

AMENDED AGENDA

**WILSONVILLE CITY COUNCIL MEETING
NOVEMBER 5, 2012
7:00 P.M.**

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

Mayor Tim Knapp

Council President Celia Núñez

Councilor Richard Goddard

Councilor Scott Starr

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.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

- 5:00 P.M. EXECUTIVE SESSION [30 min.]**
A. Pursuant to ORS 192.660(2)(i) City Attorney Evaluation; and
ORS 192.660(2)(g) Trade negotiations; and
ORS 192.660(2)(f) Exempt Public Records
- 5:30 P.M. COUNCILORS' CONCERNS [10 min.]**
- 5:35 P.M. PRE-COUNCIL WORK SESSION**
- A. ACHIEVE Program Action Plan (Brescia) [15 min]
B. Fox Center Town Homes [25 min]
C. Board and Commission Terms Expiring (King) [5 min]
- 6:50 P.M. ADJOURN**
-

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 Monday, November 5, 2012 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on October 16, 2012. 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 therewith except where a time limit for filing has been fixed.

- 7:00 P.M. CALL TO ORDER**
A. Roll Call
B. Pledge of Allegiance

- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. MAYOR'S BUSINESS

- A. Approval of the City Attorney's Employment Contract
- B. Upcoming Meetings

7:25 P.M. COMMUNICATIONS

- A. Foreclosure Intervention, NEDCO, Cory Streisinger
- B. OSPRIG Health Care – Adam Brunelle
- C. Wilsonville Sunday Streets Video (staff – Jen Massa)

7:40 P.M. CITIZEN INPUT & 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.

7:45 P.M. COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

- A. Council President Núñez – Chamber Leadership and Library Board liaison
- B. Councilor Goddard – Library, Chamber Board, and Clackamas County Business Alliance liaison
- C. Councilor Starr –Development Review Boards and Wilsonville Community Seniors Inc. liaison

7:50 P.M. CONSENT AGENDA

- A. ✓ **Resolution No. 2381**
A Resolution Of The City Of Wilsonville In Support Of Changing The Name Of The Tonquin Trail To "Ice Age Tonquin Trail" To Promote Public Awareness, And Enhance Funding Opportunities And Economic Development Through Tourism And Scientific Research. (staff – Neamtzu)
- B. Minutes of the September 17, 2012 and October 1, 2012 Council Meetings. (staff – King)

7:55 P.M. PUBLIC HEARING

- A. J **Resolution No. 2350**
A Resolution Of The City Of Wilsonville Authorizing Establishment Of A Reimbursement District To Refund To The City Of Wilsonville The Pro Rata Costs For The Segment I Extension Of The Coffee Lake Drive Sewer Line Infrastructure Improvements That Will Serve Properties Within The Reimbursement District. (staff – Adams/Kohlhoff)

Background materials for Ordinances No. 705 and 706 are separately bound.

B. Ordinance No. 705 – First Reading

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Commercial To Residential – 10-12 DU/AC On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant. (Staff – Edmonds)

C. Ordinance No. 706 – First Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Planned Development Commercial (PDC) Zone To The Planned Development Residential – 5 PDR-5) Zone On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant. (staff – Edmonds)

9:00 P.M. NEW BUSINESS

A. Resolution No. 2382

A Resolution Of The City Of Wilsonville Authorizing Addendum No. 5 To The Development Agreement Of June 14, 2004 By And Between The City Of Wilsonville, The Urban Renewal Agency Of The City Of Wilsonville, Matrix Development Corporation, Property Owners Donald E. Bischof & Sharon L. Lund, Arthur C. & Dee W. Piculell, The Dearmond Family LLC, Louis J. & Margaret P. Fasano, And Valerie & Matthew Kirkendall (Staff – Kohlhoff/Kraushaar)

9:20 P.M. CITY MANAGER’S BUSINESS

A. Meeting Recap

9:25 P.M. LEGAL BUSINESS

9:30 P.M. ADJOURN

**AN URBAN RENEWAL AGENCY MEETING WILL
IMMEDIATELY FOLLOW**

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated. The Mayor will call for a majority vote of the Council before allotting more time than indicated for an agenda item.) 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 king@ci.wilsonville.or.us

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- A. Foreclosure Intervention, NEDCO, Cory Streisinger
- B. Wilsonville Community Sharing Activities Update – Sheryl Kelly
- C. OSPRIG Health Care – Adam Brunelle
- D. Wilsonville Sunday Streets Video (staff – Jen Massa)

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The Responsibilities of Leadership

HOLD THE FOCUS

- **WHAT ARE WE DOING?**
- **WHY ARE WE DOING IT?**
- **WHY DOES IT MATTER?**

Every member of a group has a responsibility to the other members of the group to keep the mission in focus. This isn't somebody's job, it's everybody's job. Without it, even the most interesting work becomes routine after a time. Ask and answer these questions of yourself and each other at meetings, on projects, and whenever a new effort is begun. What are we doing? Why are we doing it? Why does it matter?

WHERE RUBBER MEETS ROAD.

RESPECT: Don't do to others what you don't want done to you.

INFORM: Let people know about decisions before they are implemented. Spread the word when important information finds its way to you.

RECOGNIZE: Catch each other in the act of doing something right.

KEEP IT MEANINGFUL

- **RESPECT**
- **INFORM**
- **RECOGNIZE**

SELF MANAGEMENT

People ought to be able to observe you to know what you are all about. Self management means you don't wait until you're in trouble. There is support all around you. But it's not enough to want support. You've got to reach out.



MEETINGS HAPPEN IN STAGES

BEFORE

- Circulate agenda in question form
- Use email and message boards
 - Informal discussion of issues
 - Updates
 - Getting others up to speed
- Rotate meeting leadership

ART-Change

DURING

- Start on time
- Get and Keep Yourself Present
- Time Keeper
 - Hold people accountable for time taken
- Recorder
- Visual Device (Focus, Acknowledge)

ART-Change

DURING

- Topic
- Process
 - Brainstorm
 - Match / Mismatch
 - Robert's Rules - Why have rules?
- Ideas as Proposals
 - Discussion follows proposals
 - Make sure quiet people have a voice

WHAT TO DO WITH TWO (OR MORE) POSITIONS

- Narrowly define the difference by ruling out areas of agreement
 - Listen to each other
 - Acknowledge good intent
- Clarify criteria and definitions
- Seek a solution that encompasses as many criteria as possible

ART-Change

AFTER

- Summarize meeting verbally
- Go Round Table (feelings, commitments)
- One minute minutes-Produce and Distribute
 - + Dollars
 - + Decisions
 - + Deadlines
 - + Commitments
- Complete Minutes

ART-Change

King, Sandy

From: Richard Goddard <richardgoddard2010@gmail.com>
Sent: Monday, November 05, 2012 2:02 PM
To: Larry Oesterreich; Cosgrove, Bryan
Cc: Kohlhoff, Mike
Subject: Re: Parking citation

Bryan,

I would like to discuss the note below at our work session tonight under councilor concerns. I am personally familiar with the hay truck that Mr. Oesterreich mentions in his email. We certainly do not want to leave the impression that there is selective enforcement of parking ordinances. I do think it is time for the Council to revisit the ordinance in question to see if there is a way to accomplish the intent without being unusually burdensome to our community when folks are trying to do the right thing. Thanks.

Richard

On 10/8/12, Larry Oesterreich <loesterreich@gmail.com> wrote:

> Hi Richard,
> After talking about the RV on the street on Saturday evening, Sunday I
> pulled out my RV out of storage. I am leaving on a camping trip with my
> family on Wednesday evening and pulled my RV out to prep it. The hay
> truck on the street has parked on the street for the last month without incident.
> The first night I park behind him I get the ticket. I needed to be
> able to get into my garage this morning and couldn't park in my
> driveway so I guess I am going to live with ticket. I have parked it
> in my driveway as much as I can.
>
> You know this process better than I do. This is the least of your
> worries but I think as long as I have the RV I need to have some
> flexibility from the city. I want to work with you to help me change this ordinance.
>
> I find it ridiculous that the police ignore somebody else parking on
> the street for months on end and the one night I park on there that I
> get a ticket. I guess the ordinance is enforced when the officer
> decides to hand out tickets.
>
> Larry Oesterreich
>

September 20, 2012

Mayor and City Councilors
City of Wilsonville

*Rec'd 10/26/12
AK*

Chair & Board of County Commissioners
Clackamas County

Dear Elected Officials.

I recently read in the Wilsonville Spokesman that discussions were being held between the City of Wilsonville, Clackamas County and the Chamber of Commerce regarding a continuing financial and working relationship with the Chamber of Commerce regarding the Visitors Center in Wilsonville.

As a resident and taxpayer in Wilsonville and Clackamas County I wish to voice my concerns regarding such discussions. Recent newspaper articles and some letters to the editor have raised serious concerns about the use of public dollars by the Chamber of Commerce. I share many of those concerns.

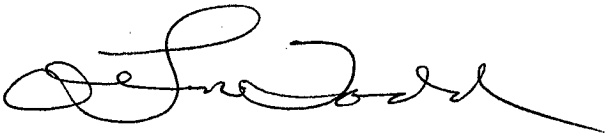
Some have said that the Chamber is a service organization, and provides a benefit to the city and county by promoting local businesses. That may have been true in the past, and may be somewhat true today. However under its current leadership the past few years, it has been transformed into primarily a political organization with its own political philosophy, agenda, and lobbying efforts. There can be no justification for public dollars being used to fund the salary of the CEO of a private organization, particularly one that is so political.

Apparently, according to news reports, the Chamber's decision to endorse political candidates has been as controversial within its own membership as it has been within the wider community. But that's not the full extent of the Chamber's political activities. Many in the community are well aware that the Chamber has encouraged the candidacy of, and actively raised campaign funds for some current members of the current City Council. And all this, while having half its CEO's salary paid by our public dollars. That is just ethically wrong, I believe illegal, and frankly un-American. The CEO's suggestion, as mentioned in the Spokesman, that the city/county dollars are really spread among all the chamber employees and simply shows only on his own salary for accounting simplicity is just a convenient rationalization in the face of scrutiny. Even if that were true, the funneling of public dollars to a private organization that has no direct responsibility for or charter to provide services to the general public is unwarranted. In addition, subsidizing a private political organization by providing space in a public building at less than market value is a further violation of the use of public monies.

Our governmental institutions have a responsibility to ensure that public dollars are clearly used for non-partisan public purposes. It's a matter of trust. And that trust is jeopardized when there is even a hint of misuse or suggestions of impropriety.

There are simply too many unanswered questions in this murky relationship between the Chamber of Commerce and our local governments to have any confidence that our public dollars are being used appropriately. It's time for the city and county to make a clean break with the Chamber of Commerce and contract with another entity or individual for tourism services. The credibility of our governmental institutions, and you as elected officials, is unnecessarily being placed at risk on an issue that frankly can easily be resolved by finding another entity or individual to provide the desired Visitor Center services.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynn Todd', written in a cursive style.

Lynn Todd
29899 S W Camelot
Wilsonville, Oregon

cc:

Bryan Cosgrove, City Manager, City of Wilsonville
Steve Wheeler, County Administrator, Clackamas County



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: October 15, 2012	Subject: Board and Commission Terms Staff Member: Sandra King, City Recorder Department: Administration	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Advise staff on whether or not Council wants to advertise the upcoming Board and Commission vacancies and accept applications.		
Recommended Language for Motion: N/A		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Terms of office are nearing a close for many of the members of the City's standing boards and commissions. The attached matrix identifies: board members whose term ends December 31, 2012; members who are eligible for reappointment; members whose terms expire at the end of the year, and; members who are not eligible for reappointment.

EXECUTIVE SUMMARY:

In September 2011 Council adopted Resolution No. 2321, which established a process for the receipt or applications and an appointment process to the City's boards, commissions, committees and task forces.

EXPECTED RESULTS:

Council recommendations for appointment to the City's boards and commissions.

TIMELINE:

Once staff is directed to advertise, the vacancy announcements will be placed in the *Wilsonville Spokesman*, on the City's website, in the *Boones Ferry Messenger*, the local access cable channel, general announcements made at City meetings, as well as being posted at City Hall, the Library, and Community Center. Applications will be accepted for thirty days.

Once the thirty day recruitment period has ended, the applications and any supporting documents will be copied to the entire City Council for review and consideration. Councilors may interview the applicants should they so desire.

Councilors are to provide their recommendations to the Mayor within two weeks of receipt of the applications. Successful applicants will be invited to attend the Council meeting where the appointment will be ratified by the Council, and to be introduced to the public.

CURRENT YEAR BUDGET IMPACTS: N/A

FINANCIAL REVIEW / COMMENTS: N/A

LEGAL REVIEW / COMMENT: N/A

COMMUNITY INVOLVEMENT PROCESS:

The general public will be made aware of the board and commission vacancies through the media, the City's web site, general announcements at public meetings, and through postings in City buildings.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups):

The community will benefit from having Wilsonville citizens who are interested in serving their community seated on the standing boards and commissions.

ALTERNATIVES:

An alternative is to leave the seats vacant and not make the appointments or reappointments.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Resolution No. 2321
- B. Board and Commission Terms of Office Matrix

RESOLUTION NO. 2321

A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A PROCESS FOR RECEIPT OF APPLICATIONS AND AN APPOINTMENT PROCESS TO THE CITY'S BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCES AND REPEALING RESOLUTION NO. 2267.

WHEREAS, the City Council, desired to have a formal written process for the receipt of applications, and the appointment process for the City's Boards, Commissions, Committees, and Task Force; and

WHEREAS, Council adopted Resolution No. 2267, on February 7, 2011 which memorialized the formal application and selection process; and

WHEREAS, the intent of Resolution No. 2267 was that written guidelines would help to ensure a greater applicant pool with a broader range of background and interests for those desiring to volunteer their time in service to the community; and

WHEREAS, upon working with the process in Resolution No. 2267, the Council found the process contained in Resolution No. 2267 could be simplified and desires to do so.

NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Except for the appointment of Council liaisons, where the Council appoints itself as a whole, or to the extent it is required by law to serve on or as a Board, Commission, Committee, or Task Force (e.g. Local Contract Board, Urban Renewal Board, Budget Committee), the following appointment process for Boards, Commissions, Committees, including the non-Council members of the Budget Committee, and Task Forces shall apply as guidelines for appointment to both existing Boards, Commissions, Committees, and Task Forces established by the Council and to those Boards, Commissions, Committees, and Task Forces subsequently established by the Council.
2. The guidelines shall apply to the following existing Boards, Commissions, and Committees:
 - 2.1. The Park and Recreation Advisory Board, WC 2.300 et seq.
 - 2.2. The Planning Commission, WC 2.320 et seq.
 - 2.3. The Development Review Board (sits as two panels), WC 2.330 et seq.
 - 2.4. The Library Board, WC 2.350 et seq.
 - 2.5. The Budget Committee, ORS 294.336 et seq., Council est. 1/10/69
3. Boards and commission members' duties and qualifications are set forth in their respective boards and commission provision of Chapter 2 of the Wilsonville Code.

4. When there is a vacancy, the City Recorder shall advise the council, and unless the Council directs otherwise the City Recorder shall advertise the vacancy(s) in the Wilsonville Spokesman, the local newspaper of general circulation, on the City's website, in the City newsletter, local access cable channel, with general announcements at city meetings and posted at city hall.
 - 4.1 Such advertisement should announce the opening and provide a brief description of the duties, any qualifications that apply to the position, the length of the term to be filled, and where an application can be obtained.
 - 4.2 The recruitment process shall be open for 30 days.
 - 4.3 The City Recorder shall provide for those interested in applying a City application form to be filled out and returned to the Recorder, which shall be in the general form as attached hereto and marked as Exhibit A.
 - 4.4 Existing Board and Commission members who wish to be reappointed when their term has expired need not submit a formal application but may submit a letter expressing continued interest in serving another term to the Mayor and the City Council.

[In the past staff has telephoned or emailed those whose terms were to expire and asked them if they were interested in being reappointed.]
5. Upon closure of the recruitment period, the applications and any supporting documents shall be copied to the entire City Council.
6. All applications and supporting documentation shall be kept on file in the City Recorders office for one year. Should a vacancy occur, the applications on file and any new applications received during the recruitment period shall be sent to the City Council for review.
7. Before making their recommendations, individual Councilors may interview any applicant. City Council members shall make their recommendations to the Mayor for appointment within two weeks of receiving the applications. Thereafter the Mayor shall make the appointment subject to Council approval at a Council meeting.
8. The Mayor or Council President will invite the new appointee to attend a regular Council meeting where the appointee may be officially introduced.
9. Guidelines for appointing Task Forces and Ad Hoc Committees:
 - 9.1. Task Forces and Ad Hoc special committees are established by the City Council as the need arises, generally on a short term basis to study an issue of concern or need.

- 9.2. Duties of the Task Force or the Ad Hoc Committee and the respective membership of each are assigned at the time of establishment.
10. Appointment of Council Liaisons to Boards, Commissions, Committees, and Task Forces.
- 10.1. With the exception of the Budget Committee upon which they all serve, each City Councilor shall have the opportunity to serve as a liaison to a Board, Commission, or Committee named in Section 2 above as their term of office may allow. Non-voting liaison positions to the City's Boards and Commissions are to foster communication and understanding. At the last regular meeting in January or at the first regular meeting of February of each year, the City Councilors shall discuss liaison appointments and announce the Council liaison appointments for the upcoming year.
11. Resolution No. 2267 is repealed.
12. This resolution becomes effective upon adoption.

ADOPTED, by the Wilsonville City council at a special meeting thereof this 19th day of September, 2011 and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes
Council President Núñez - Yes
Councilor Hurst - Excused
Councilor Goddard - Yes
Councilor Starr - Yes

**Board and Commission
Terms Expire December 31, 2012**

Board or Commission	Member Name	Eligible for Reappointment	Wants to be Reappointed
Budget Committee	Wendy Buck	Yes	Yes
	Tony Holt	No	n/a
Development Review Board – Panel A	John Schenk	No	n/a
	Douglas King	Yes	
	Bob Alexander	Yes	No
Development Review Board – Panel B	Mary Bower	Yes	Yes
	Monica Keenan	No	n/a
	Andrew Karr	Yes	Yes
	Jhuma Chaudhuri	Yes	
Parks & Recreation Advisory Board	Brent Timm	Yes	Maybe
	Cindy Tyree	Yes	
Planning Commission	Amy Dvorak	Yes	No

Responses as of Wednesday, October 24, 2012

King, Sandy

From: Cosgrove, Bryan
Sent: Wednesday, October 17, 2012 9:31 AM
To: King, Sandy
Subject: FW: Reappointments

Bryan Cosgrove,
City Manager

503.570.1504 (work)
cosgrove@ci.wilsonville.or.us
29799 SW Town Center Loop
Wilsonville, Oregon 97070

DISCLOSURE NOTICE: Messages to and from this E-mail address may be subject to the Oregon Public Records Law.

The only disability in life is a bad attitude.
-- Scott Hamilton

From: Scott Starr [<mailto:scottstarr97070@gmail.com>]
Sent: Wednesday, October 17, 2012 9:30 AM
To: Cosgrove, Bryan
Cc: Richard Goddard
Subject: Fwd: Reappointments

Bryan,

I would like to make sure we are making the appointments on Dec's first meeting with the second meeting as a fall back. Also, I would not consider someone up for a possible reappointment as a lock. I think we should be making sure they have been contributors and regular attenders. I don't know if this is the case with anyone, but it should be taken into account in my view. Do we need to have a meeting next week?.

Richard, please weigh in on your view. I can only copy one Councilor so I went with Richard as he is guaranteed to be with us next year as well.

Scott

----- Forwarded message -----

From: King, Sandy <king@ci.wilsonville.or.us>
Date: Tue, Oct 16, 2012 at 12:00 PM
Subject: Reappointments
To: Scott Starr <scottstarr97070@gmail.com>
Cc: "Cosgrove, Bryan" <cosgrove@ci.wilsonville.or.us>

Hi Scott;

Bryan forwarded on to me your question regarding the Board and Commission reappointments. I've sent an email to the board members whose terms expire at the end of the year asking that they let me know if they want to be reappointed by November 1, 2012.

The October 15 Council packet contained a memo from me about reappointments, whose terms expired; who are eligible for reappointment and who are not. I'll include this memo in the November 5 packet as well.

Sandra C. King, MMC
City Recorder
City of Wilsonville
503-570-1506

PUBLIC RECORDS LAW DISCLOSURE: Messages to and from this e-mail address is a public record of the City of Wilsonville and may be subject to public disclosure. This e-mail is subject to the State Retention Schedule.

King, Sandy

From: Brent Timm <bigseahawksfan@msn.com>
Sent: Tuesday, October 16, 2012 9:23 AM
To: King, Sandy
Subject: RE: Parks and Recreation Advisory board

Thanks Sandy for the heads up! Gonna explore my options and get back to ya!

BT

From: king@ci.wilsonville.or.us
To: bigseahawksfan@msn.com
Subject: Parks and Recreation Advisory board
Date: Tue, 16 Oct 2012 15:52:00 +0000

Good morning;

Your term or office ends as a member of the Parks and Recreation Advisory Board on December 31, 2012, and you are eligible to serve for an additional term. If you are interested in serving an additional term please let me know by November 1, 2012.

Many thanks

Sandra C. King, MMC
City Recorder
City of Wilsonville
503-570-1506

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King, Sandy

From: Amy Dvorak <amydvrk1@gmail.com>
Sent: Tuesday, October 16, 2012 11:22 AM
To: King, Sandy
Subject: Re: Planning Commission Reappointment

Thanks, Sandy!

