)   | <input type="checkbox"/> Drainage (local)       | <input type="checkbox"/> Easements: BPA RR |
| <input type="checkbox"/> Water (existing)    | <input type="checkbox"/> Drainage Structure     | <input type="checkbox"/> SPPL - Substa ons |
| <input type="checkbox"/> Water Service Areas | <input type="checkbox"/> Analyzed               | <input type="checkbox"/> Other - _____     |
| <input type="checkbox"/> Sewer (existing)    | <input type="checkbox"/> Proposed Drainage Plan | _____                                      |
| <input type="checkbox"/> Platting Pattern    | <input type="checkbox"/> Contours               | _____                                      |
| <input type="checkbox"/> Street System       | <input type="checkbox"/> Land Use (regional)    | _____                                      |