Sent from my iPad

On Oct 16, 2012, at 8:53 AM, "King, Sandy" <king@ci.wilsonville.or.us> wrote:

Good morning;

Your term or office ends as a member of the Planning Commission on December 31, 2012, and you are eligible to serve for an additional term. If you are interested in serving an additional term please let me know by November 1, 2012.

Many thanks

Sandra C. King, MMC
City Recorder
City of Wilsonville
503-570-1506

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King, Sandy

From: Andrew Karr <Andrew.Karr@viewpointcs.com>
Sent: Tuesday, October 16, 2012 8:52 AM
To: King, Sandy
Subject: RE: DRB Reappointment

Sandy,

I would love to serve an additional term.

Regards,

Andrew Karr
Customer Sales Manager
Viewpoint Construction Software

From: King, Sandy [<mailto:king@ci.wilsonville.or.us>]
Sent: Tuesday, October 16, 2012 8:51 AM
To: Andrew Karr
Subject: DRB Reappointment

Good morning;

Your term or office ends as a member of the Development Review Board on December 31, 2012, and you are eligible to serve for an additional term. If you are interested in serving an additional term please let me know by November 1, 2012.

Many thanks.

Sandra C. King, MMC
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City of Wilsonville
503-570-1506

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King, Sandy

From: Wendy Buck <wendybob.wb@gmail.com>
Sent: Wednesday, October 17, 2012 8:39 AM
To: King, Sandy
Subject: Re: Budget Committee Reappointment

Good morning Sandy,

I am interested in serving an additional term. My understanding is that this past year I was filling the remaining term, is that correct?

Best,
Wendy

On Tue, Oct 16, 2012 at 8:55 AM, King, Sandy <king@ci.wilsonville.or.us> wrote:

Good morning;

Your term or office ends as a member of the Budget Committee on December 31, 2012, and you are eligible to serve for an additional term. If you are interested in serving an additional term please let me know by November 1, 2012.

Many thanks

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City Recorder
City of Wilsonville
503-570-1506

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King, Sandy

From: Bob Alexander <bob@bobandtinaalexander.com>
Sent: Tuesday, October 23, 2012 10:46 AM
To: King, Sandy
Subject: Re: DRB Reappointment

Hi Sandy,

After giving it a lot of thought, I will let my term expire in December 31, 2012. It has been a pleasure serving the citizens of Wilsonville.

Thanks for all you do for us at the DRB.

Bob Alexander
503 871-8966

On Oct 16, 2012, at 8:49 AM, "King, Sandy" <king@ci.wilsonville.or.us> wrote:

Good morning;

Your term or office ends as a member of the Development Review Board on December 31, 2012, and you are eligible to serve for an additional term. If you are interested in serving an additional term please let me know by November 1, 2012.

Many thanks

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City of Wilsonville
503-570-1506

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King, Sandy

From: Mary Fierros-Bower <mfierrosbower@lrsarchitects.com>
Sent: Tuesday, October 23, 2012 1:06 PM
To: King, Sandy
Subject: Re: DRB Reappointment

Hi Sandy,

I am interested in serving an additional term. Thanks. Mary

Mary Fierros Bower | Associate, LEED® AP BD+C | LRS Architects | Portland | Shanghai
503.265.1572 direct · 720 NW Davis Street Suite 300 · Portland, OR 97209 · www.lrsarchitects.com

Please consider the environment before printing this e-mail

From: King, Sandy [mailto:king@ci.wilsonville.or.us]
To: mfierrosbower@lrsarchitects.com [mailto:mfierrosbower@lrsarchitects.com]
Sent: Tue, 16 Oct 2012 08:50:03 -0800
Subject: DRB Reappointment

Good morning;

Your term or office ends as a member of the Development Review Board on December 31, 2012, and you are eligible to serve for an additional term. If you are interested in serving an additional term please let me know by November 1, 2012.

Many thanks

Sandra C. King, MMC
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CITY COUNCIL MEETING REQUEST FOR ACTION

City Attorney Performance and Salary Evaluation

Meeting Date: November 5, 2012
Report Date: October 26, 2012
Source of Item: Human Resources

Contact: Andrea Villagrana
Contact Telephone Number: (503) 570-1519
Contact E-Mail: villagrana@ci.wilsonville.or.us

ISSUE STATEMENT

The following is information gathered for the purpose of reviewing the performance and total compensation of City Attorney, Michael Kohlhoff. Whereas the majority of the data provided in this report is informational, the data was also utilized to form a recommendation regarding Mr. Kohlhoff's total compensation.

BACKGROUND

City Council evaluates the City Attorney's performance and total compensation package on an annual basis. Mr. Kohlhoff's anniversary date is October 1. Any proposed changes to Mr. Kohlhoff's employment contract and/or compensation package are forwarded to Council for review, and if approved would be retroactive to October 1, 2012.

The Legal Department Quality of Services survey was distributed to the Council, Planning Commission, DRB-A and -B, and management group. The overall summary of results for the survey is attached. The majority of responses were in favorable categories such as "often," "always," or "extremely satisfied."

RELATED POLICIES/BUDGET CONSIDERATIONS

This year, council granted the City Manager a 2.5% increase to his base salary, in addition to providing a 4% contribution of base salary to a 401(a) account and an option to cash out 40 hours of vacation leave in lieu of time off. A draft employment agreement for Mr. Kohlhoff was updated to parallel the City Manager's employment agreement for 2012-2013.

Historically, the City Attorney compensation package has been adjusted each year resulting in a total compensation package that was in between the largest compensation package and the average. With the modifications in the draft agreement, Mr. Kohlhoff's compensation will remain at its historical level within the market data.

COUNCIL OPTIONS

Employment Agreement

- A. Approve the extension of Michael Kohlhoff's contract as the City Attorney, including salary information,

without amendments.

- B. Approve the extension of Michael Kohlhoff's contract as the City Attorney, including salary information, with amendments.
- C. Do not approve the extension of Michael Kohlhoff's contract as the City Attorney.

Total Compensation Package

- A. Increase base salary by 2.5%, increase contribution to 401(a) to 4% of base, and provide an option to cash out up to forty (40) hours of vacation leave, with no other modifications to total compensation.
- B. Increase base salary by 2.5%, and provide an option to cash out up to forty (40) hours of vacation leave, with no other modifications to total compensation.
- C. Increase base salary by a percent determined by Council.
- D. Maintain current total compensation package.

STAFF'S RECOMMENDATION

Consistency with employment contracts is key for determining internal equity amongst employees. The terms of the contract parallel the terms of the City Manager's contract, which was recently negotiated. I recommend approving the extension of Mr. Kohlhoff's contract as the City Attorney, including the similar total compensation percentage increases, without amendments.

SUGGESTED MOTION

I move to approve the extension of Mr. Kohlhoff's contract as City Attorney from October 1, 2012 to October 1, 2013 at a base salary of \$126,060 and a total compensation of \$138,326 as outlined in the employment agreement.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. *Employment Agreement – Michael Kohlhoff, City Attorney*

**CITY OF WILSONVILLE
EMPLOYMENT AGREEMENT**

This Employment Agreement ("Agreement") is made and entered into on the ___ day of _____, 2012, by and between the City of Wilsonville of Oregon, a municipal corporation ("City") and Michael Kohlhoff ("Employee"), both of whom understand and agree as follows:

WITNESSETH:

WHEREAS, City desires to continue the employment of Michael Kohlhoff as City Attorney of the City of Wilsonville; and

WHEREAS, it is the desire of the Governing Body, hereinafter called "Council," to establish certain conditions of employment, to establish certain benefits, and to set working conditions of said Employee; and

WHEREAS, Employee desires to continue employment as City Attorney of the City of Wilsonville;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties and Work Hours

City hereby agrees to employ Employee as City Attorney of the City of Wilsonville. Employee agrees to devote his full-time efforts to performing the functions and duties of City Attorney, as set for in the job description on file with the Human Resources Department, and to perform other legally permissible and proper duties and functions as the Wilsonville City Council ("Council") assigns to him.

Section 2. Hours of Work – Administrative Time Adjustment

It is recognized that Employee must devote a great deal of time outside the normal office hours to business of the City and, to that end, Employee will be allowed to make reasonable adjustments as he shall deem appropriate during said normal office hours. Any extended reasonable adjustments shall be subject to consultation with the Mayor. Employee shall not receive monetary compensation for work in excess of normal office hours.

Section 3. Employment Date and Status

Employment is at all times AT WILL, meaning Employee can resign and City can terminate Employee's employment at any time, with or without cause, subject to the severance benefits described below. Employee has been employed as City Attorney since August 1981;

however, Employee was employed as an employee as of October 1, 1990, and October 1 should be referred to as employee's employment anniversary date.

Section 4. Compensation and Car Allowance

Employee will receive annual base compensation of \$126,060 ("Salary"), effective October 1, 2012. Thereafter, Salary will be reviewed by Council annually as a part of Employee's annual performance review, as described in Section 8. In addition to Salary, because Employee is required to use his personal vehicle to travel to attend to City business, Employee will receive a Four Hundred Dollar (\$400) per month (\$4,800 annually) car allowance. In addition to the foregoing, Employee will receive the standard benefits offered to City employees, as outlined in Section 5 below.

Section 5. Other Benefits

City will provide Employee with a standard benefit package, as is offered all other administrative full-time City employees, including health, dental and life insurance, PERS benefits, and sick leave. In addition, Employee will earn twenty (20) days of vacation annually. The employee has the option to cash out five days (40 hours) of vacation time at the employee's hourly rate of \$60.61. In addition to the standard City benefits, management employees, including the City Attorney, are also enrolled in a 401(a) retirement plan after six (6) months of employment, into which City contributes four percent (4%) of the employee's base Salary. This plan vests over a six (6) year period. Details on all benefits are available through the Human Resources Department. Employee is vested in this plan.

Section 6. Dues and Subscriptions

City agrees to budget and to pay for the professional dues and subscriptions of Employee necessary for his continuation and full participation in the Oregon State Bar, governmental law section of the Oregon State Bar, land use section of the Oregon State Bar and other relevant county bar associations, the Oregon City Attorney's Association, and the National Institute of Municipal Legal Officers, which are necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the City.

Section 7. Professional Development

City hereby agrees to, in accordance with City travel and expense guidelines and policies, budget and to pay for the travel expenses of Employee for: professional and official travel; meetings and occasions adequate to continue the professional development of Employee; and meetings and occasions adequate to pursue necessary official and other functions for the City. These shall include the Oregon State Bar and sections of government law and land use, the City Attorney's Association, and the International Municipal Law Officer's Association, and other national, regional, state, and local governmental groups and committees thereof on which Employee may serve as a member and/or have been approved by the City.

City also agrees to budget and to pay for the necessary continued legal educational expenses of Employee for short courses, institutes, and seminars that are necessary for his continued licensing as a member of the Oregon State Bar.

City agrees to maintain the necessary legal library as agreed upon by Employee and Employer.

Section 8. Performance Evaluations

Council shall review and evaluate the performance of Employee annually, at or about the employment anniversary date, or more frequently than annually if performance issues exist. Said review and evaluation shall be in accordance with the specific criteria developed jointly by City and Employee for City Attorney review. Said criteria may be added to or deleted from as Council may from time to time determine. In conjunction with such review, Council and Employee shall define such goals and performance objectives which they determine necessary for the proper operation of City and attainment of Council's policy objectives. Council and Employee shall work together to establish priorities among those various goals and objectives. Once determined and agreed upon by Employee and Council, the goals and objectives will be reduced to writing and will be used to evaluate Employee's performance throughout that goal year. The goals will be set to generally be attainable within the time limitations specified and within the annual operating and capital budgets and appropriations provided for.

Section 9. Termination and Severance Pay

In the event Employee is terminated by Council, and at such time of termination Employee remains willing and able to perform his duties under this Agreement, then if such termination is not "For Cause," City agrees to pay Employee a severance payment equal to six (6) months' Salary plus reimbursement for health benefits in place at the time of termination ("Severance"). Payment of the Severance is conditioned upon Employee signing a Settlement and Release of Claims Agreement in consideration of such payment. Council may elect to pay the dollars portion of the Severance Payment in a lump sum or in six (6) equal monthly installments. To the extent allowed by law, COBRA medical coverage premiums will be reimbursed after payment by Employee monthly for six (6) months. Severance will not apply if Employee either does not sign the Settlement and Release of Claims Agreement or if Employee is terminated "For Cause." As used herein, "For Cause" shall mean that Employee is terminated because of malfeasance, gross negligence, insubordination, theft, deception (by material untrue statement or material intentional omission), fraud, or a criminal felony conviction.

In the event Employee is unable to work because of disability, the Severance amount set forth in Section 10 shall apply in lieu of the above Severance.

If Employee finds other employment within the six (6) month Severance period, then Severance will cease to be paid as soon as Employee begins such other work, and if it has been paid in advance, it shall be proportionately repaid to City. Similarly, if Employee becomes eligible for other medical coverage associated with other employment within the six (6) month

period, he shall notify City and medical coverage reimbursement will cease beginning with the first day of the month during which he begins receiving medical coverage.

In the event Employee voluntarily resigns his position with City, Employee agrees to use good faith efforts to give City three (3) months' notice in advance, unless the parties otherwise agree. Employee shall not be entitled to Severance if Employee voluntarily resigns, regardless of how and when notice is given.

Section 10. Disability

If Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity, or health for a period that exceeds exhaustion of allowed state and federal family medical leaves, City shall have the option to terminate this Agreement and, in that case, Severance will be equal to three (3) months of wages and health benefits, but will cease to be paid as soon as disability insurance proceeds begin to be received, if such payments occur sooner than the expiration of the three (3) month Severance period.

Section 11. Suspension in Lieu of Termination or Immediate Termination

City may suspend Employee with full pay and benefits at any time during the term of this Agreement, but only if a majority of Council vote to suspend Employee pending an investigation into allegations of malfeasance, gross negligence, insubordination, theft, deception, fraud, or a criminal felony charge. Suspension discussion shall occur in executive session, to the extent permitted under Oregon public meetings laws. The action to suspend will be taken in a public meeting, to the extent required by Oregon law. Employee shall be given written notice setting forth any allegations that could lead to suspension at least five (5) days prior to such executive session and shall be given the opportunity to present defenses or provide a statement during executive session, but Employee shall not be allowed to be present during Council deliberations that follow. During that five (5) day or more interim period before the matter can be heard by Council, City may temporarily suspend Employee with pay. Nothing contained herein shall be construed to require a suspension before termination.

Section 12. Indemnification

City shall defend, save harmless, and indemnify Employee against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Attorney. City may compromise and settle any such claim or suit and shall pay the amount of any settlement or judgment rendered thereon. No indemnification shall apply to acts done outside the course and scope of employment.

Section 13. Other Terms and Conditions of Employment

Council, in consultation with Employee, shall fix any such other terms and conditions of employment as it may determine from time to time, relating to the performance of Employee,

provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law.

Section 14. General Provisions

This Agreement shall constitute the entire agreement between the parties.

This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and affect.

This Agreement may only be amended in writing, signed by both City and Employee.

Waiver of any provision of this Agreement, either by City or Employee, shall not constitute a future waiver of that or any other provision of this Agreement.

This Agreement shall be construed and interpreted in accordance with the laws of the State of Oregon, and venue for any dispute shall be in Clackamas County.

This Agreement, along with City's employment policies (as they may be amended and expanded from time to time) which have been or will be provided to and signed by Employee, sets forth the entire Agreement between the parties with respect to the subject matter contained herein and supersedes all prior agreements, negotiations, promises, or communications that are not contained herein.

IN WITNESS WHEREOF, the City of Wilsonville has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Recorder. Employee has signed and executed this Agreement. This Agreement may be signed in counterpart and with duplicate originals so that City and Employee will both have an original copy of this Agreement.

DATED: _____

CITY OF WILSONVILLE

By: _____
Tim Knapp
As Its: Mayor

EMPLOYEE

Michael Kohlhoff

ATTEST:

Sandra C. King, MMC, City Recorder

**CITY OF WILSONVILLE
EMPLOYMENT AGREEMENT**

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WITNESSETH:

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WHEREAS, it is the desire of the Governing Body, hereinafter called “Council,” to establish certain conditions of employment, to establish certain benefits, and to set working conditions of said Employee; and

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This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and affect.

This Agreement may only be amended in writing, signed by both City and Employee.

Waiver of any provision of this Agreement, either by City or Employee, shall not constitute a future waiver of that or any other provision of this Agreement.

This Agreement shall be construed and interpreted in accordance with the laws of the State of Oregon, and venue for any dispute shall be in Clackamas County.

This Agreement, along with City's employment policies (as they may be amended and expanded from time to time) which have been or will be provided to and signed by Employee, sets forth the entire Agreement between the parties with respect to the subject matter contained herein and supersedes all prior agreements, negotiations, promises, or communications that are not contained herein.

IN WITNESS WHEREOF, the City of Wilsonville has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Recorder. Employee has signed and executed this Agreement. This Agreement may be signed in counterpart and with duplicate originals so that City and Employee will both have an original copy of this Agreement.

DATED: _____

CITY OF WILSONVILLE

By: _____

Tim Knapp
As Its: Mayor

EMPLOYEE

Michael Kohlhoff

ATTEST:

Sandra C. King, MMC, City Recorder

**CITY OF WILSONVILLE
EMPLOYMENT AGREEMENT
2012-13**

This Employment Agreement (“Agreement”) is made and entered into on the 1st day of October, 2012, by and between the City of Wilsonville of Oregon, a municipal corporation (“City”) and Michael Kohlhoff (“Employee”), both of whom understand and agree as follows:

WITNESSETH:

WHEREAS, City desires to continue the employment of Michael Kohlhoff as City Attorney of the City of Wilsonville; and

WHEREAS, it is the desire of the Governing Body, hereinafter called “Council,” to establish certain conditions of employment, to establish certain benefits, and to set working conditions of said Employee; and

WHEREAS, Employee desires to continue employment as City Attorney of the City of Wilsonville;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties and Work Hours

City hereby agrees to employ Employee as City Attorney of the City of Wilsonville. Employee agrees to devote his full-time efforts to performing the functions and duties of City Attorney, as set for in the job description on file with the Human Resources Department, and to perform other legally permissible and proper duties and functions as the Wilsonville City Council (“Council”) assigns to him.

Section 2. Hours of Work – Administrative Time Adjustment

It is recognized that Employee must devote a great deal of time outside the normal office hours to business of the City and, to that end, Employee will be allowed to make reasonable adjustments as he shall deem appropriate during said normal office hours. Any extended reasonable adjustments shall be subject to consultation with the Mayor. Employee shall not receive monetary compensation for work in excess of normal office hours.

Section 3. Employment Date and Status

Employment is at all times AT WILL, meaning Employee can resign and City can terminate Employee’s employment at any time, with or without cause, subject to the severance benefits described below. Employee has been employed as City Attorney since August 1981;

however, Employee was employed as an employee as of October 1, 1990, and October 1 should be referred to as employee's employment anniversary date.

Section 4. Compensation and Car Allowance

Employee will receive annual base compensation of \$ ("Salary"), effective October 1, 2011. Thereafter, Salary will be reviewed by Council annually as a part of Employee's annual performance review, as described in Section 8. In addition to Salary, because Employee is required to use his personal vehicle to travel to attend to City business, Employee will receive a Four Hundred Dollar (\$400) per month (\$4,800 annually) car allowance. In addition to the foregoing, Employee will receive the standard benefits offered to City employees, as outlined in Section 5 below.

Section 5. Other Benefits

City will provide Employee with a standard benefit package, as is offered all other administrative full-time City employees, including health, dental and life insurance, PERS benefits, and sick leave. In addition, Employee will earn twenty (20) days of vacation annually. This vacation will be credited to Employee's accrual bank immediately. In addition to the standard City benefits, management employees, including the City Attorney, are also enrolled in a 401(a) retirement plan after six (6) months of employment, into which City contributes three percent (3%) of the employee's base Salary. This plan vests over a six (6) year period. Details on all benefits are available through the Human Resources Department. Employee is vested in this plan.

Section 6. Dues and Subscriptions

City agrees to budget and to pay for the professional dues and subscriptions of Employee necessary for his continuation and full participation in the Oregon State Bar, governmental law section of the Oregon State Bar, land use section of the Oregon State Bar and other relevant county bar associations, the Oregon City Attorney's Association, and the National Institute of Municipal Legal Officers, which are necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the City.

Section 7. Professional Development

City hereby agrees to, in accordance with City travel and expense guidelines and policies, budget and to pay for the travel expenses of Employee for: professional and official travel; meetings and occasions adequate to continue the professional development of Employee; and meetings and occasions adequate to pursue necessary official and other functions for the City. These shall include the Oregon State Bar and sections of government law and land use, the City Attorney's Association, and the International Municipal Law Officer's Association, and other national, regional, state, and local governmental groups and committees thereof on which Employee may serve as a member and/or have been approved by the City.

City also agrees to budget and to pay for the necessary continued legal educational expenses of Employee for short courses, institutes, and seminars that are necessary for his continued licensing as a member of the Oregon State Bar.

City agrees to maintain the necessary legal library as agreed upon by Employee and Employer.

Section 8. Performance Evaluations

Council shall review and evaluate the performance of Employee annually, at or about the employment anniversary date, or more frequently than annually if performance issues exist. Said review and evaluation shall be in accordance with the specific criteria developed jointly by City and Employee for City Attorney review. Said criteria may be added to or deleted from as Council may from time to time determine. In conjunction with such review, Council and Employee shall define such goals and performance objectives which they determine necessary for the proper operation of City and attainment of Council's policy objectives. Council and Employee shall work together to establish priorities among those various goals and objectives. Once determined and agreed upon by Employee and Council, the goals and objectives will be reduced to writing and will be used to evaluate Employee's performance throughout that goal year. The goals will be set to generally be attainable within the time limitations specified and within the annual operating and capital budgets and appropriations provided for.

Section 9. Termination and Severance Pay

In the event Employee is terminated by Council, and at such time of termination Employee remains willing and able to perform his duties under this Agreement, then if such termination is not "For Cause," City agrees to pay Employee a severance payment equal to six (6) months' Salary plus reimbursement for health benefits in place at the time of termination ("Severance"). Payment of the Severance is conditioned upon Employee signing a Settlement and Release of Claims Agreement in consideration of such payment. Council may elect to pay the dollars portion of the Severance Payment in a lump sum or in six (6) equal monthly installments. To the extent allowed by law, COBRA medical coverage premiums will be reimbursed after payment by Employee monthly for six (6) months. Severance will not apply if Employee either does not sign the Settlement and Release of Claims Agreement or if Employee is terminated "For Cause." As used herein, "For Cause" shall mean that Employee is terminated because of malfeasance, gross negligence, insubordination, theft, deception (by material untrue statement or material intentional omission), fraud, or a criminal felony conviction.

In the event Employee is unable to work because of disability, the Severance amount set forth in Section 10 shall apply in lieu of the above Severance.

If Employee finds other employment within the six (6) month Severance period, then Severance will cease to be paid as soon as Employee begins such other work, and if it has been paid in advance, it shall be proportionately repaid to City. Similarly, if Employee becomes eligible for other medical coverage associated with other employment within the six (6) month

period, he shall notify City and medical coverage reimbursement will cease beginning with the first day of the month during which he begins receiving medical coverage.

In the event Employee voluntarily resigns his position with City, Employee agrees to use good faith efforts to give City three (3) months' notice in advance, unless the parties otherwise agree. Employee shall not be entitled to Severance if Employee voluntarily resigns, regardless of how and when notice is given.

Section 10. Disability

If Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity, or health for a period that exceeds exhaustion of allowed state and federal family medical leaves, City shall have the option to terminate this Agreement and, in that case, Severance will be equal to three (3) months of wages and health benefits, but will cease to be paid as soon as disability insurance proceeds begin to be received, if such payments occur sooner than the expiration of the three (3) month Severance period.

Section 11. Suspension in Lieu of Termination or Immediate Termination

City may suspend Employee with full pay and benefits at any time during the term of this Agreement, but only if a majority of Council vote to suspend Employee pending an investigation into allegations of malfeasance, gross negligence, insubordination, theft, deception, fraud, or a criminal felony charge. Suspension discussion shall occur in executive session, to the extent permitted under Oregon public meetings laws. The action to suspend will be taken in a public meeting, to the extent required by Oregon law. Employee shall be given written notice setting forth any allegations that could lead to suspension at least five (5) days prior to such executive session and shall be given the opportunity to present defenses or provide a statement during executive session, but Employee shall not be allowed to be present during Council deliberations that follow. During that five (5) day or more interim period before the matter can be heard by Council, City may temporarily suspend Employee with pay. Nothing contained herein shall be construed to require a suspension before termination.

Section 12. Indemnification

City shall defend, save harmless, and indemnify Employee against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Attorney. City may compromise and settle any such claim or suit and shall pay the amount of any settlement or judgment rendered thereon. No indemnification shall apply to acts done outside the course and scope of employment.

Section 13. Other Terms and Conditions of Employment

Council, in consultation with Employee, shall fix any such other terms and conditions of employment as it may determine from time to time, relating to the performance of Employee,

provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law.

Section 14. General Provisions

This Agreement shall constitute the entire agreement between the parties.

This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and affect.

This Agreement may only be amended in writing, signed by both City and Employee.

Waiver of any provision of this Agreement, either by City or Employee, shall not constitute a future waiver of that or any other provision of this Agreement.

This Agreement shall be construed and interpreted in accordance with the laws of the State of Oregon, and venue for any dispute shall be in Clackamas County.

This Agreement, along with City's employment policies (as they may be amended and expanded from time to time) which have been or will be provided to and signed by Employee, sets forth the entire Agreement between the parties with respect to the subject matter contained herein and supersedes all prior agreements, negotiations, promises, or communications that are not contained herein.

IN WITNESS WHEREOF, the City of Wilsonville has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Recorder. Employee

has signed and executed this Agreement. This Agreement may be signed in counterpart and with duplicate originals so that City and Employee will both have an original copy of this Agreement.

DATED: _____

CITY OF WILSONVILLE

By: _____
Tim Knapp
As Its: Mayor

EMPLOYEE

Michael Kohlhoff

ATTEST:

Sandra C. King, MMC, City Recorder

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2012

NOVEMBER

Date	Day	Time	Event	Place
11/51	Monday	7 p.m.	City Council Meeting	Council Chambers
11/12	Monday		City Offices Closed Veteran's Day	
11/14	Wednesday	6 p.m.	Planning Commission	Council Chambers
11/19	Monday	7 p.m.	City Council Meeting	Council Chambers
11/22 & 11/23	Thursday & Friday		City Offices Closed Thanks Giving Holiday	
11/26	Monday	6:30 p.m.	DRB Panel B	Council Chambers

COMMUNITY EVENTS

First Friday Film – November 2, 2012 6 p.m.

Cost: Free

Wilsonville Public Library - Oak Room

Set in a future where the Capitol selects a boy and girl from the twelve districts to fight to the death on live television, Katniss Everdeen volunteers to take her younger sister's place for the latest match.

Engleman Park Dedication – November 4, 2012 2 p.m.

29987 SW Wilsonville Road

Presidential Election Extravaganza – November 6, 2012 6 p.m.

Location: Wilsonville Public Library

On Tuesday, November 6th, beginning at 6:00pm and continuing to 9:00pm, we are having our 3rd Quadrennial Presidential Election Extravaganza. Just as we did in 2004 and 2008, we will have a get-together in the library's cavernous meeting rooms and feast on hor d'oeuvres while watching the agony and the ecstasy of election returns. This free non-partisan event is open to all who appreciate politicians, meatballs, or any unintentional similarity between the two.

Beltaine Quartet – November 10, 2012 2 p.m.

Wilsonville Public Library

The library stacks are alive with the sound of music! Join us the 2nd Saturday of each month at 2 p.m. for a free concert by local musicians in the library stacks. Acoustic Celtic music that features two Hammered dulcimers and guitar.

Robotics Day – November 17, 2012 1 p.m.

Robotics teams from the Wilsonville area of all levels (High School robotics, Middle and Primary school Lego robotics, and Junior Lego teams) will be demonstrating their robots and research on Saturday, November 17th, from 1:00-4:00 p.m. If you are interested in learning more about the future of robots in science, technology and engineering, please attend. All ages are welcome.

New Foreclosure Help for Wilsonville Homeowners

The State of Oregon and Neighborhood Economic Development Corporation (NEDCO) are partnering to provide a new set of services for Wilsonville homeowners at risk of foreclosure.

Foreclosure is a community-wide issue, affecting more than just those at risk of losing their homes. Foreclosures have a negative impact on neighborhoods, on property values, and on the stability of schools and local businesses. And for homeowners, foreclosure can mean a significant disruption in family life and possibly long-term financial insecurity.

Wilsonville homeowners who are behind on mortgage payments or have gone into default can visit OregonHomeownerSupport.gov, a new statewide website which links homeowners to trained and certified foreclosure intervention counselors. The website is also a “one-stop shop” for resources, services and information on foreclosure prevention in Oregon.

NEDCO, a non-profit HUD-certified housing counseling agency offering foreclosure intervention workshops and one-on-one counseling, has just opened a new office in Clackamas County to help homeowners at risk of foreclosure. Foreclosure intervention counseling is free and confidential, and helps homeowners make decisions about whether they can, or should, stay in their home, as well as connecting them to relevant programs and services. Homeowners can connect to a local foreclosure prevention counselor by calling NEDCO’s new Clackamas County office at 503-655-8974, by email at Clackamas.counseling@nedcocdc.org, or by visiting OregonHomeownerSupport.gov and using the “Find A Counselor” feature on the main page.

Foreclosure counseling is very effective: it has been shown in national studies to lower mortgage payments for those receiving a modification, help homeowners remain current on their mortgages, and help homeowners receive modifications from loan servicers. And for Wilsonville residents, more help is now available close to home.

Wilsonville, Oregon 97070

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The only disability in life is a bad attitude.

-- Scott Hamilton

From: Cory Streisinger [<mailto:cory@nedcocdc.org>]
Sent: Wednesday, September 12, 2012 12:57 PM
To: Cosgrove, Bryan
Subject: New community resource - foreclosure help

Dear Mr. Cosgrove:

I want to let you know about some new resources available for residents of Wilsonville who may be facing foreclosure.

As you probably know, foreclosure is a community-wide issue, affecting more than just those at risk of losing their homes. Foreclosures have a negative impact on neighborhoods, on property values, and on the stability of schools and local businesses. And for homeowners, foreclosure can mean a significant disruption in family life and possibly long-term financial insecurity.

Help is available to homeowners at risk of foreclosure, and we're trying to get the word out. Non-profit HUD-certified housing counseling agencies offer no-charge workshops and one-on-one counseling to those struggling with their mortgages, and housing counselors can help homeowners understand their options and work with their lenders to find solutions. Neighborhood Economic Development Corporation (NEDCO) has just opened a new housing counseling office to provide this help in Clackamas County. And a new website, www.OregonHomeownerSupport.gov, will be available starting next week as a central source of information for homeowners at risk of foreclosure.

We'd like to ask your assistance in getting this information to those who may need help, or who may have friends or family in need. For example:

- One of our housing counselors would be happy to come and talk at a community meeting or other appropriate forum.
- We can provide flyers and posters for distribution at community centers or other gathering places in Wilsonville.
- If you have a community resource guide, we would encourage you to list us.
- And if you send out a newsletter or use social media to contact your constituents, we can provide a short article or news item to include.

We'd also appreciate your passing this information on to others who you think may be interested. I can be reached at the phone number listed below or the email above, and I hope to hear from you.

Best regards,

Cory Streisinger
Financial Counselor II: Foreclosure Intervention | NEDCO

421 High Street, Suite 110, Oregon City OR 97045
T (503) 655-8974 | F (541) 345-9584
www.nedcocdc.org | *Building Local Opportunity since 1979.*

From: Ottenad, Mark [mailto:ottenad@ci.wilsonville.or.us]
Sent: Thursday, September 13, 2012 4:21 PM
To: Cory Streisinger
Cc: Cosgrove, Bryan
Subject: RE: New community resource - foreclosure help

Hi Cory,

The City of Wilsonville would be delighted to help disseminate information on new resources available for residents who may be facing foreclosure.

All potential tools that you list are available at our disposal. Please let me know how you would like to proceed.

In order to understand the potential scale of the residential foreclosure issue in Wilsonville, do you have any data pertaining to the number of foreclosures or pending foreclosures in Wilsonville or that otherwise may be relevant – and data that might place Wilsonville in the context of the Metro area or Oregon. For example, if data shows we've had 6 foreclosures vs 200 foreclosures, then we have a sense of the magnitude of the problem and how much promo we should do.

Thank you.

- Mark

Mark C. Ottenad
Public/Government Affairs Director
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
General: 503-682-1011
Direct: 503-570-1505
Fax: 503-682-1015
Email: ottenad@ci.wilsonville.or.us
Web: www.ci.wilsonville.or.us

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From: Cosgrove, Bryan
Sent: Thursday, September 13, 2012 1:17 PM
To: Cory Streisinger
Cc: Ottenad, Mark
Subject: RE: New community resource - foreclosure help

Cory,

I think it would be good to get you on a future Council agenda to let folks know about your services. We could also send out some information in our Monthly Newsletter. Why don't you work with Mark Ottenad in my office to coordinate both. I've copied him on my response.

Bryan Cosgrove,
City Manager

503.570.1504 (work)
cosgrove@ci.wilsonville.or.us
29799 SW Town Center Loop

King, Sandy

From: Ottenad, Mark
Sent: Tuesday, September 18, 2012 4:53 PM
To: King, Sandy
Cc: Cosgrove, Bryan; Knoll, Dan
Subject: Oct 15 CC Communications?
Attachments: Outreach - newsletter article.docx

Sandy,

Bryan suggested that the spokesperson on a program to help residents in foreclosure be given some Communications air time at CC meeting.

Would there be an open slot under Communications for Oct 15 CC meeting?

If yes, the agenda item would be something like:

Foreclosure Help for Wilsonville Homeowners: Cory Streisinger, Financial Counselor/Foreclosure Intervention, NEDCO

Thank you.

- Mark

From: Cory Streisinger [mailto:cory@nedcocdc.org]
Sent: Tuesday, September 18, 2012 2:40 PM
To: Ottenad, Mark
Subject: RE: New community resource - foreclosure help

Hello Mark –

As promised, attached is a draft newsletter article. Please feel free to edit as appropriate. Posters in printable format will be coming shortly.

Thanks for all your help, and I'll look forward to hearing from you regarding the Council meeting and other outreach options.

Regards,

Cory Streisinger
Financial Counselor II: Foreclosure Intervention | NEDCO

421 High Street, Suite 110, Oregon City OR 97045
T (503) 655-8974 | F (541) 345-9584
www.nedcocdc.org | *Building Local Opportunity since 1979.*



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King, Sandy

From: Ottenad, Mark
Sent: Wednesday, October 10, 2012 2:53 PM
To: Knoll, Dan; King, Sandy
Cc: Cosgrove, Bryan
Subject: RE: New community resource - foreclosure help
Attachments: 10_15_2012 CC Meeting - Questions for Corey S, NEDCO.docx

I relayed to Sandy 5 copies of the Questions suggested for Council (attached).

From: Ottenad, Mark
Sent: Wednesday, October 10, 2012 2:27 PM
To: 'Cory Streisinger'
Cc: Knoll, Dan (knoll@ci.wilsonville.or.us); King, Sandy; Barbara Jacobson (jacobson@ci.wilsonville.or.us)
Subject: RE: New community resource - foreclosure help

Hi Cory,

Excellent questions; I will relay to the Council for potential utilization.

There may be another question: Recently, there has been considerable promotion of a mortgage foreclosure settlement program. Does this program have any relation to the NEDCO program?

I will be out of the office on Monday, and will unfortunately not have the opportunity to meet and greet you.

However, several city staff will be available and ready to help however you may need:

- Dan Knoll, Communications Director, 503-570-1502
- Sandy King, City Recorder, 503-570-1506

And, our Assistant City Attorney Barbara Jacobson may also be available.

Also, we will be running the article that you relayed to us in our upcoming November all-city newsletter (11,000+ copies).

Thank you.

- Mark

Mark C. Ottenad
Public/Government Affairs Director
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
General: 503-682-1011
Direct: 503-570-1505
Fax: 503-682-1015
Email: ottenad@ci.wilsonville.or.us
Web: www.ci.wilsonville.or.us

From: Cory Streisinger [mailto:cory@nedcocdc.org]
Sent: Wednesday, October 10, 2012 1:52 PM
To: Ottenad, Mark
Subject: RE: New community resource - foreclosure help

Hello Mark – Here are some questions that City Council members may want to ask (in addition to anything else they are interested in, of course).

- (1) If a homeowner is contacted by someone offering to help with their mortgage, how can they tell if it's a legitimate offer or a scam?
- (2) I might know someone who needs help, but it's a sensitive subject – if I want to tell them about resources that are available, how can I bring it up?
- (3) Your office in Clackamas County is new – will you be here for the long term? Where does your funding come from?
- (4) If someone has gotten a foreclosure notice, is it too late for them to come talk to you? What about if they are current on their mortgage but think they may run into trouble, is that too early?

Hope this helps, and I'll see you Monday evening.

Cory Streisinger
Financial Counselor II: Foreclosure Intervention | NEDCO

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From: Ottenad, Mark [mailto:ottenad@ci.wilsonville.or.us]
Sent: Tuesday, September 25, 2012 1:40 PM
To: Cory Streisinger
Subject: RE: New community resource - foreclosure help

Hello Cory,

We had discussed about the potential for you to address City Council at the start of the Council meeting under Communications on Mon, Oct 15, starting a few minutes after 7 PM at Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070.

We are set for you on Oct 15 if that still works for your schedule.

As I mentioned, if you would like to address or respond to certain questions or issues, you could forward in advance to me questions that Council members could pose for you.

Please advise at your convenience.

Thank you.

- Mark

From: Cory Streisinger [<mailto:cory@nedcocdc.org>]
Sent: Tuesday, September 18, 2012 2:40 PM
To: Ottenad, Mark
Subject: RE: New community resource - foreclosure help

Hello Mark –

As promised, attached is a draft newsletter article. Please feel free to edit as appropriate. Posters in printable format will be coming shortly.


Thanks for all your help, and I'll look forward to hearing from you regarding the Council meeting and other outreach options.

Regards,

Cory Streisinger
Financial Counselor II: Foreclosure Intervention | NEDCO

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From: Ottenad, Mark [<mailto:ottenad@ci.wilsonville.or.us>]
Sent: Thursday, September 13, 2012 4:21 PM
To: Cory Streisinger
Cc: Cosgrove, Bryan
Subject: RE: New community resource - foreclosure help

Hi Cory,

The City of Wilsonville would be delighted to help disseminate information on new resources available for residents who may be facing foreclosure.

All potential tools that you list are available at our disposal. Please let me know how you would like to proceed.

In order to understand the potential scale of the residential foreclosure issue in Wilsonville, do you have any data pertaining to the number of foreclosures or pending foreclosures in Wilsonville or that otherwise may be relevant – and data that might place Wilsonville in the context of the Metro area or Oregon. For example, if data shows we've had 6 foreclosures vs 200 foreclosures, then we have a sense of the magnitude of the problem and how much promo we should do.

Thank you.

- Mark

Mark C. Ottenad
Public/Government Affairs Director
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
General: 503-682-1011
Direct: 503-570-1505
Fax: 503-682-1015
Email: ottenad@ci.wilsonville.or.us
Web: www.ci.wilsonville.or.us

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From: Cosgrove, Bryan
Sent: Thursday, September 13, 2012 1:17 PM
To: Cory Streisinger
Cc: Ottenad, Mark
Subject: RE: New community resource - foreclosure help

Cory,

I think it would be good to get you on a future Council agenda to let folks know about your services. We could also send out some information in our Monthly Newsletter. Why don't you work with Mark Ottenad in my office to coordinate both. I've copied him on my response.

Bryan Cosgrove,
City Manager

503.570.1504 (work)
cosgrove@ci.wilsonville.or.us
29799 SW Town Center Loop
Wilsonville, Oregon 97070

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The only disability in life is a bad attitude.
-- Scott Hamilton

From: Cory Streisinger [<mailto:cory@nedcocdc.org>]
Sent: Wednesday, September 12, 2012 12:57 PM
To: Cosgrove, Bryan
Subject: New community resource - foreclosure help

Dear Mr. Cosgrove:

I want to let you know about some new resources available for residents of Wilsonville who may be facing foreclosure.

As you probably know, foreclosure is a community-wide issue, affecting more than just those at risk of losing their homes. Foreclosures have a negative impact on neighborhoods, on property values, and on the stability of schools and local businesses. And for homeowners, foreclosure can mean a significant disruption in family life and possibly long-term financial insecurity.

Help is available to homeowners at risk of foreclosure, and we're trying to get the word out. Non-profit HUD-certified housing counseling agencies offer no-charge workshops and one-on-one counseling to those struggling with their mortgages, and housing counselors can help homeowners understand their options and work with their lenders to find solutions. Neighborhood Economic Development Corporation (NEDCO) has just opened a new housing counseling office to provide this help in Clackamas County. And a new website, www.OregonHomeownerSupport.gov, will be available starting next week as a central source of information for homeowners at risk of foreclosure.

We'd like to ask your assistance in getting this information to those who may need help, or who may have friends or family in need. For example:

- One of our housing counselors would be happy to come and talk at a community meeting or other appropriate forum.
- We can provide flyers and posters for distribution at community centers or other gathering places in Wilsonville.
- If you have a community resource guide, we would encourage you to list us.
- And if you send out a newsletter or use social media to contact your constituents, we can provide a short article or news item to include.

We'd also appreciate your passing this information on to others who you think may be interested. I can be reached at the phone number listed below or the email above, and I hope to hear from you.

Best regards,

Cory Streisinger

Financial Counselor II: Foreclosure Intervention | NEDCO

421 High Street, Suite 110, Oregon City OR 97045

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King, Sandy

From: Adam Brunelle <adam@ospirg.org>
Sent: Tuesday, October 16, 2012 1:56 PM
To: City Council Members
Subject: Speaking to the City Council on Health Care

To the Wilsonville City Council,

My name is Adam Brunelle and I'm the Community Organizer with OSPiRG, the state-wide public interest group. We are focusing right now on the rising cost of health insurance, which just reached \$20,000 for a family of four and has been a drain on the pockets of consumers and businesses alike.

Over the past few years, OSPiRG has helped mobilize thousands of Oregonians in a push to lower insurance premiums and put money back in their pockets. I'm writing to you because the Wilsonville City Council provides a prominent and respected public forum in the Wilsonville community.

We are undertaking a grassroots effort to show Governor Kitzhaber's administration that Oregonians want a health care system that works for its citizens. We want insurance companies to cut their own waste and focus on preventive care before they can be allowed to raise their rates. So far, our added scrutiny has helped state officials save Oregonians over \$80 million when insurance companies tried to raise their rates without clear mathematical justification. But there's more to be done.

We will be knocking on hundreds of doors in your community over the next month trying to raise awareness and increase involvement in this important movement. It would help the effort immensely if you would help identify an opportunity for me to speak at a future City Council meeting to jumpstart our efforts in your community. I'd be more than happy to speak to you over the phone to talk more about the issue and our approach. My office number is located at the bottom of this email. Thank you for your time and consideration. I look forward to hearing from you soon!

All the best,

Adam Brunelle
Community Organizer
OSPIRG
adam@ospirg.org
Office: (503) 231-4181; x304
Cell: (843) 333-6696

King, Sandy

From: Adam Brunelle <adam@ospirg.org>
Sent: Friday, October 19, 2012 3:24 PM
To: King, Sandy
Subject: Re: Speaking to the City Council on Health Care

Ms. King,

Thank you for your prompt response. I am looking forward to speaking to the Council. I will provide handouts and I will abbreviate my typical remarks into a 3-minute piece.

Thank you for allowing me the time to speak. It means a lot to us at OSPIRG. I will see you on the 5th.

All the best,

Adam Brunelle
Community Organizer
OSPIRG
adam@ospirg.org | www.ospirg.org
Office: (503) 231-4181; x304
Cell: (843) 333-6696

On Oct 16, 2012, at 4:40 PM, "King, Sandy" <king@ci.wilsonville.or.us> wrote:

Mr. Brunelle:

The next City Council is Monday, November 5. The meetings begin at 7 p.m. and are held in the Council Chambers in City Hall at 29799 SW Town Center Loop East. At the beginning of the meeting there is a segment titled "Citizen Input", which is the opportunity for citizens to address the Council on items that are not on the agenda, and this would be the appropriate time for you to make your comments. Our agenda for the 5th is looking quite busy, so we would ask that you keep your comments brief, to around 3 minutes. If you are considering bringing handouts for the Councilors please bring eight copies so our City manager and attorney and I have a copy as well.

Please give me a call if you have questions.

Many thanks.

Sandra C. King, MMC
City Recorder
City of Wilsonville
503-570-1506

PUBLIC RECORDS LAW DISCLOSURE: Messages to and from this e-mail address is a public record of the City of Wilsonville and may be subject to public disclosure. This e-mail is subject to the State Retention Schedule.

From: Adam Brunelle [mailto:adam@ospirg.org]
Sent: Tuesday, October 16, 2012 1:56 PM
To: City Council Members
Subject: Speaking to the City Council on Health Care

To the Wilsonville City Council,

My name is Adam Brunelle and I'm the Community Organizer with OSPIRG, the state-wide public interest group. We are focusing right now on the rising cost of health insurance, which just reached \$20,000 for a family of four and has been a drain on the pockets of consumers and businesses alike.

Over the past few years, OSPIRG has helped mobilize thousands of Oregonians in a push to lower insurance premiums and put money back in their pockets. I'm writing to you because the Wilsonville City Council provides a prominent and respected public forum in the Wilsonville community.

We are undertaking a grassroots effort to show Governor Kitzhaber's administration that Oregonians want a health care system that works for its citizens. We want insurance companies to cut their own waste and focus on preventive care before they can be allowed to raise their rates. So far, our added scrutiny has helped state officials save Oregonians over \$80 million when insurance companies tried to raise their rates without clear mathematical justification. But there's more to be done.

We will be knocking on hundreds of doors in your community over the next month trying to raise awareness and increase involvement in this important movement. It would help the effort immensely if you would help identify an opportunity for me to speak at a future City Council meeting to jumpstart our efforts in your community. I'd be more than happy to speak to you over the phone to talk more about the issue and our approach. My office number is located at the bottom of this email. Thank you for your time and consideration. I look forward to hearing from you soon!

All the best,

Adam Brunelle
Community Organizer
OSPIRG
adam@ospirg.org
Office: (503) 231-4181; x304
Cell: (843) 333-6696

RESOLUTION NO. 2381

A RESOLUTION OF THE CITY OF WILSONVILLE IN SUPPORT OF CHANGING THE NAME OF THE TONQUIN TRAIL TO “ICE AGE TONQUIN TRAIL” TO PROMOTE PUBLIC AWARENESS, AND ENHANCE FUNDING OPPORTUNITIES AND ECONOMIC DEVELOPMENT THROUGH TOURISM AND SCIENTIFIC RESEARCH.

WHEREAS, toward the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods representing the greatest floods on earth, occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the states of Montana, Idaho, Washington, and Oregon, including the Willamette Valley; and

WHEREAS, in 2009 Congress established the Ice Age Floods National Geologic Trail in the states of Montana, Idaho, Washington, and Oregon enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities; and

WHEREAS, the national geologic trail is in its earliest stages of planning through the leadership of the National Park Service and the Ice Age Floods Interagency Coordination Committee to collaborate and oversee the activities that will enhance interpretation of the Ice Age Floods story and features along the flood pathways of the ice Age Floods National Geologic Trail pursuant to the attached Foundation Document for the Ice Age Floods National Geologic Trail; and

WHEREAS, the national geologic trail will consist of a network of marked touring routes with interpretive opportunities distributed across this vast area and existing roadways will link many of the region’s superb geologic resources by way of a long, central pathway and designated loops and spurs, and where n places foot and bicycle trails that enable access and provide interpretive opportunities of fundamental and other important resources and values will also be a part of this network; and

WHEREAS, Metro, in partnership with Clackamas and Washington counties, and the cities of Sherwood, Tualatin, and Wilsonville are now in the process of completing the Tonquin Trail Master Plan and will fund and operate the proposed 22-mile regional trail that will travel through landscape and unique geological features that were formed by the Ice Age Floods within

and near the Tonquin Geologic Area in order to interpret the natural resources and tell the incredible story of the Ice Age Floods; and

WHEREAS, there may be funding opportunities by tying the regional trail to the national, trail, and linking the two trails may result in economic development by bring more tourists and scientific research to the communities the regional trail will serve; and

WHEREAS, renaming the conceptual Tonquin Trail to “Ice Age Tonquin Trail” would require consensus from the partner jurisdictions.

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

1. The City Council supports adding the words “Ice Age” somewhere in the trail name, including the possibility of using those words as a byline or tagline that would follow the existing Tonquin Trail name.
2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this ____ day of October, 2012, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

Attest:

Sandra C. King, MMC

SUMMARY OF VOTES:

Mayor Knapp
Council President Núñez
Councilor Goddard
Councilor Starr

Attachment: National Park Service Foundation Document *Ice Age Floods National Geologic Trail*.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, September 17, 2012. Mayor Knapp called the meeting to order at 7:03 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Núñez
Councilor Goddard
Councilor Starr

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Stephan Lashbrook, SMART Director
Sandra King, City Recorder
Mark Ottenad, Public Affairs Director
Dan Knoll, Public Affairs Coordinator
Delora Kerber, Public Works Director
Nancy Kraushaar, Community Development Director

Motion: Council President Nunez moved to approve the order of the agenda. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

A. Upcoming Meetings

Mayor Knapp announced the upcoming Council meeting date and that the water features in Murase Plaza and Town Center Park have been shuttered for the winter. He announced the Beauty & the Bridge Dedication set for the morning of Sunday October 7, 2012, to recognize the student artwork installed under the I-5/Wilsonville Road overpass. The Mayor then reported on the regional meetings he attended on behalf of the City.

COMMUNICATIONS

A. WWTP Quarterly Report

Eric Mende, Deputy City Engineer, presented the Quarterly Report. SAIC (formerly R.W. Beck) and Brown and Caldwell are currently providing Owner's Representative services to the City on the Design-Build-Operate (DBO) contract for the Wastewater Treatment Plant (WWTP) Improvements. One of the tasks under the Owner's Representative Agreement with SAIC is a quarterly report to City Council pertaining to the performance of the DBO Company – CH2M HILL. Tonight is the third of these quarterly reports.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

The current Design-Build Work schedule shows that CH2M HILL is generally on schedule to meet the contractually required Scheduled Acceptance Date of March 20, 2014. Although the aeration basin work (a critical path item) is approximately one week behind schedule, CH2M HILL has stated that the Scheduled Acceptance Date will still be met. Since June, the monthly updates to the Design-Build Work schedule have shown a progressively declining amount of float relative to the Scheduled Acceptance Date, and the current schedule does not show any float. Therefore CH2M HILL has less cushion should it encounter additional delays. The Scheduled Acceptance Date is 19 months away and CH2M HILL has options to actively manage the schedule situation. Declining float is not uncommon with projects of this size and complexity as the work progresses, and the schedule will continue to be closely monitored. The Owner's Representative conducts detailed reviews of monthly updates to the Design-Build Work Schedule in order to alert the City to any issues that may impact CH2M HILL's ability to meet the Scheduled Acceptance Date.

As of August 31, 2012, CH2M HILL has been paid \$10,514,033.82, representing 29.3% of the current \$35,871,460.98 Design-Build contract value. A summary of the current and original Design Build Price is shown below:

**Table 1
Summary of Design-Build Price**

Original Design-Build Price	\$35,707,414.00	
Change Order Amount (total to date)	\$164,046.98	(0.46%)
Current Design-Build Price	\$35,871,460.98	

CONTRACT ADMINISTRATION MEMORANDA (CAM), CHANGE ORDERS (CO), AND DBO AGREEMENT AMENDMENTS (DAA)

Four Change Orders were executed during this quarter, as summarized on Table 2:

**Table 2
Summary of Change Orders Executed this Quarter**

Description of Change Order	Cost
Fire Alarms in Operations Building (City Request – Split cost)	\$14,268.45
Influent Raw Sewer Line Upsizing (City Request)	\$40,021.65
Temporary Emergency Generator Rental due to Early Removal of Existing Generator (City Request)	\$30,037.88
Revised Layout of CH2M HILL's Permanent Standby Generator Layout (Company Request)	\$0
TOTAL	\$84,327.98

Eight Contract Administrative Memoranda (CAMs) were executed this quarter, six of which provided City approval of subcontractors who will provide contract services to CH2M HILL, valued in excess of \$50,000. One CAM documented a methodology for City repayment to CH2M HILL for electric power costs for ongoing WWTP operations that are a City

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

responsibility, but are billed by PGE to CH2M HILL. The last CAM provided a temporary easement to CH2M HILL from SW Fir Street for construction activities related to the influent raw sewer line relocation.

CH2M HILL continues to refine the design through the process of procuring major equipment and systems. One example is the selection of the therma-flite biosolids dryer which resulted in changes to the Dewatering and Drying Building that improve the efficiency of the equipment layout. Additional refinements have been made related to the configuration of the influent raw sewage piping.

Seven permits were issued by the City during the quarter. These permits included building, mechanical, and plumbing permits for the new Headworks and Dewatering / Drying facilities, plus a Site Plumbing Permit. Clackamas County also issued a Site Electrical Permit.

CH2M HILL also submitted revised Dewatering and Drying Building design drawings for Class I Administrative Review. CH2M HILL will submit revised Headworks design drawings for Class I Administration Review in September.

CH2M HILL continues to install, implement, and modify the temporary sediment and erosion control measures on the site, in accordance with its Construction Plan and City input.

Construction activities this quarter have included the following: Completion of the outfall pipe; installation of the temporary 500 kW generator and removal of the existing generator; concrete placements for the plant drain pump station, aeration basin splitter box and aeration basin #3; grading; yard piping changes; and electrical feed modifications.

The temporary odor control system was operational throughout this quarter. Odors have been noticed by CH2M HILL staff, City staff, the Owner's Representative and the public. CH2M HILL has been monitoring the function of the temporary odor control system on a daily basis, in accordance with the DBO Agreement and CH2M HILL's Construction Plan, and evaluated possible improvements to the temporary odor control system to further mitigate odors. So far, CH2M HILL has replaced the filter media with a different type of media and installed additional stacks which have reduced odors.

Procurement for major equipment, smaller subcontractors, and yard piping continues. The mechanical subcontractor mobilized on the site in August. CH2M HILL has responded to and approved Requests for Information and early Submittals.

CH2M HILL, the City and the Owner's Representative continue to meet at the Monthly Construction Meetings to discuss CH2M HILL's progress and any outstanding issues. Weekly Construction Check-in Meetings between the City, CH2M HILL and the Owner's Representative are held as needed.

The City is currently working with Department of Environmental Quality (DEQ) to develop a Mutual Agreement and Order (MAO) to postpone implementation of the temperature Total Maximum Daily Load (TMDL) and give the City an opportunity to evaluate alternative means of achieving TMDL compliance.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

The WWTP violated the National Pollutant Discharge Elimination System (NPDES) permit during the month of August due to operator error. The error was quickly rectified but a permit violation still occurred. CH2M HILL is taking corrective actions but, as a result of the violation, DEQ may impose a fine for which CH2M HILL is responsible.

ANTICIPATED ACTIVITIES FOR NEXT QUARTER

- HSSE Safety Training for anyone who plans to be on the WWTP site during construction
- Additional permitting activities
- Development of draft Acceptance Test Plan and Hydraulic Test Plan
- Further refinements to CH2M HILL's planned construction sequencing
- Update to CH2M HILL's Construction Plan
- Long lead time procurement items to be ordered
- Completion of structural demolition of the north primary clarifier, new yard piping, and slope stabilization prior to the upcoming wet season
- Completion of revised influent sewer construction
- Start foundations for flow control structure, headworks and sludge stabilization basins
- Completion of major earthwork
- Monthly Construction Meetings

ONGOING PROJECT SUCCESS

- Design completed on schedule and budget
- Minimal change orders through design
- Strong partnering relationships among team members
- No lost time accidents or injuries

Mr. Mende added the odor control plan will be reviewed and staff as well as CH2M Hill will be more aggressive in responding as odors occur and in reporting potential problems.

CITIZEN INPUT & 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.

David Correll, asked the Council to dedicate a road near City Hall to the memory of Tyler Byrne. Mr. Correll would help with cost of the sign.

Mr. Cosgrove stated there was a memorial rose garden at City Hall, and a bronze plaque will be installed at one of the water features in either Murase Plaza or Town Center Park.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Yvonne Addington, Tualatin Historical Society, asked for support in renaming the Tonquin Trail to the "Ice Age Tonquin Trail". Ms. Addington hoped the name change would increase interest in the history of the area, tourism, as well as enhance funding opportunities, economic development, and scientific research.

Mayor Knapp asked staff to prepare a resolution for Council consideration at a future Council meeting.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Núñez – Chamber Leadership and Library Board liaison, had no report.

Councilor Goddard – Library, Chamber Board, and Clackamas County Business Alliance liaison, reported the CCBA held their latest meeting at Oregon Institute of Technology. The Councilor thanked residents of the Wilsonville Meadows/Landover neighborhoods who attended the last neighborhood BBQ.

Councilor Starr –Development Review Boards and Wilsonville Community Seniors Inc. liaison, announced the date of the next DRB meeting. The last opportunity to attend the Villebois Farmers Market will be September 24, 2012, and he invited the public to attend the Conversation Project Unlimited at Graham Oaks Nature Park on September 22, 2012.

Mayor Knapp noted there will be a planned burn in the Graham Oaks Nature area this fall, and reported the Planning Commission heard an update on the Basalt Creek Transportation Plan at their last meeting.

CONSENT AGENDA

A. Minutes of the August 20, 2012 Council Meeting

Motion: Councilor Goddard moved to approve the Consent Agenda. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

PUBLIC HEARING

A. SMART Transit Fare Increase

Mayor Knapp called the public hearing on the SMART transit fare increase to order at 7:23 p.m.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Stephan Lashbrook presented the staff report. Fares on Routes 2X (Barbur; \$1.25), Route 3 (Canby; \$1.25), and the out-of-town Dial-a-Ride service for Elderly and Disabled (\$2.00), have not increased since 2006 when fares were first introduced on these routes. Route 1X (Salem) has had one fare increase, from \$2.00 to \$2.50, in 2008.

Staff recommended a fare increase for all out-of-town trips only. Routes inside the Wilsonville city limits will remain free.

These increases are recommended for two reasons:

1. Costs, both in personnel and fuel continue to rise annually; and
2. The increase in fares will ensure that riders pay a reasonable share of the additional expenses so the Wilsonville business community is not required to bear 100 percent of the increased operational costs.

Most riders recognize the value of the service and realize taking public transit is less expensive than driving their personal vehicles. Based on historical data, staff expects the costs of both gasoline and diesel fuel to continue to increase. Staff does not project a significant loss of ridership with the proposed fare increases.

Salem-Keizer Transit, also known as Cherriots, has proposed that the Route 1X cash fare increase to \$3.00 and the cost of a monthly pass increase from \$55.00 per month to \$75.00. This is approximately a 20 percent increase for the cash fare and a 36 percent increase for the monthly pass. This route is shared by Cherriots and SMART. SMART staff believes this proposal is reasonable for service that has not had a fare increase in four years. The proposed fare changes have already been approved by the Salem-Keizer Transit Board of Directors. Having the two entities (SMART and Cherriots) use the same fare schedule is necessary in order for expenses, revenues, and service to be shared equitably between the two agencies.

In line with the Route 1X increase, staff also recommends increases for Routes 2X and 3. Staff proposes to increase the cash fare from \$1.25 to \$1.50, with the cost of a monthly pass increasing from \$30.00 to \$35.00. Staff also proposes eliminating the extra discount if a party buys both the Route 1X pass and the Zone 2 pass because both passes are already discounted, and staff feels further discounts are unwarranted. The proposed two-pass cost would increase from \$80.00 to \$110.00 a month. Since the startup of WES, this pass combination has dropped to only 3 or 4 buyers, on average, per month.

With respect to the Elderly and Disabled Out-Of-Town Dial-a-Ride fare, staff proposes a cash fare increase from \$2.00 to \$3.00, with an increase in the monthly pass from \$40.00 to \$50.00. Sales of monthly passes for this service are low, as this service is offered exclusively for medical trips. The passenger using a monthly pass would have to ride 20 times a month to break even. Except for dialysis patients, most riders do not have a need for that much service during the month. This service is a grant-based service with federal funds paying for most of the expenses incurred.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

The chart below highlights the proposed changes.

Route	Current monthly pass	Current cash fare	Proposed monthly pass	Proposed cash fare
1X	\$55.00 (\$27.50)	\$2.50 (\$1.25)	\$75.00 (\$37.50)	\$3.00 (\$1.50)
2X, 3	\$30.00 (\$15.00)	\$1.25 (\$.60)	\$35.00 (\$17.50)	\$1.50 (\$.75)
Dial-a-Ride	\$40.00	\$2.00	\$50.00	\$3.00

Fares in parenthesis are senior/disabled/youth, as required by law.

In addition to the above, staff proposes raising the charge for a Zone 2, 18-ride punch-pass from \$18 to \$22.50. The area within the city limits of Wilsonville will remain a fare-free zone.

Staff does not project a significant loss of ridership due to the proposed fare increases. Anecdotal evidence suggests that significant fare increases can cause a ridership reduction to be in the 15-25 percent range, or up to 35,000 annual rides, representing about 9 percent of our total ridership. Staff estimates that proposed modest fare increases may cause an initial ridership loss of up to 5 percent, with ridership returning to current levels within a year. Even with the increase in fares, SMART service is a recognized value. Should fuel prices plummet for some reason, it may take a longer period to recover the initial passenger drop-off.

Federal Title VI requirements mandate consideration of the effects of any changes to transit fares on minority and low income populations. Unfortunately, SMART has no definite demographic information about our riders, other than those who receive reduced fares because they are elderly or disabled. The lack of more detailed information necessitates a certain amount of extrapolation and reliance on anecdotal information in order for SMART to comply with the federal requirement. On one hand, SMART offers in-town rides (on both fixed routes and dial-a-ride) without charging any fare and that program is not proposed to change. Therefore, low income and minority riders will not be affected by the fare increases insofar as travel within the city limits of Wilsonville is concerned. Anecdotal information would indicate that SMART's highest minority ridership for fixed route out-of-town travel comes on Route 3 (Canby). While the cash fare on Route 3 is proposed to increase by 20 percent (just as with the 1X and 2X routes), the proposed monthly pass rate for Route 3 is proposed to be increased by less than 17 percent or \$5.00 (one-fourth of the proposed increase for the monthly pass rate for the Route 1X -- \$20.00). In other words, the fare increase on the fixed route that is believed to carry the highest percentage of minority riders is lower than the increase for the busiest out-of-town route. Furthermore, the out-of-town routes have seen the greatest cost increases based on fuel consumption but fares on the Canby route have not been raised since 2006.

Given that a higher percentage of elderly and disabled riders tend to be on fixed incomes, any increase in fares for Dial-a-Ride service must be carefully considered. It is important to note that Dial-a-Ride customers will continue to travel for free within the Wilsonville city limits. The proposed out-of-town Dial-a-Ride cash fare increase from \$2.00 to \$3.00 represents only a fraction of the actual cost of providing this service (the average cost of a Dial-a-Ride is calculated to be \$26.97 per trip in fiscal year 2010/11, after subtracting federal assistance).

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

It should be noted that, even with the outreach effort and publicity about the proposed fare increases, the City has received minimal public reaction to the proposed increases, including no reaction from lower income or minority members of the community.

Staff recommends that the proposed fare increases have an effective date of October 1, 2012. This date will coordinate with the implementation date for fare increases set by Salem-Keizer Transit.

Notice of the opportunity for the public to comment on the fare increase was published in The Oregonian and The Wilsonville Spokesman. Additionally, this notice was posted in buses, in transit shelters, at bus stops, and on our website. A meeting for public comments on the proposed fare increase was conducted on July 30, 2012, in the Council Chambers. Additionally, the public was invited to comment via email and standard mail. No one attended the public meeting. As of August 10, 2012, SMART received a total of three comments, none expressing an argument against the fare increase.

Councilor Starr wanted it understood that the local businesses pay for the SMART system in town and allow the no fare services inside the City limits.

Councilor Goddard wanted to make sure customers had a sufficient opportunity to voice their views on the rate increases. Mr. Lashbrook felt the public outreach was adequate. Councilor Goddard recognized and thanked the businesses in Wilsonville for their support of the bus system.

Mayor Knapp asked for ridership numbers for the past year. Mr. Lashbrook responded 270,000 riders per year.

Mayor Knapp asked for public testimony, hearing none he closed the public hearing at 7:56 p.m.

Motion: Councilor Starr moved to approve the SMART Transit fare increase as outlined in the staff report listed in Attachment A. Councilor Nunez seconded the motion.

Vote: Motion carried 4-0.

CITY MANAGER'S BUSINESS

A. Meeting Recap

Mr. Cosgrove reminded Council of the League of Oregon Cities conference in Salem, September 27-28; and the C-4 Retreat. He stated a joint meeting with members of the Planning Commission had been scheduled for October first.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

LEGAL BUSINESS

Mr. Kohlhoff mentioned he would be working with Council President Núñez and staff to gather information for his annual review.

ADJOURN

The Mayor adjourned the Council meeting at 8:00 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

TIM KNAPP, MAYOR

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, October 1, 2012. Mayor Knapp called the meeting to order at 7:06 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Núñez
Councilor Goddard
Councilor Starr

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Eric Mende, Deputy City Engineer
Steve Adams, Interim City Engineer
Sandra King, City Recorder
Mark Ottenad, Public Affairs Director
Dan Knoll, Public Affairs Coordinator
Joanne Ossanna, Finance Director
Nancy Kraushaar, Community Development Director

Motion: Councilor Starr moved to approve the order of the agenda. Councilor Goddard seconded the motion.

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

Mayor Knapp announced the next meeting date for the City Council meeting as well as the Planning Commission. He invited the public to attend the public dedication of the Beauty and the Bridge project October 7, 2012. Mayor Knapp reported he had attended the League of Cities during the prior week and spoke about the education sessions he attended.

CITIZEN INPUT & 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.

There was none.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Núñez – Chamber Leadership and Library Board liaison. She announced the first Friday Film at the Library set for October 5.

Councilor Goddard – Library, Chamber Board, and Clackamas County Business Alliance liaison, reported at their last meeting the Library Board approved their policies for the upcoming year. The Board also received information about the increase in circulation during the past year, and the summer reading programs were very successful. Also, Fred Meyer has provided a grant to underwrite the Young Adult area of the Library.

Councilors Starr and Goddard shared their experiences at the recent League of Oregon Cities conference.

Councilor Starr –Development Review Boards and Wilsonville Community Seniors Inc. liaison no report on the DRB or the Community Seniors. Councilor Starr put out the call for business leaders to serve on the economic-development strategy task force and invited those interested to contact Mark Ottenad.

Mayor Knapp suggested scheduling a joint meeting with the West Linn-Wilsonville School Board to discuss the effects of compression on the School District.

CONSENT AGENDA

A. Minutes of the September 6, 2012 Council Meeting

Motion: Councilor Goddard moved to approve the Consent Agenda. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

NEW BUSINESS

A. **Resolution No. 2380**

A Resolution Of The City Of Wilsonville Acting In Its Capacity As Its Local Contract Review Board Authorizing The Execution Of A Professional Services Agreement With Murray, Smith And Associates To Provide Engineering And Consulting Services For The Wastewater Collection System Projects.

Mr. Kohlhoff read the title of Resolution No. 2380 into the record.

Mr. Mende provided the staff report. The City of Wilsonville solicited a request for qualifications for professional engineering services to perform a mix of analysis and design tasks

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

for the City's wastewater collection system. Three phases of engineering services extending over multiple years were identified and six firms responded.

Phase 1 services include system analyses and conceptual designs for a number of projects that lay the groundwork for a major update to the City's wastewater collection system master plan, resolve identified deficiencies with the current system of manholes, pipes, and lift stations serving the city's developed areas, and determine new system components needed to support future growth areas and the urban reserve areas.

Seven individual capital improvement projects are being addressed by the professional services agreement:

Project 2045	Sewer Repair And Access Along Boeckman Creek
Project 2065	Memorial Park Pump Station
Project 2068	River Village Lift Station Upgrade
Project 2079	Kinsman Road Sewer Line
Project 2084	Town Center Pump Station Improvements
Project 2085	I-5 Sewer Line Crossing At Memorial Drive
Project 2088	Waste Water Collection System Master Plan Update

The first phase of the project is expected to take five months. Two subsequent project phases are anticipated to take place over the next two years. Construction of improvements is scheduled for 2014 and beyond.

The contract is structured due to overlap in the projects. Secondly most efficient use of staff time, prepared one large scope went out for qualifications versus using several smaller contracts.

Motion: Council President Nunez moved to adopt Resolution No. 2380. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

CITY MANAGER'S BUSINESS

Mr. Cosgrove stated he would be attending the ICMA conference next week. He noted a Fall Leaf Day had been scheduled between Allied Waste and the City; however, the date had not been set but would be advertised. The "kick off" Budget Committee meeting has been set for November 13, 2012, beginning at 7 p.m. in Council Chambers. Council Chambers has a new piece of art work – tiles from Beauty and the Bridge were installed.

LEGAL BUSINESS

Mr. Kohlhoff indicated the Legal Staff would be bringing the last development agreement to Council affecting Villebois and Matrix Development.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

ADJOURN

Motion: Council President Nunez moved to adjourn. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

The Council meeting adjourned at 7:42 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

TIM KNAPP, MAYOR



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 20, 2012		Subject: Coffee Lake Drive Sanitary Sewer Reimbursement District Staff Member: Steve Adams / Mike Kohlhoff Department: Engineering / Legal	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends approval of the resolution for this sanitary sewer reimbursement district to be established			
Recommended Language for Motion: I move to approve Resolution No. 2350			
PROJECT / ISSUE RELATES TO:			
<input type="checkbox"/> Council Goals/Priorities		<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Establishment of a Sanitary Sewer Reimbursement District for the Coffee Lake Drive Sanitary Sewer line.

EXECUTIVE SUMMARY:

Construction of the sewer line was required to provide service to the Lowrie Primary School. With the slowdown in residential development, the City stepped up and undertook design and construction of this 1800 foot section of sewer main to assist the School district. See attached

Summary of Development Agreement and History for Villebois SAP-E and Reimbursement District.

In meetings with the West Linn – Wilsonville School District it was pointed out that their school bond did not include sufficient funds to construct the off-site sanitary line required to provide service to the school. The City and the School District entered into an Intergovernmental Agreement that specified this sewer line was the responsibility of the City to design and construct; in that agreement the School District has agreed to reimburse the City for about 24 percent of the costs of the sewer line.

The establishment of this Reimbursement District will allow the City to recoup the remaining 76 percent of the costs for installation of the sewer line, provided upstream development occurs within the next 10 years.

EXPECTED RESULTS:

Reimbursement of up to \$597,143 to the City’s Sanitary Sewer SDC Fund. Reimbursements will share the same restriction as other sewer SDCs.

TIMELINE:

Reimbursement Districts have a sunset period of 10 years, but can be renewed for good cause.

CURRENT YEAR BUDGET IMPACTS:

Sanitary Sewer line was constructed from August 2011 to January 2012, funding was identified in CIP #2077.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: August 10, 2012

Notices have been sent to all affected property owners. The notice advises the assessment will only become due in the event their property is developed. The charges for the Reimbursement District do not become a lien. Application was made within three months of the final construction date of January 17, 2012.

COMMUNITY INVOLVEMENT PROCESS:

Owners of affected tax lots have been notified of the City’s desire to establish this sanitary sewer reimbursement district.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

Cost of the construction has been distributed in a Pro Rata fashion to all properties that will be serviced by the sewer system.

Benefits – installation of 1800 feet of sewer main that will eventually provide service to

Villebois SAP East, and portions of Villebois SAP Central and SAP North, and area UPA 3 lying north of Tooze Road and allow residential development of these areas to proceed.

ALTERNATIVES:

The previously approved school site was located in Villebois SAP North and received prior Council approval to be relocated to the current Villebois SAP East location to save several million dollars in infrastructure costs.

CITY MANAGER COMMENT:

ATTACHMENTS

A. Summary of Development and History of Reimbursement District

SUMMARY OF
DEVELOPMENT AGREEMENT HISTORY
FOR VILLEBOIS SAP-E AND REIMBURSEMENT DISTRICT

1. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of an anticipated 2,600 residential uses, with trails, parks, and open spaces, supported by approximately \$140 million in infrastructure improvements. In approximately June 2004, for the purposes of developing home sites within the Villebois Master Plan area, Matrix Development Co. (Matrix) acquired certain land interests in approximately 150 acres of land east of 110th Street and entered into the 2004 Matrix Development Agreement. This acreage subsequently became known under the Villebois Village Zoning Code as Special Area Plan East (SAP-E). In this regard, Matrix purchased the Kirkendall property, succeeding to their interests in the Matrix Development Agreement; purchased some of the property owned by DeArmond/Fasano and optioned to purchase the balance; purchased some of the property owned by Bischof/Lund and optioned to purchase the balance; purchased a portion of the property owned by Arthur C. and Dee W. Piculell, and purchased development rights to mitigate wetlands on the balance not purchased.
2. In conjunction with the purposes of acquiring the aforementioned property and developing it, Matrix entered into certain loan agreements with Wachovia Bank (now Wells Fargo Bank), which included financing certain of the land purchases and development costs and providing Wachovia with security interests therein.
3. Matrix was authorized to enter into, and participate on behalf of the parties in, the adoption of the land use planning regulations for the properties to implement the Villebois Master Plan, including but not limited to the provisions of Coffee Lake Drive and the Coffee Lake Drive Sewer Line. It was anticipated that Matrix would be developing 655 single family dwelling units.
4. Subsequently, after developing a portion of the southern section of its development, which was known as Special Area Plan East, Preliminary Development Plan 1 (SAP-E, PDP-1), Matrix and its construction entity, Legend Homes, Inc. ("Legend"), filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the District of Oregon, Case No. 08-32798-tmb 11. On May 11, 2010, the Bankruptcy Court adopted the Matrix Second Amended Reorganization Plan ("Reorganization Plan"), effective June 1, 2010. As part of the proceedings, Matrix abandoned its optioned property to the above referenced owners and, through the Reorganization Plan, certain of its other property was transferred to Wells Fargo, as successor in interest of Wachovia Bank, and subsequently assigned to its property development company, Redus OR Lands, LLC ("Redus Property"). Under the Reorganization Plan, Matrix and Legend merged into a reorganized single entity, Legend, and Legend retained the land and development of SAP-E, PDP-1. Prior to the bankruptcy and the abandonment, Matrix had proposed a portion of the balance of the property to be developed as SAP-E, PDP-2, and a map depicting the proposed lot development is marked as **Exhibit 1**, attached hereto and

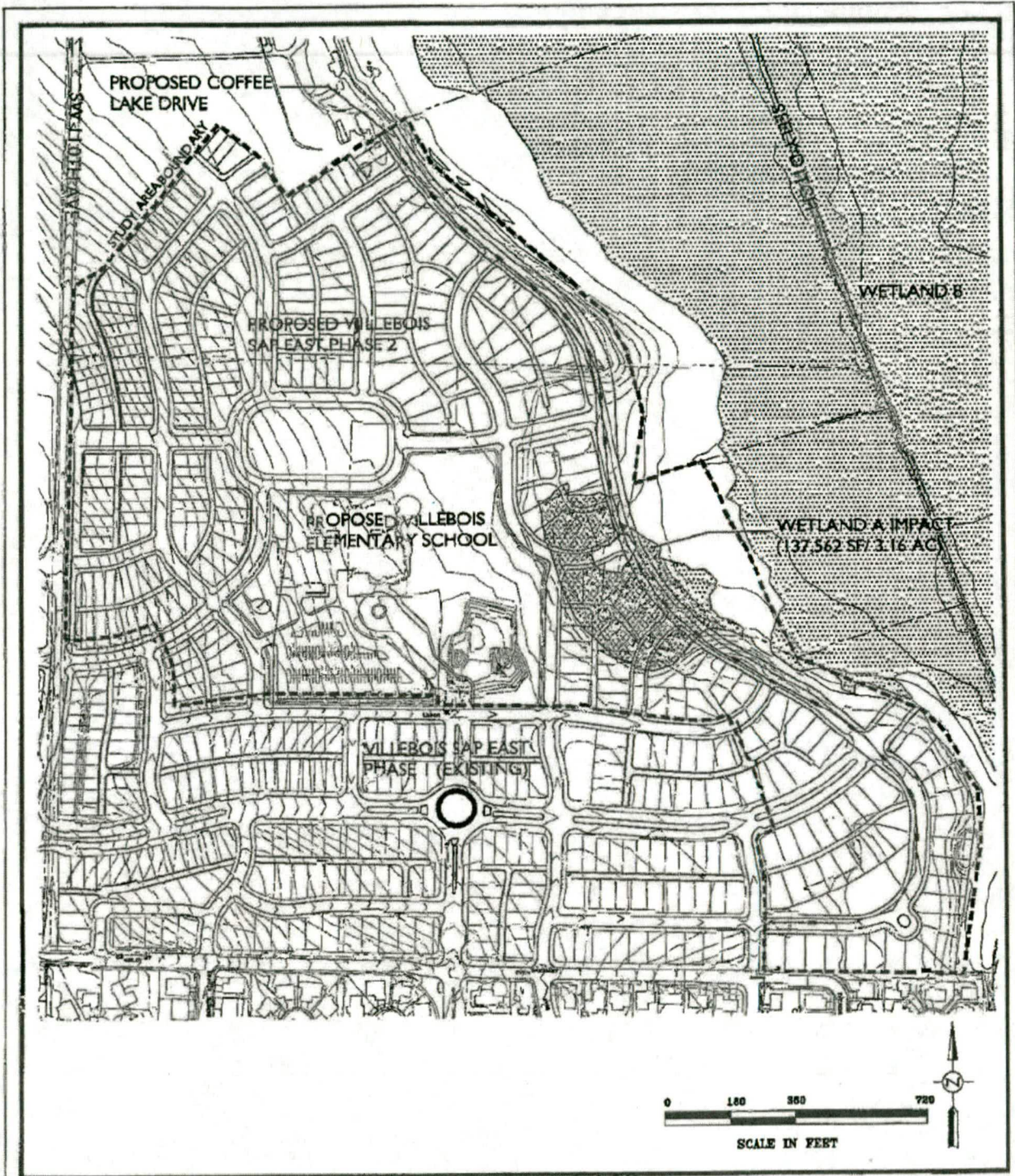
incorporated by reference herein. A map depicting the respective interests after abandonments is marked as **Exhibit 2**, attached hereto and incorporated by reference herein.

5. As part of the Reorganization Plan, Legend was relieved of infrastructure costs associated with SAP-E, PDP-1, including but not limited to Coffee Lake Drive and the Coffee Lake Drive Sewer Line. A separate amending agreement of the Matrix Development Agreement between the City, the URA, and Fasano/DeArmond, and a second separate amending agreement between the City, the URA, and Redus were reached in order for the City and the URA to acquire land from each of the ownerships for the construction of a grade school by the West Linn-Wilsonville School District (“District”) within portions of then PDP-1 and PDP-2. See discussion below. Subsequently, Redus obtained City development approval, subject to conditions, of an 88-lot subdivision for land that Redus now owns within PDP-2. This subdivision is now referenced as SAP East, PDP-2 (hereinafter “PDP-2”). Fasano/DeArmond has not yet applied for development approval.
6. The City, the URA, and a third-party developer, Polygon Northwest Company, L.L.C., who anticipates purchasing the Bischof/Lund Property pursuant to an agreement with Bischof/Lund, are in the process of amending the Matrix Development Agreement to provide the framework for development of the Bischof/Lund Property. This land contains 192 lots, as originally proposed by Matrix for the Bischof/Lund Property. Polygon proposes 184 lots rather than 192 due to wetland conditions. This 184 lot subdivision will now be known as SAP East, PDP-3 (hereinafter “PDP-3”).
7. The Villebois Master Plan required that a 10-acre site be designated for a grade school and sports fields. The designated land was initially located west of 110th and adjacent to Tooze Road. The School District, in anticipation of building at the Tooze Road site, had passed a bond issue to build the school. Due to the recessionary economic conditions, the housing development needed to support the extension of infrastructure to the Tooze Road site was delayed and therefore funding for the improvements needed for Tooze Road improvements was not available. There was an immediate need for the school to serve over-crowded conditions and also to avoid bond arbitrage issues. Given the aforementioned lack of funds for extending infrastructure to the Tooze Road site, the Villebois Master Plan was amended to provide for a substituted school site with a lower infrastructure cost, at an estimated savings of \$4 million. The URA and the City purchased property from Legend, Redus, and DeArmond/Fasano and combined the purchased parcels into one site. This approximate 10-acre site was made part of an exchange agreement with the School District for an approximate 10-acre site east of the City for recreational purposes. A reduced copy of page 1 of Partition Plat No. 2010, depicting the school site (Parcel 2) and a plan layout of the school site, is marked as **Exhibit 3**, attached hereto and incorporated by reference herein.
8. The District entered into an Infrastructure Development Agreement with the City and the URA. As part of the negotiation with Fasano/DeArmond, Redus, and also Bischof/Lund, the details of the Infrastructure Agreement were shared with all parties. Under the Infrastructure Development Agreement, the District provides certain infrastructure to

serve the school, such as local roads, storm drainage, and sewer lateral lines. Some of this infrastructure was oversized and provides extra capacity, which will benefit the neighboring properties. This entitles the District to reimbursement from the benefitting properties at time of development of the benefitting properties through a Road and Utility Reimbursement District. There was also a need for the school to be tied into the proposed Coffee Lake Drive Sewer Trunk Line, which was on land that Redus acquired in the reorganization. The construction of the trunk line was not funded and would normally be constructed by the developer of the land in conjunction with development under an SDC methodology, with credit for oversizing by the responsible developer. Although Redus had sought and received development approval for the 88 lot PDP-2, Redus was not a developer and did not intend any immediate sale for development until an issue of filling a wetland on its property was permitted. Given the exigent school circumstances, it was determined that there was a need to develop an alternative but equitable funding mechanism.

9. Except for PDP-1, the parties recognized that in order for the remaining properties to develop there was a beneficial need for a segment of the 15-inch sewer trunk line to be constructed within the right of way of the planned Coffee Lake Drive. Coffee Lake Drive traverses the eastern edge of SAP-E, commencing from Barber Street to the south to the planned Villebois Drive to the north. A portion of the sewer trunk line is located within the Coffee Lake Drive right of way, but only the segment from a little south of Barber to the Bischof/Lund southern property line was needed to be constructed for the school to open. This segment of the proposed sewer line was located within the Redus Property, and Redus agreed to provide the necessary easement to the City. As noted above, a different funding approach was needed than had been provided in the Matrix Development Agreement. Thus, the Infrastructure Agreement with the School District, Addendum No. 3 to the Matrix Development Agreement involving Redus and Legend, and the Purchase Agreement with Fasano/DeArmond provided for formation of a Reimbursement District to reimburse a portion of the sewer line cost, with the School District contributing 24% to the costs and to advance the remaining costs. It was subsequently determined that the City would advance the costs and seek the reimbursement. The sewer line was constructed and oversized to benefit certain properties yet to be developed, which would hook into the sewer line upon development. The Benefitted Properties are subject to a pro rata reimbursement for this segment upon development. Under the reimbursement provisions of its code, the City will be seeking reimbursement for the District from the Benefitted Property owners through a Coffee Lake Drive Sewer Reimbursement District.
10. During the process of constructing the sewer line, it was determined that the corresponding segment of Coffee Lake Drive could be constructed at a substantial savings. Redus had sought development approval for PDP-2 to be able to better market the property for sale to a developer. The Development Approval was conditioned, in part, on building this segment of Coffee Lake Drive. To achieve the cost savings, this segment of Coffee Lake Drive was constructed with the sewer line segment. The sewer line, if constructed alone, would need a 15' access strip with a base of approximately 21 feet. This was accounted for in the cost of construction for the sewer line and was not

included in the portion of the Coffee Lake Drive base that is attributed to Redus under its condition of approval. The City intends to seek reimbursement through a separate mechanism, apart from the Coffee Lake Drive Sewer Reimbursement or the Road and Utility District, for the Coffee Lake Drive Road construction attributable to Redus and which the approved conditions required the developer to build.

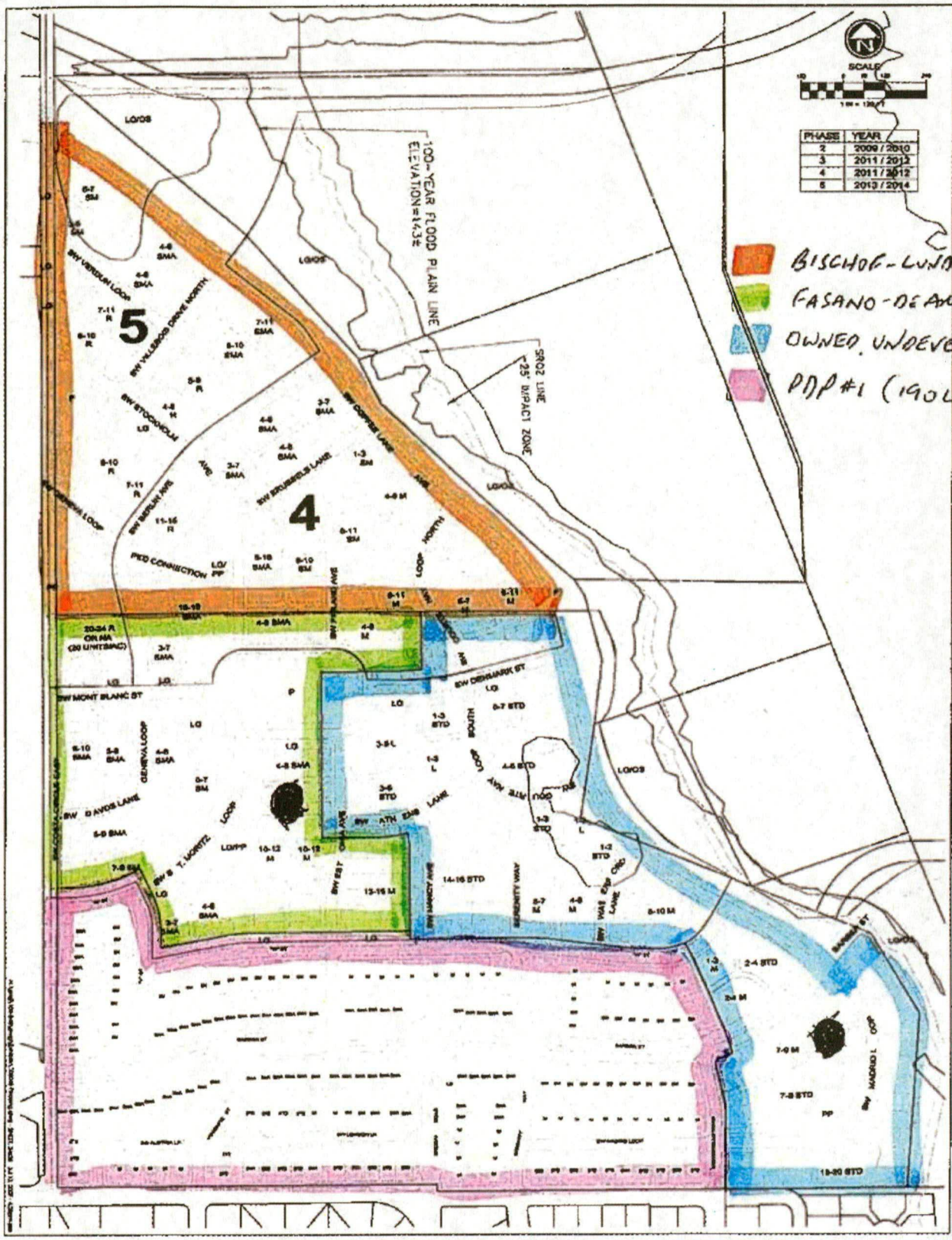


3/19/10
4573

Proposed site plan and wetland impacts at Villebois SAP East Phase 2 planning area in Wilsonville, Oregon. Provided by City of Wilsonville, 2010.

FIGURE 5

PHS Pacific Habitat Services, Inc.



PHASE	YEAR
2	2009 / 2010
3	2011 / 2012
4	2011 / 2012
5	2013 / 2014

- BISCHOF-LUND
- FASANO-DEADAMO
- OWNED, UNDEVELOPED
- PDP #1 (190 LOTS)

PROJECT NO. 100
 TYPE: PHASING PLAN
 DATE: NOVEMBER 2011

PHASING
 PLAN

VILLEBOIS
 SAP EAST

alphac
 COMMUNIT
 DEVELOPMENT

7200 SW Hedberg Ave
 Beaverton, OR 97005
 503-640-1120
 www.alphacdevelopment.com

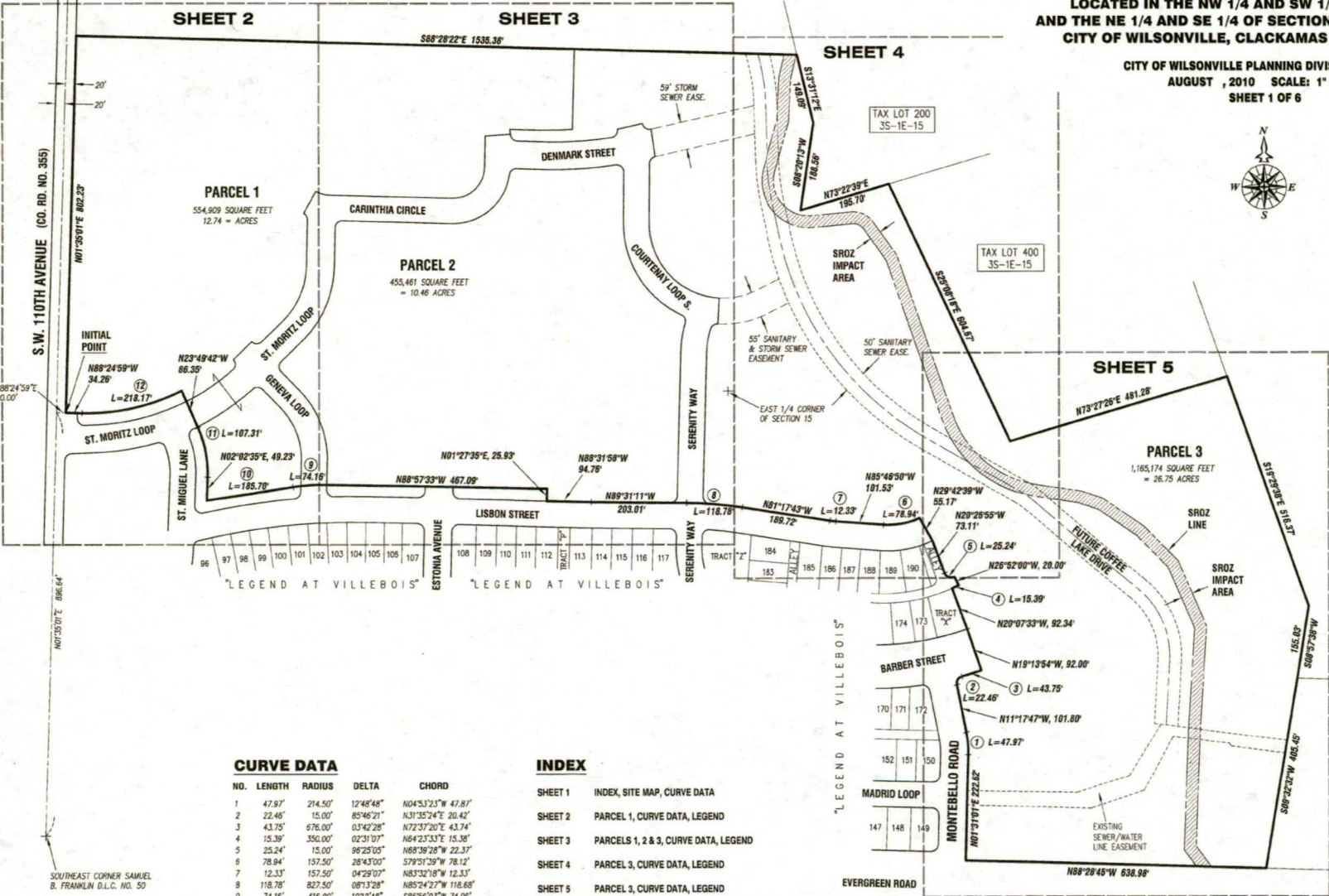
DATE: 11/15/11
 DRAWN: [Name]
 CHECKED: [Name]

EXHIBIT 2

PARTITION PLAT NO. 2010 -

LOCATED IN THE NW 1/4 AND SW 1/4 OF SECTION 14,
AND THE NE 1/4 AND SE 1/4 OF SECTION 15, T.3S., R.1W., W.M.
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

CITY OF WILSONVILLE PLANNING DIVISION FILE NO. _____
AUGUST, 2010 SCALE: 1" = 150'
SHEET 1 OF 6



CURVE DATA

NO.	LENGTH	RADIUS	DELTA	CHORD
1	47.97	214.50	12°48'48"	N04°53'23"W 47.87'
2	22.46	15.00	85°46'21"	N31°35'24"E 20.42'
3	43.75	676.00	03°42'28"	N72°37'20"E 43.74'
4	15.39	350.00	02°31'07"	N64°23'15"E 15.38'
5	25.24	15.00	96°25'05"	N68°39'28"W 22.31'
6	78.94	157.50	28°43'00"	S79°51'39"W 78.12'
7	12.33	157.50	04°29'07"	N83°32'18"W 12.33'
8	118.78	827.50	08°13'28"	N85°24'27"W 118.68'
9	74.16	416.00	10°12'48"	S85°56'03"W 74.06'
10	185.70	10289.93	01°02'02"	S81°20'40"W 185.70'
11	107.31	237.65	25°52'18"	N10°53'54"W 106.40'
12	218.17	435.50	28°42'12"	S77°13'56"W 215.90'

INDEX

- SHEET 1 INDEX, SITE MAP, CURVE DATA
- SHEET 2 PARCEL 1, CURVE DATA, LEGEND
- SHEET 3 PARCELS 1, 2 & 3, CURVE DATA, LEGEND
- SHEET 4 PARCEL 3, CURVE DATA, LEGEND
- SHEET 5 PARCEL 3, CURVE DATA, LEGEND
- SHEET 6 APPROVALS, SURVEYOR'S CERTIFICATE, NARRATIVE DECLARATION, ACKNOWLEDGMENTS, RESTRICTIONS

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Michael A. Rademacher
OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2303

ENGINEER/SURVEYOR
COMPASS ENGINEERING
4105 INTERNATIONAL WAY, SUITE 501
MILWAUKIE, OREGON 97222
PHONE: 503-653-9093
6788 Part.dwg (MMM)
JOB NO. 6788 (PARTITION)

DATE OF SIGNATURE: 9-9-10
EXPIRES: 12/31/2010



9	sheet	50
	date	4/27/2010
	project	00000
	revision	1A, 1B

New Vijebois Primary School
 West Linn Wilsonville School District
 22210 SW Stafford Road
 Tualatin, Oregon 97062
 E 803-673-7000
 F 803-673-7001

DULL OLSON WEEKES
 architects inc.



187 SW STARK STREET PORTLAND, OREGON 97206
 T 503 226 8650 F 503 271 9182 www.dow.com

RESOLUTION NO. 2350

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ESTABLISHMENT OF A REIMBURSEMENT DISTRICT TO REFUND TO THE CITY OF WILSONVILLE THE PRO RATA COSTS FOR THE SEGMENT 1 EXTENSION OF THE COFFEE LAKE DRIVE SEWER LINE INFRASTRUCTURE IMPROVEMENTS THAT WILL SERVE PROPERTIES WITHIN THE REIMBURSEMENT DISTRICT

WHEREAS, pursuant to Resolution No. 2247, the City of Wilsonville (City) and the West Linn Wilsonville School District (School District) entered into an Intergovernmental Cooperative Agreement for Villebois School Site Infrastructure, dated September 22, 2010 (the IGA); and

WHEREAS, the IGA provided, among other things, the following as to the Coffee Lake Drive Sewer Line:

"4. Sewer Line Improvements.

4.1. Coffee Lake Sewer Line. In order to properly serve this site and the greater area within which the site sits, a portion of the Coffee Lake Sewer Line, a 15" trunk line, must be constructed. The City and/or developers will design and construct this sewer line. The District is only responsible for its pro rata share of the costs of construction of the Coffee Lake Sewer Line, calculated at 24%; that is, from a point south of Barber Street to the southerly property line of the Bischoff/Lund property. The estimated cost of the District's portion of the Coffee Lake Sewer Line is \$134,880. The City has determined that there is other funding available for any extra capacity costs associated with these lines.

* * *

4.3. Sewer Line Locations. The general location of the Coffee Lake Sewer Line (*see* 4.1) ... are set forth in Exhibit C, attached hereto and incorporated by reference herein."; and

WHEREAS, the IGA further provides:

6. Actual Costs and Reimbursements for Street and Sewerage Improvements.

6.1. True-Up to Actual Costs. The parties recognize that the aforementioned costs are estimates only. Exhibit D, attached hereto and incorporated herein, provides in chart form a comprehensive guide to the engineering assumptions, estimates of infrastructure costs, reimbursement projections, and fees. The actual costs incurred and known at the time of

the completion of construction contracts shall be substituted for the estimates for the purposes of payment and reimbursement as required herein. The costs shall be subject to true-up to actual payments, inclusive of any additions or subtractions made to the full payment for each construction contract."; and

WHEREAS, the construction contract for and improvement of the Coffee Lake Drive Sewer Line was deemed complete, was duly constructed and bonded under the supervision and direction of the City Engineer, and was accepted by the City as of January 17, 2012, and actual costs have been trued-up and paid; and

WHEREAS, Wilsonville Code 3.116(6) provides the City may apply for reimbursement of its costs for improving a sewer facility to serve other property as follows:

(6) The applicant may include the City and the application may be made following improvement, but no later than three months after completion and acceptance by the City of the improvement. If the application is filed after construction, the application shall include the actual cost of construction as evidenced by a contract, receipts, bids, or other similar documents. In the event the City shall construct or shall pay for the construction of ... sewer lines ..., and there is no agreement to the contrary, the City shall require the owners of said property, prior to providing such ... sewer service ... to such property, to refund to the City a pro rata portion of the costs of the extension. The provisions of this section shall apply to the owners of said property in the same manner as subsection (1) is applied to the other property owners described therein."; and

WHEREAS, the City has duly made its application for reimbursement on March 16, 2012, in accordance with Wilsonville Code 3.116(6); and

WHEREAS, the following are incorporated by reference in this Resolution: **Exhibit A**, a map outlining the improvement area and dividing it into tracts; **Exhibit B**, a map depicting the location of the Coffee Lake Drive Sewer Basin, Coffee Lake Drive Sewer Line, and the constructed segment of the Coffee Lake Drive Sewer Line for which reimbursement is sought; **Exhibit C**, a legal description of the five improvement area tracts; **Exhibit D**, a listing of the owners of property within each tract that will be served by the sewer trunk line, a description of the amount of affected acreage per tax lot, the tax lot description number (note: the above refines the tract description so as to set forth only that acreage portion of a tax lot that is within the Coffee Lake Sewer Basin), the amount of charge owed, and the pro rata share of the cost of the improvement for each property based upon the engineer's allocation methodology, footnoted

thereon; and **Exhibit E**, a listing of the final costs for the sewer improvement, totaling \$597,143.00; and

WHEREAS, the City Engineer had previously inspected the sewer line improvements, the properties to be served, reviewed the plans for the improvements, reported the improvements were feasible, desirable, and necessary for the orderly development and expansion of the City's sewage collection system and storm drainage system, were subject to public works permits issuance; and

WHEREAS, the Coffee Lake Drive Sewer Line is completed, and final costs have been confirmed; and

WHEREAS, the City Engineer, having duly considered the development potential of adjacent properties, the value of unused capacity of the improvements to serve other properties, rate making principals employed to finance public improvements, and such other information as presented, recommended that the City adopt a refund methodology to fairly apportion the costs of the extension of the Coffee Lake improvements to all be benefited properties, as set forth in **Exhibit D**; and

WHEREAS, the City Council duly noticed and held a public hearing on this matter on August 20, 2012, whereat the City Council received a staff report, exhibits, and public testimony.

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

1. The above recitals are incorporated by reference herein and the staff report and recommendations of the City Engineer are hereby adopted.
2. The Reimbursement District described in **Exhibits A, B and C** and the total cost and allocation of the cost of the Coffee Lake Sewer Line as set forth in **Exhibits D and E**, are adopted.
3. Except as provided in paragraph 4 below, at the time of issuance of a public works permit to provide sewer service to the subject property (Reimbursement District Property), each of the property owners within the Reimbursement District, as set forth in **Exhibit D**, shall pay to the City, for the purpose of reimbursement to the City or its successor or assigns, a reimbursement fee (Reimbursement Fee) based on the pro rata portion of the costs of extending the sewer line improvements to serve the Reimbursement District Properties, pursuant to the methodology described in **Exhibit D** and allowing only for those costs

specifically set forth as allowed costs pursuant to Wilsonville Code 3.116 et seq., which total \$597,143.

4. The date of acceptance of the sewer line improvements by the City Engineer (“Acceptance Date”) is January 17, 2012. The Reimbursement District will remain in effect for a period of ten (10) years. Provided, however, the Reimbursement District may remain in effect for a longer period of time in the event the City Council, for good cause shown, authorizes an extension of the ten (10) year period. The Reimbursement District will bind and apply to all Reimbursement District Properties until the City has been reimbursed or the Reimbursement District terminates, whichever occurs sooner.
5. The Reimbursement Fee shall be adjusted as follows: On July 1, 2013, and on each succeeding July 1 thereafter, as long as this Reimbursement District remains in effect; the unpaid balance shall accrue interest at the rate equal to the average of the prior fiscal year’s Local Government Investment Pool (LGIP) interest, together with an accrued administrative fee of 2% of the unpaid balance.
6. The City Recorder shall cause notice of the formation and nature of the Reimbursement District to be filed in the office of the Clackamas County recorder for notice purposes. Such recording shall not create a lien and failure to make such recording shall not affect the legality of this Resolution or the obligation to pay the Reimbursement Fee.
7. Any legal action to contest the formation of this Reimbursement District or the Reimbursement Fee, including the amount of the charge designated for each parcel, must be filed within sixty (60) days following the adoption of this Resolution establishing the Reimbursement District, as shown below. Any such action shall be by Writ of Review as provided in ORS 34.010 or ORS 34.100.
8. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this ____ day of _____, 2012, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Núñez

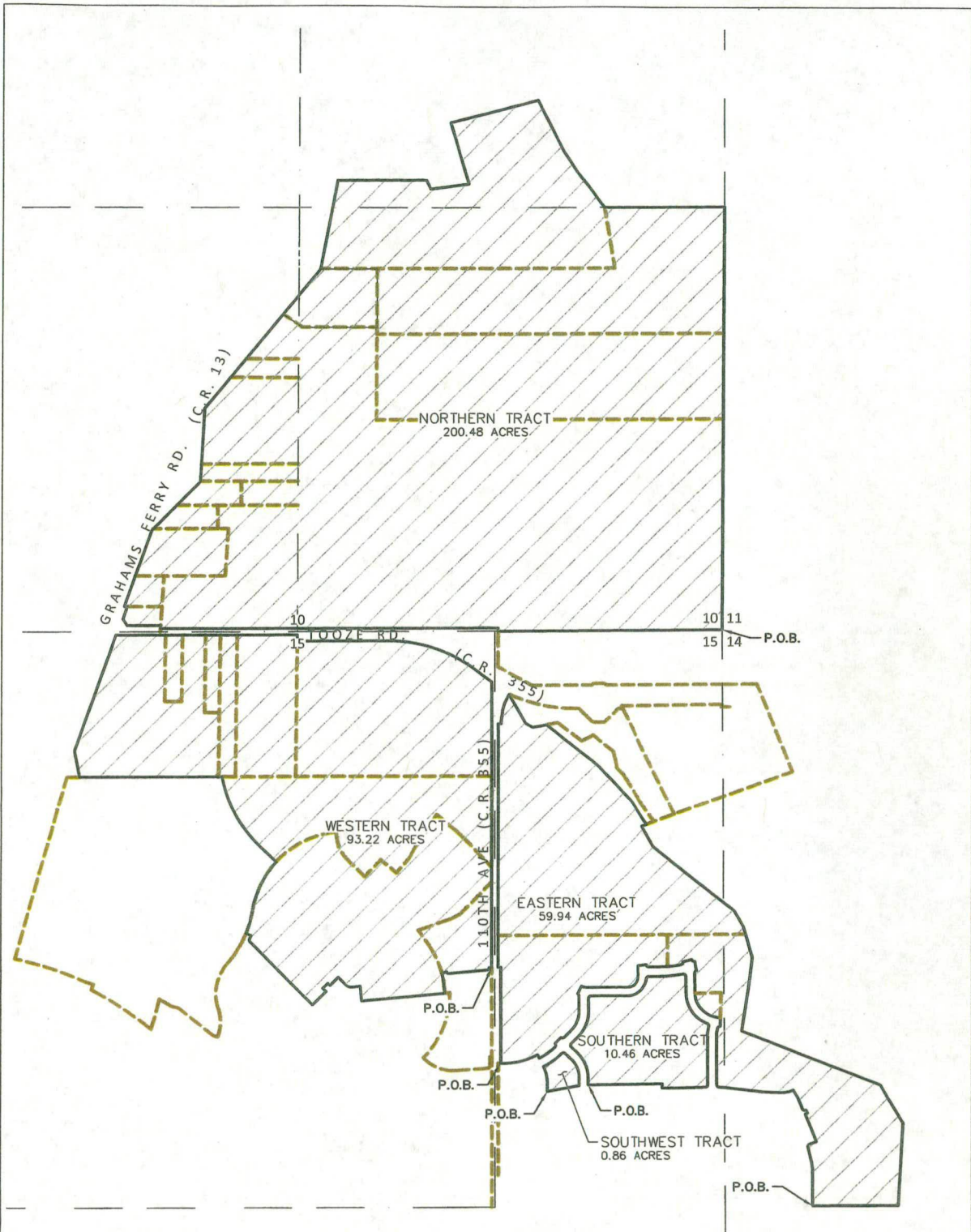
Councilor Hurst

Councilor Goddard

Councilor Starr

Attachments:

- Exhibit A** – Map titled Reimbursement District Exhibit, dated 6/7/12
- Exhibit B** – Map showing location of Coffee Lake Drive Sewer Basin, Sewer Line, and line segment
- Exhibit C** – Legal Description of Tracts of the Reimbursement District
- Exhibit D** – Methodology and Owners' Pro Rate Cost Share for Property by Tax Lot
- Exhibit E** - Coffee Lake Drive Sewer Improvements Construction Cost Breakdown



Drawing Name: \\1197-011\12\Survey\CAD\DWG\1197-011.dwg Aug 02, 2012 - 2:02pm - gra



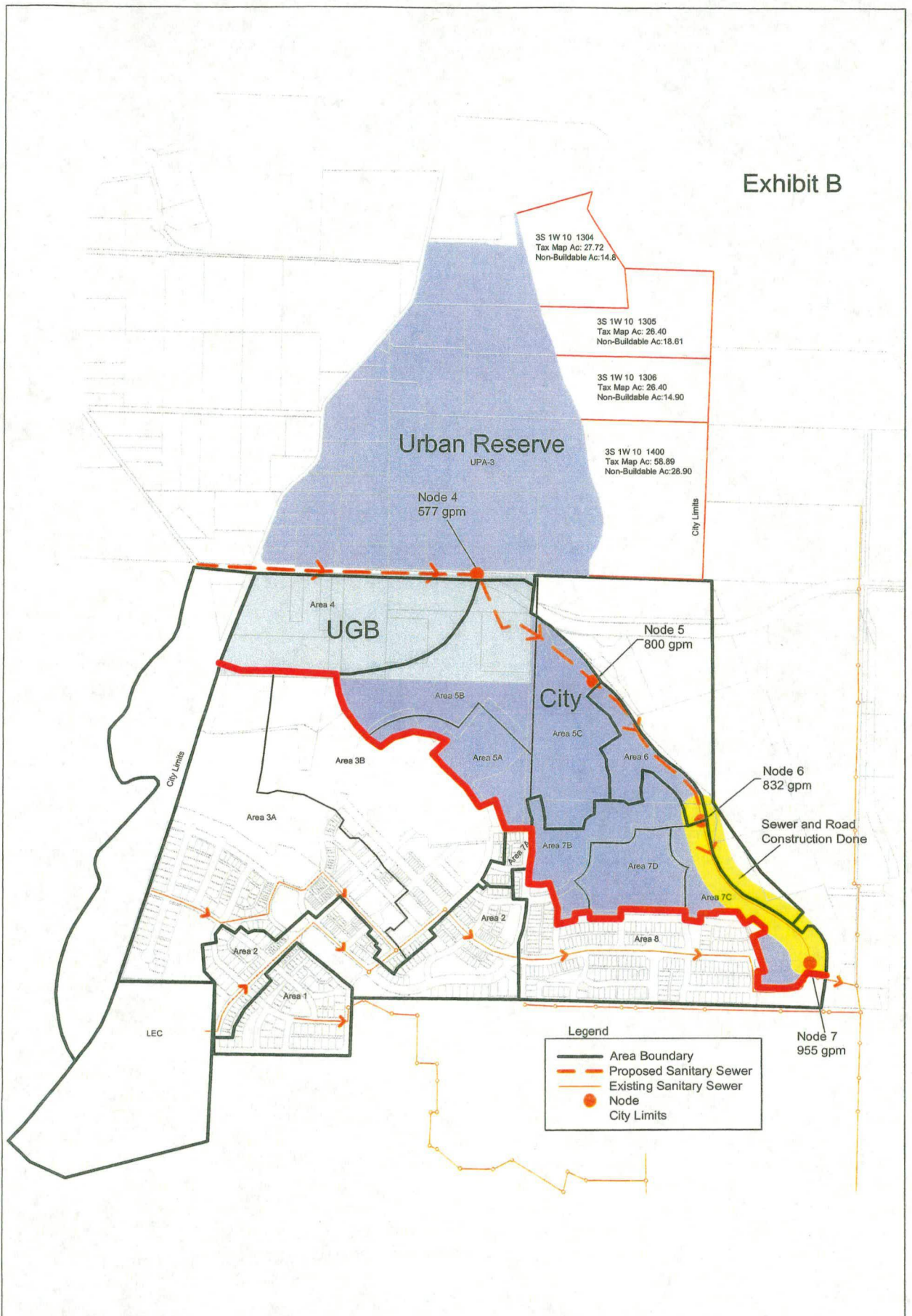
SCALE: 1"=600'

REIMBURSEMENT EXHIBIT
 SECTIONS 10, 14 & 15
 T. 3 S., R. 1 W., W.M.,
 CLACKAMAS COUNTY, OR.

DATE 06/07/12
 DRAWN BY MDS
 CHECKED BY GRA
 REVISIONS
 JOB NO. 1197-011

WESTLAKE
 CONSULTANTS INC.
 ENGINEERING * SURVEYING * PLANNING
 PACIFIC CORPORATE CENTER
 15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0852
 TIGARD, OREGON 97224 FAX (503) 684-0157

Exhibit B



City of Wilsonville
 Engineering Division
 29799 SW Town Center Loop East
 Wilsonville OR 97070
 503-682-4960

Villebois
 Sanitary Sewer- North Reimbursement District
 Clackamas County, OR

Date: August 1, 2012
 Scale: N.T.S.
 Drawn By: Susan Rothenberger
 Date Plotted: August 1, 2012
 Drawing Name: SewerPayback Modific 10PC.dwg

City of
Wilsonville
 Engineering Division

Assessment Area
City of Wilsonville
Project No. 1197-011
June 7, 2012

PROPERTY DESCRIPTION

Five tracts of land located in Section 10, Section 14 and Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; being described as follows:

Eastern Tract

Beginning at the most southerly southwest corner of Parcel 3, Partition Plat No. 2011-005, Clackamas County Records;

thence along the westerly lines [the following 31 courses] of said Parcel 3, N 00°06'25" W, a distance of 222.62 feet to the beginning of a curve, concave westerly and having a radius of 214.50 feet;

thence northerly along said curve through an angle of 12°48'48", an arc distance of 47.97 feet;

thence N 12°55'13" W, a distance of 101.80 feet to the beginning of a curve, concave southeasterly and having a radius of 15.00 feet;

thence northeasterly along said curve through an angle of 85°47'29", an arc distance of 22.46 feet, to the beginning of a reverse curve, concave northerly and having a radius of 676.00 feet;

thence easterly along said curve through an angle of 03°42'29", an arc distance of 43.75 feet;

thence N 20°51'20" W, a distance of 92.00 feet;

thence N 21°44'59" W, a distance of 92.34 feet to the beginning of a non-tangent curve, concave northerly and having a radius of 350.00 feet to which a radial line bears S 25°58'20" E;

thence easterly along said curve through an angle of 02°31'05", an arc distance of 15.39 feet;

thence N 28°29'26" W, a distance of 20.00 feet to the beginning of a non-tangent curve, concave northerly and having a radius of 15.00 feet to which a radial line bears S 28°29'26" E;

thence westerly along said curve through an angle of $96^{\circ}25'05''$, an arc distance of 25.24 feet;

thence N $22^{\circ}04'21''$ W, a distance of 73.11 feet;

thence N $31^{\circ}20'05''$ W, a distance of 55.17 feet to the beginning of a non-tangent curve, concave northerly and having a radius of 157.50 feet to which a radial line bears S $26^{\circ}07'16''$ E;

thence westerly along said curve through an angle of $28^{\circ}43'00''$, an arc distance of 78.94 feet;

thence N $87^{\circ}24'16''$ W, a distance of 101.53 feet to the beginning of a curve, concave northerly and having a radius of 157.50 feet;

thence westerly along said curve through an angle of $04^{\circ}29'12''$, an arc distance of 12.33 feet;

thence N $82^{\circ}55'09''$ W, a distance of 189.72 feet to the beginning of a curve, concave southerly and having a radius of 827.50 feet;

thence westerly along said curve through an angle of $04^{\circ}49'20''$, an arc distance of 69.65 feet to the beginning of a reverse curve, concave northeasterly and having a radius of 15.00 feet;

thence westerly along said curve through an angle of $87^{\circ}34'37''$, an arc distance of 22.93 feet;

thence N $00^{\circ}09'51''$ W, a distance of 307.59 feet to the beginning of a curve, concave easterly and having a radius of 157.50 feet;

thence northerly along said curve through an angle of $14^{\circ}15'36''$, an arc distance of 39.20 feet;

thence N $14^{\circ}05'45''$ E, a distance of 10.13 feet to the beginning of a curve, concave southeasterly and having a radius of 15.00 feet;

thence northeasterly along said curve through an angle of $77^{\circ}34'19''$, an arc distance of 20.31 feet;

thence N 01°41'09" E, a distance of 55.00 feet to the beginning of a non-tangent curve, concave northeasterly and having a radius of 157.50 feet to which a radial line bears S 1°41'09" W;

thence northwesterly along said curve through an angle of 87°15'17", an arc distance of 239.85 feet;

thence N 01°03'34" W, a distance of 127.19 feet to the beginning of a curve, concave southeasterly and having a radius of 15.00 feet;

thence northeasterly along said curve through an angle of 76°35'46", an arc distance of 20.05 feet;

thence N 09°51'37" W, a distance of 59.20 feet to the beginning of a non-tangent curve, concave northeasterly and having a radius of 15.00 feet to which a radial line bears S 14°28'39" E;

thence northwesterly along said curve through an angle of 92°46'12", an arc distance of 24.29 feet;

thence S 75°26'43" W, a distance of 55.06 feet to the beginning of a non-tangent curve, concave northwesterly and having a radius of 15.00 feet to which a radial line bears N 78°18'42" E;

thence southwesterly along said curve through an angle of 90°47'40", an arc distance of 23.77 feet, to the beginning of a compound curve, concave northerly and having a radius of 720.50 feet;

thence westerly along said curve through an angle of 06°42'11", an arc distance of 84.29 feet to the east line of Parcel 1 of said Partition Plat No. 2011-005;

thence continuing westerly along the south lines of said Parcel 1 (the following 27 courses), along said curve through an angle of 04°09'27", an arc distance of 55.28 feet;

thence S 89°57'57" W, a distance of 64.95 feet to the beginning of a curve, concave northeasterly and having a radius of 15.00 feet;

thence northwesterly along said curve through an angle of 84°27'05", an arc distance of 22.10 feet;

thence S 84°23'55" W, a distance of 54.00 feet to the beginning of a non-tangent curve, concave westerly and having a radius of 85.00 feet to which a radial line bears N 84°23'52" E;

thence southerly along said curve through an angle of 05°26'23", an arc distance of 6.17 feet;

thence S 00°09'51" E, a distance of 61.00 feet to the beginning of a curve, concave northwesterly and having a radius of 67.00 feet;

thence southwesterly along said curve through an angle of 90°08'02", an arc distance of 105.40 feet;

thence S 89°57'57" W, a distance of 261.07 feet to the beginning of a curve, concave northerly and having a radius of 15.00 feet;

thence westerly along said curve through an angle of 26°59'28", an arc distance of 30.61 feet;

thence S 26°57'07" W, a distance of 54.00 feet to the beginning of a non-tangent curve, concave southwesterly and having a radius of 15.00 feet to which a radial line bears N 26°56'29" E;

thence southerly along said curve through an angle of 62°54'17", an arc distance of 16.46 feet;

thence S 00°09'51" E, a distance of 97.81 feet to the beginning of a curve, concave northwesterly and having a radius of 170.50 feet;

thence southerly along said curve through an angle of 44°14'47", an arc distance of 131.67 feet;

thence S 44°04'53" W, a distance of 61.79 feet to the beginning of a curve, concave northerly and having a radius of 15.00 feet;

thence westerly along said curve through an angle of 89°58'58", an arc distance of 23.55 feet;

thence S 44°30'04" W, a distance of 55.00 feet to the beginning of a non-tangent curve, concave westerly and having a radius of 15.00 feet to which a radial line bears N 44°03'02" E;

thence southerly along said curve through an angle of $92^{\circ}22'53''$, an arc distance of 24.19 feet, to the beginning of a compound curve, concave northerly and having a radius of 460.50 feet to which a radial line bears $S 43^{\circ}32'33'' E$;

thence westerly along said curve through an angle of $14^{\circ}58'40''$, an arc distance of 120.38 feet to the east line of Tract "EE" of said Partition Plat No. 2011-005;

thence $N 25^{\circ}27'08'' W$, a distance of 25.04 feet to the beginning of a non-tangent curve, concave northerly and having a radius of 435.50 feet to which a radial line bears $S 28^{\circ}44'37'' E$;

thence along the north line of said Tract "EE", westerly along said curve through an angle of $28^{\circ}42'12''$, an arc distance of 218.17 feet;

thence $S 89^{\circ}57'35'' W$, a distance of 18.76 feet to the east right-of-way line of S.W. 110th Ave., Co. Rd. No. 355 (35.50 feet east of centerline);

thence along said east right-of-way line, $N 00^{\circ}02'25'' W$, a distance of 603.87 feet to an angle point;

thence $S 89^{\circ}57'35'' W$, a distance of 15.50 feet to an angle point (20.00 feet east of centerline);

thence $N 00^{\circ}02'25'' W$, a distance of 1527.81 feet to an angle point;

thence $N 89^{\circ}58'35'' E$, a distance of 15.46 feet;

thence $N 06^{\circ}40'18'' E$, a distance of 57.71 feet to the beginning of a non-tangent curve, concave easterly and having a radius of 266.50 feet to which a radial line bears $N 84^{\circ}27'34'' W$;

thence northerly along said curve through an angle of $21^{\circ}47'15''$, an arc distance of 101.34 feet;

thence $N 27^{\circ}20'00'' E$, a distance of 29.67 feet to the south right-of-way line of Tooze Road [width varies];

thence $N 71^{\circ}19'26'' E$, a distance of 4.37 feet to the west line of that property conveyed by Doc. No. 2006-073991, Clackamas County Deed Records;

thence along said west line, $S 29^{\circ}27'33'' E$, a distance of 205.04 feet;

thence $S 61^{\circ}02'18'' E$, a distance of 51.08 feet;

thence N 79°53'13" E, a distance of 88.13 feet to the east line of said tract;

thence S 51°05'50" E, a distance of 419.40 feet;

thence S 43°05'50" E, a distance of 300.00 feet;

thence S 34°05'50" E, a distance of 177.40 feet;

thence S 69°43'27" W, a distance of 32.77 feet;

thence S 29°11'03" E, a distance of 144.54 feet;

thence S 50°46'07" E, a distance of 640.12 feet;

thence S 29°00'27" E, a distance of 116.96 feet;

thence S 14°57'14" E, a distance of 48.39 feet to the northeast corner of said Parcel 3;

thence along the East line of said Parcel 3, S 15°08'38" E, a distance of 149.09 feet;

thence S 06°42'47" W, a distance of 188.56 feet to an angle point therein;

thence leaving said Parcel 3, on and along the westerly lines of "Tract II" & "Tract III" as described in Deed Doc. 2010-043104, Clackamas County Records (the following five courses) S 08°29'08" W, a distance of 279.19 feet;

thence S 67°55'34" E, a distance of 538.83 feet;

thence S 67°55'49" E, a distance of 368.92 feet;

thence S 31°05'10" E, a distance of 271.90 feet;

thence S 03°07'16" W, a distance of 516.48 feet to the south line of said Parcel 3;

thence along said South line, S 89°53'49" W, a distance of 525.46 feet to the point of beginning.

Containing 59.94 acres, more or less.

Southern Tract-

Being all of Parcel 2 of said Partition Plat No. 2011-005; being more particularly described as follows:

Beginning at the southwest corner of said Parcel 2, also being a point on the east right-of-way line of Geneva Loop;

thence along said east right-of-way line, N 00°09'51" W, a distance of 49.24 feet to the beginning of a curve, concave southwesterly and having a radius of 210.00 feet;

thence northwesterly along said curve through an angle of 45°47'35", an arc distance of 167.84 feet;

thence N 45°57'23" W, a distance of 54.77 feet to the beginning of a curve, concave easterly and having a radius of 15.00 feet;

thence northerly along said curve through an angle of 90°02'16", an arc distance of 23.57 feet to the east right-of-way line of St. Moritz Loop;

thence along said east right-of-way line, N 44°04'53" E, a distance of 61.73 feet to the beginning of a curve, concave southeasterly and having a radius of 229.50 feet ;

thence northeasterly along said curve through an angle of 44°14'47", an arc distance of 177.23 feet;

thence N 00°09'51" W, a distance of 83.02 feet to the beginning of a curve, concave southeasterly and having a radius of 15.00 feet;

thence northeasterly along said curve through an angle of 90°07'48", an arc distance of 23.60 feet to the south right-of-way line of Carinthia Circle;

thence along said south right-of-way line, N 89°57'57" E, a distance of 232.84 feet to the beginning of a curve, concave northwesterly and having a radius of 121.00 feet;

thence northeasterly along said curve through an angle of 83°40'04", an arc distance of 176.69 feet, to the beginning of a reverse curve, concave southeasterly and having a radius of 15.00 feet;

thence northeasterly along said curve through an angle of 83°40'12", an arc distance of 21.90 feet to the south right-of-way line of Denmark Street;

thence along said south right-of-way line, N 89°57'57" E, a distance of 65.01 feet to the beginning of a curve, concave northerly and having a radius of 779.50 feet;

thence easterly along said curve through an angle of $10^{\circ}46'33''$, an arc distance of 146.60 feet, to the beginning of a reverse curve, concave southwesterly and having a radius of 15.00 feet;

thence southeasterly along said curve through an angle of $99^{\circ}45'01''$, an arc distance of 26.11 feet to the west right-of-way line of Courtenay Loop S.;

thence along said west right-of-way line, $S 01^{\circ}03'34'' E$, a distance of 108.59 feet to the beginning of a curve, concave northeasterly and having a radius of 212.50 feet;

thence southeasterly along said curve through an angle of $65^{\circ}42'44''$, an arc distance of 243.71 feet, to the beginning of a reverse curve, concave westerly and having a radius of 15.00 feet;

thence southerly along said curve through an angle of $80^{\circ}52'03''$, an arc distance of 21.17 feet to the west right-of-way line of Serenity Way;

thence along said west right-of-way line, $S 14^{\circ}05'45'' W$, a distance of 7.70 feet to the beginning of a curve, concave easterly and having a radius of 212.50 feet;

thence southerly along said curve through an angle of $14^{\circ}15'36''$, an arc distance of 52.89 feet;

thence $S 00^{\circ}09'51'' E$, a distance of 307.56 feet; to the beginning of a curve, concave northwesterly and having a radius of 15.00 feet

thence southwesterly along said curve through an angle of $89^{\circ}01'14''$, an arc distance of 23.31 feet to the north right-of-way line of Lisbon Street;

thence $S 88^{\circ}51'23'' W$, a distance of 168.02 feet;

thence $S 89^{\circ}50'36'' W$, a distance of 94.76 feet to Tract "BB" of said Partition Plat No. 2011-005;

thence along the east line of said Tract "BB", $N 00^{\circ}09'51'' W$, a distance of 25.93 feet;

thence along the north line of Tracts "BB" and "CC" of said Partition Plat No. 2011-005 and the north right-of-way line of Estonia Ave., $S 89^{\circ}25'01'' W$, a distance of 467.09 feet to the beginning of a curve, concave southerly and having a radius of 416.00 feet;

thence westerly along said curve through an angle of $00^{\circ}18'51''$, an arc distance of 2.28 feet to the point of beginning.

Containing 10.46 acres, more or less.

Southwest Tract-

Being that portion of Parcel 1, of said Partition Plat No. 2011-005, south of St. Moritz Loop; being more particularly described as follows:

Beginning at the most southerly southwest corner of said Parcel 1, also being an angle point on the east line of Tract "DD" of said Partition Plat No. 2011-005;

thence N $00^{\circ}25'09''$ E, a distance of 49.23 feet to the beginning of a curve, concave westerly and having a radius of 237.65 feet;

thence northerly along said curve through an angle of $25^{\circ}52'18''$, an arc distance of 107.31 feet;

thence N $25^{\circ}27'08''$ W, a distance of 2.23 feet to the beginning of a non-tangent curve, concave northwesterly and having a radius of 519.50 feet to which a radial line bears S $28^{\circ}12'39''$ E and the south right-of-way line of St. Moritz Loop;

thence along said south right-of-way line, northeasterly along said curve through an angle of $15^{\circ}44'00''$, an arc distance of 142.65 feet, to the beginning of a reverse curve, concave southerly and having a radius of 15.00 feet;

thence easterly along said curve through an angle of $87^{\circ}59'15''$, an arc distance of 23.04 feet to the west right-of-way line of Geneva Loop;

thence along said west right-of-way line, S $45^{\circ}57'23''$ E, a distance of 55.15 feet to the beginning of a curve, concave westerly and having a radius of 155.00 feet;

thence southerly along said curve through an angle of $45^{\circ}47'35''$, an arc distance of 123.88 feet;

thence S $00^{\circ}09'51''$ E, a distance of 53.60 feet to the beginning of a non-tangent curve, concave southerly and having a radius of 416.00 feet to which a radial line bears N $8^{\circ}30'06''$ W, being the north line of said Tract "DD";

thence westerly along said curve through an angle of $02^{\circ}17'42''$, an arc distance of 16.67 feet, to a compound curve, concave southerly and having a radius of 10,289.93 feet to which a radial line bears S $10^{\circ}47'47''$ E;

thence westerly along said curve through an angle of $01^{\circ}02'02''$, an arc distance of 185.70 feet to the point of beginning.

Containing 0.86 acres, more or less.

Western Tract-

Being a tract of land south of Tooze Road, west of S.W. 110th Avenue and east of Grahams Ferry Road; being more particularly described as follows:

Beginning at the southeast corner of Parcel 2, Partition Plat No. 2010-046, Clackamas County Records;

thence along the south line of said Parcel 2, $S 89^{\circ}57'35'' W$, a distance of 16.04 feet to the beginning of a non-tangent curve, concave northwesterly and having a radius of 15.00 feet to which a radial line bears $N 83^{\circ}51'23'' E$;

thence southwestwesterly along said curve through an angle of $91^{\circ}15'24''$, an arc distance of 23.89 feet;

thence $S 85^{\circ}06'02'' W$, a distance of 237.49 feet to the beginning of a curve, concave northeasterly and having a radius of 10.00 feet;

thence northwesterly along said curve through an angle of $80^{\circ}33'23''$, an arc distance of 14.06 feet, to the beginning of a reverse curve, concave westerly and having a radius of 568.00 feet;

thence northerly along said curve through an angle of $00^{\circ}14'39''$, an arc distance of 2.42 feet;

thence $S 75^{\circ}31'21'' W$, a distance of 31.36 feet to the beginning of a non-tangent curve, concave westerly and having a radius of 535.50 feet to which a radial line bears $N 75^{\circ}31'21'' E$, being the east line Parcel 3, Partition Plat No. 2010-046, Clackamas County Records;

thence southerly along said curve through an angle of $13^{\circ}42'15''$, an arc distance of 128.08 feet to the south line of said Parcel 3, Partition Plat No. 2010-046;

thence along said south line, $S 84^{\circ}34'00'' W$, a distance of 516.42 feet;

thence $N 05^{\circ}26'00'' W$, a distance of 93.50 feet;

thence $S 84^{\circ}39'47'' W$, a distance of 55.25 feet to the beginning of a curve, concave northerly and having a radius of 40.00;

thence westerly along said curve through an angle of $50^{\circ}46'17''$, an arc distance of 35.45 feet;

thence $N 44^{\circ}33'55'' W$, a distance of 69.86 feet;

thence $S 45^{\circ}26'05'' W$, a distance of 71.31 feet;

thence $N 44^{\circ}33'55'' W$, a distance of 17.00 feet;

thence $S 45^{\circ}26'05'' W$, a distance of 45.50 feet;

thence $S 44^{\circ}33'55'' E$, a distance of 29.00 feet;

thence $S 45^{\circ}26'05'' W$, a distance of 119.00 feet;

thence $N 44^{\circ}33'55'' W$, a distance of 551.29 feet to the beginning of a curve, concave southwesterly and having a radius of 688.00;

thence northwesterly along said curve through an angle of $00^{\circ}39'25''$, an arc distance of 7.89 feet, to the beginning of a reverse curve, concave easterly and having a radius of 10.00 feet;

thence northerly along said curve through an angle of $69^{\circ}49'28''$, an arc distance of 12.19 feet, to the beginning of a reverse curve, concave northwesterly and having a radius of 538.00 feet;

thence northerly along said curve through an angle of $2^{\circ}49'24''$, an arc distance of 26.51 feet;

thence $N 68^{\circ}13'16'' W$, a distance of 33.52 feet to the east line of Parcel 1, Partition Plat No. 2007-127, Clackamas County Records and the beginning of a non-tangent curve, concave northwesterly and having a radius of 660.00 feet to which a radial line bears $S 67^{\circ}46'16'' E$;

thence northerly along said curve through an angle of $12^{\circ}54'02''$, an arc distance of 148.61 feet to the beginning of a reverse curve concave southeasterly and having a radius of 590.00 feet;

thence northeasterly along said curve through an angle of $33^{\circ}20'28''$, an arc distance of 343.33 feet to the most westerly southwest corner of parcel 3 of said Partition Plat No. 2007-127;

thence along the west line of said parcel 3 N 46°52'51" W, a distance of 129.86 feet to the beginning of a curve concave northeasterly and having a radius of 829.36 feet;

thence northwesterly along said curve through an angle of 35°35'38", an arc distance of 515.22 feet to the south line of Partition Plat No. 1994-182, Clackamas County Records;

thence along last said south line and the north line of that property conveyed by Doc. No. 99-111865, Clackamas County Deed Records, S 89°48'25" W, a distance of 883.33 feet to the east line of "Parcel II" as conveyed by Doc. No. 2000-050326, Clackamas County Deed Records;

thence along said east line, N 10°57'15" W, a distance of 166.02 feet, more or less, to the east right-of-way line of Grahams Ferry Road (30.00 feet east of centerline);

thence along said east right-of-way line, N 15°37'14" E, a distance of 16.42 feet;

thence N 19°23'05" E, a distance of 753.43 feet to the south right-of-way line of Tooze Road (20.00 feet south of centerline);

thence along said south right-of-way line, N 89°48'29" E, a distance of 1128.69 feet to an angle point;

thence S 00°04'23" E, a distance of 37.01 feet (width varies);

thence N 89°48'43" E, a distance of 573.41 feet to the beginning of a curve, concave southerly and having a radius of 861.50 feet;

thence easterly along said curve through an angle of 37°54'39", an arc distance of 570.03 feet;

thence S 52°17'19" E, a distance of 50.00 feet;

thence S 54°22'00" E, a distance of 78.05 feet to the west right-of-way line of S.W. 110th Avenue (20.00 feet west of centerline);

thence along said west right-of-way line, S 00°02'25" E, a distance of 1790.09 feet to the point of beginning.

Containing 93.22 acres, more or less.

Northern Tract-

Being a tract of land in said Section 10, north of Tooze Road, west of Grahams Ferry Road; being more particularly described as follows:

Beginning at the southeast corner of said Section 10;

thence along the south line of said Section 10, S 89°41'57" W, a distance of 1396.81, more or less, to the east right-of-way line of (old Tooze Rd.) S.W. 110th Ave. (Co. Rd. No. 355);

thence N 00°00'58" W, a distance of 19.97 feet to the north right-of-way line of said Tooze Road;

thence along said north right-of-way line, S 89°47'18" W, a distance of 1246.19 feet to an angle point;

thence S 89°49'56" W, a distance of 850.31 feet to an angle point;

thence N 03°48'34" E, a distance of 18.54 feet to said north right-of-way line (38.50 feet north of centerline);

thence S 89°49'56" W, a distance of 207.90 feet to an angle point;

thence N 35°04'45" W, a distance of 48.13 feet to the east right-of-way line of Grahams Ferry Road (38.50 feet east of centerline);

thence N 19°46'46" E, a distance of 82.42 feet to an angle point;

thence S 89°47'37" W, a distance of 19.69 feet to said east right-of-way line (20.00 feet east of centerline);

thence N 19°46'46" E, a distance of 507.24 feet to an angle point;

thence N 44°25'31" E, a distance of 427.27 feet to an angle point;

thence N 03°15'57" E, a distance of 457.06 feet to an angle point;

thence N 39°50'57" E, a distance of 1125.27 feet to an angle point;

thence N 10°48'57" E, a distance of 557.50 feet to the north line of Parcel 1, of Partition Plat 1993-165, Clackamas County Records;

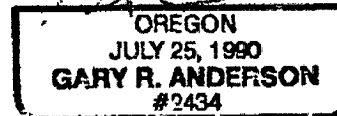
thence along said north line, N 89°32'32" E, a distance of 552.49 feet;

thence S 25°35'13" E, a distance of 60.61 feet;
thence N 82°20'47" E, a distance of 239.06 feet;
thence N 16°25'38" W, a distance of 395.13 feet;
thence N 75°33'02" E, a distance of 560.25 feet;
thence S 27°12'02" E, a distance of 350.00 feet;
thence S 33°30'02" E, a distance of 150.00 feet;
thence S 38°00'32" E, a distance of 286.48 feet to the north line of Parcel 2 of
said Partition Plat 1993-165;
thence along last said north line, N 89°46'11" E, a distance of 748.50 feet to the
east line of said Section 10;
thence along said east line, S 00°22'19" W, a distance of 2631.94 feet to the
point of beginning.

Containing 200.48 acres, more or less.

The total area of all five Tracts containing 364.96 acres, more or less.

Bearings based on SN 1982-007 Clackamas County Surveyor's Office.



Remd 12/31/13

Reimbursement Exhibit A	Villebois SS Master Plan	Property	Tax Lot	Area - ac	% of Total Acres	OWNER	OWNER ADDR	CITY	STATE	ZIP
Western Tract	5A	City *1	31W15 02919	2.91	\$5,243.59	ZIONS FIRST NATIONAL BANK	1 S MAIN FL 5	SALT LAKE CITY	UT	84133-1109
Western Tract	5A,5B,3B	City *1	31W15 02916	16.20	\$29,191.13	ZIONS FIRST NATIONAL BANK	1 S MAIN FL 5	SALT LAKE CITY	UT	84133-1109
Western Tract	5A,5B,3B	City *1	31W15ADD00100	7.21	\$12,991.85	VILLEBOIS VILLAGE CENTER LLC	11416 SW BARBER ST	WILSONVILLE	OR	97070-7392
Eastern Tract	5C,6,7B	City	31W15 00180	27.99	\$50,435.78	BISCHOF DONALD E	16300 SW 192ND AVE	SHERWOOD	OR	97140-8744
Eastern and Southwest Tract	5C,7B	City *1	31W15 00301	12.32	\$22,199.67	FASANO FAMILY LLC	10129 SW WASHINGTON ST	PORTLAND	OR	97225-6947
Eastern Tract	6,7B,7C	City *1	31W15 00300	15.47	\$27,875.73	WELLS FARGO NA	600 CALIFORNIA ST FLR 19	SAN FRANCISCO	CA	94108-2710
Southern Tract	7D	City	31W15 00302	**	\$141,059.00	West Linn - Wilsonville School District	22210 SW STAFFORD RD	TUALATIN	OR	97062-7738
Western Tract	4	UGB	31W15 01101	2.17	\$3,910.17	CITY OF WILSONVILLE	29799 SW TOWN CENTER LOOP E	WILSONVILLE	OR	97070
Western Tract	4	UGB	31W15 01200	7.61	\$13,712.62	REMBOLD CO	1022 SW SALMON ST STE 450	PORTLAND	OR	97205-2451
Western Tract	4	UGB	31W15 01202	1.00	\$1,801.92	TABER CHARLES E & CAROLYN J	11800 SW TOOZE RD	WILSONVILLE	OR	97070-7554
Western Tract	4	UGB	31W15 01203	1.00	\$1,801.92	NIMS JAY R & THERESA C	11700 SW TOOZE RD	WILSONVILLE	OR	97070-9519
Western Tract	4,3A3B	UGB	31W15 01205	6.93	\$12,487.32	REMBOLD CO	1022 SW SALMON ST STE 450	PORTLAND	OR	97205-2451
Western Tract	4,5B	UGB	31W15 00800	8.70	\$15,676.72	CHANG VICTOR C	3181 WEMBLEY PARK RD	LAKE OSWEGO	OR	97034-2637
Western Tract	4,5B	UGB	31W15 00900	2.99	\$5,387.75	CHANG VICTOR C	3181 WEMBLEY PARK RD	LAKE OSWEGO	OR	97034-2637
Western Tract	4,5B	UGB	31W15 01000	5.87	\$10,577.28	CHANG VICTOR C	3181 WEMBLEY PARK RD	LAKE OSWEGO	OR	97034-2637
Western Tract	4,5B	UGB	31W15 01100	7.64	\$13,766.68	CITY OF WILSONVILLE	29799 SW TOWN CENTER LOOP E	WILSONVILLE	OR	97070-9454
Western Tract	5B	UGB	31W15 00700	4.76	\$8,577.15	CHANG VICTOR C	3181 WEMBLEY PARK RD	LAKE OSWEGO	OR	97034-2637
Northern Tract	UPA3	Urban Reserve	31W10 01300	3.84	\$6,919.38	ANTHONY LARRY EUGENE	27220 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-7201
Northern Tract	UPA3	Urban Reserve	31W10 01302	5.21	\$9,388.01	DIX LOUIS G JR	27330 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-7201
Northern Tract	UPA3	Urban Reserve	31W10 01303	1.21	\$2,180.33	BOBOSKY ROBERT S & JUDEEN M	6770 SW CANYON DR	PORTLAND	OR	97225-3650
Northern Tract	UPA3	Urban Reserve *1	31W10 01304	12.92	\$23,280.83	RRR RANCH LLC	10213 NE 28TH CT	VANCOUVER	WA	98686-4281
Northern Tract	UPA3	Urban Reserve *1	31W10 01305	7.79	\$14,036.97	RRR RANCH LLC	10213 NE 28TH CT	VANCOUVER	WA	98686-4281
Northern Tract	UPA3	Urban Reserve *1	31W10 01306	11.50	\$20,722.10	HARTFORD ROBERT W	PO BOX 918	ROCKAWAY	OR	97136-0918
Northern Tract	UPA3	Urban Reserve *1	31W10 01400	29.99	\$54,039.63	SIMS T DWIGHT	522 SW 5TH 1110 YEON BG	PORTLAND	OR	97204
Northern Tract	UPA3	Urban Reserve	31W10 01500	14.45	\$26,037.77	BISCHOF DONALD E	16300 SW 192ND AVE	SHERWOOD	OR	97140-8744
Northern Tract	UPA3	Urban Reserve	31W10 01501	5.00	\$9,009.61	BISCHOF DONALD E	16300 SW 192ND AVE	SHERWOOD	OR	97140-8744
Northern Tract	UPA3	Urban Reserve	31W10C 01600	0.25	\$450.48	ANTHONY LARRY EUGENE	27220 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-7201
Northern Tract	UPA3	Urban Reserve	31W10C 01700	1.22	\$2,196.34	DIX LOUIS G JR & KATHI A	27330 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-7201
Northern Tract	UPA3	Urban Reserve	31W10C 01800	6.92	\$12,469.30	BOBOSKY ROBERT S & JUDEEN M	6770 SW CANYON DR	PORTLAND	OR	97225-3650
Northern Tract	UPA3	Urban Reserve	31W10C 01801	1.53	\$2,756.94	HAM LYLE BRUCE TRUSTEE	27712 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-8419
Northern Tract	UPA3	Urban Reserve	31W10C 01802	1.07	\$1,928.06	HAM LYLE BRUCE TRUSTEE	27712 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-8419
Northern Tract	UPA3	Urban Reserve	31W10C 01803	2.72	\$4,901.23	MONTGOMERY WESLEY A & KAREN M	16974 SW RICHEN PARK CIR	SHERWOOD	OR	97140-8682
Northern Tract	UPA3	Urban Reserve	31W10C 01804	1.13	\$2,036.17	HILL MARK	27636 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-8419
Northern Tract	UPA3	Urban Reserve	31W10C 01805	1.00	\$1,801.92	DIX LOUIS G JR & KATHI A	27330 SW GRAHMS FRY RD	SHERWOOD	OR	97140-7201
Northern Tract	UPA3	Urban Reserve	31W10C 01900	4.38	\$7,892.42	TOLLEN TONIE I TRUSTEE	11681 SW TOOZE RD	WILSONVILLE	OR	97070-9519
Northern Tract	UPA3	Urban Reserve	31W10C 02000	2.04	\$3,675.92	DOMINQUEZ WILFRIDO CHAVEZ	11611 SW TOOZE RD	WILSONVILLE	OR	97070-9519
Northern Tract	UPA3	Urban Reserve	31W10C 02100	2.92	\$5,261.61	STEFFECK DONALD WILLIAM & DORENE	27818 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-8419
Northern Tract	UPA3	Urban Reserve	31W10C 02101	2.82	\$5,081.42	ANDERSON DIRK D & ALLISON B	11797 SW TOOZE RD	WILSONVILLE	OR	97070-9519
Northern Tract	UPA3	Urban Reserve	31W10C 02102	0.91	\$1,639.75	PRIGODICH MICHAEL R	27900 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-8419
Northern Tract	UPA3	Urban Reserve	31W10C 02103	0.61	\$1,099.17	MCRAE SEAN G & KATHLEEN	11811 SW TOOZE RD	WILSONVILLE	OR	97070-7554
Northern Tract	UPA3	Urban Reserve	31W10C 02200	0.91	\$1,639.75	STEFFECK DONALD WILLIAM & DORENE	27818 SW GRAHAMS FERRY RD	SHERWOOD	OR	97140-8419

totals: **253.11** **\$597,143**

*1 - Parcels lie partially within and outside of SS service area. Acreage has been adjusted to only that portion of parcel lying within SS service area.

*2 - West Linn - Wilsonville School District entered into a separate development agreement with the City for their reimbursement based on the planned housing for the site acquired for the Lowrie Primary School. This results in an overall cost reduction of \$141,059 leaving \$456,084 to be prorated among the other property owners.

EXHIBIT D

Coffee Lake Drive
Sewer Improvement - 2077

CONSTRUCTION COSTS

Exhibit E

Updated 4-30-2012

Item	Alternate Bid	Change Order	Construction Cost	SS Trunk Line	VB East 2 Road thru Wetland	
DESIGN & ENGINEERING						
Pacific Community Design	\$29,110.00	\$5,479.66	\$34,589.66	\$24,517.74	\$10,071.92	
Geo Conn North West	\$29,349.66	\$8,631.76	\$37,981.42	\$26,921.88	\$11,059.54	
			Sub Total	\$72,571.08	\$51,439.62	\$21,131.46
						29.12% of Construction Cost
MITIGATION EXPENSES						
Mud Slough Mitigation	\$24,583.00		\$24,583.00	\$11,222.67	\$13,360.33	
			Sub Total	\$24,583.00	\$11,222.67	\$13,360.33
						21 ft SS line, 46 ft roadway
CONSTRUCTION CONTRACT EXPENSE						
Kerr Contractors Inc.	\$557,622.20	\$23,195.64	\$580,817.84	\$411,693.56	\$169,124.28	
			Sub Total	\$580,817.84	\$411,693.56	\$169,124.28
						29.1% of Construction Cost
OTHER EXPENSES						
DJC Add - RFQ, SOQ	\$336.88		\$336.88	\$336.88		
DJC Add - Bid	\$635.25		\$635.25	\$635.25		
World Courier	\$169.61		\$186.27	\$186.27		
Willamette Aviation	\$35.30		\$35.30	\$35.30		
BOLI Fee	\$571.76		\$571.76	\$571.76		
ABC Transcription	\$170.00		\$170.00	\$170.00		
Bulk Water	\$856.40		\$856.40	\$856.40		
Westlake Consultants	\$3,895.40		\$3,895.40	\$3,895.40		
City Const. Mgt. & Inspection Time	\$95,644.27		\$95,644.27	\$95,644.27		
City Wetland Permitting Staff Time	\$44,807.55		\$44,807.55	\$20,455.62	\$24,351.93	
			Sub Total	\$147,139.08	\$122,787.15	\$24,351.93
						21 ft SS line, 46 ft roadway
			Construction Cost	SS Trunk Line	VB East 2 Road through Wetland	
GRAND TOTAL:			\$825,111	\$597,143	\$227,968	

Coffee Lake Drive
Sewer Improvement - 2077

CONSTRUCTION COSTS

Exhibit E

Updated 4-30-2012

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World Courier	\$169.61		\$186.27	\$186.27		
Willamette Aviation	\$35.30		\$35.30	\$35.30		
BOLI Fee	\$571.76		\$571.76	\$571.76		
ABC Transcription	\$170.00		\$170.00	\$170.00		
Bulk Water	\$856.40		\$856.40	\$856.40		
Westlake Consultants	\$3,895.40		\$3,895.40	\$3,895.40		
City Const. Mgt. & Inspection Time	\$95,644.27		\$95,644.27	\$95,644.27		
City Wetland Permitting Staff Time	\$44,807.55		\$44,807.55	\$20,455.62	\$24,351.93	
			Sub Total	\$147,139.08	\$122,787.15	\$24,351.93
						21 ft SS line, 46 ft roadway
			Construction Cost	SS Trunk Line	VB East 2 Road through Wetland	
GRAND TOTAL:			\$825,111	\$597,143	\$227,968	

Supplemental I-5/Wilsonville Road Fee

pay supplemental fee for 93 lots at \$690/DU (\$64K).

Fee	Rate	Units	Cost
I-5/Willsonville Rd	93	690	64,170
Total			64,170

Coffee Lake Drive Sewer Improvement - 2077

Polygon to pay reimbursement ditrict fee (22K).

	Project Cost	Percent	Cost
Total Reimb.	597,143	3.718%	22,199.67

Master Plan Fee

Pay fee amount (\$96K)

Fee	Units	Rate	Cost
MP Fee (Costa)	93	787.00	73,191
MP Fee (City)	93	240.00	22,320
Total	93	1,029	95,511

South Portion Regional Park 8 and Neighborhood Park 6

Polygon to build park(\$428K max), pay supplemental park fee (\$99K), take credit of construction cost (\$428K max) against standard park fees (\$428K)

Item	Area (ac)	price per ac	Cost
NP 6	1.64	260,967	427,986
Total			427,986

\$481,715 per parks master plan

School Reimbursement District

Polygon to pay its portion of reimbursement district (\$237K)

Item	Cost	quant.	Cost
por. Reimb. District	291,657.25	1	291,657.25
Total			291,657

Misc. Linear Greens (LG-11 & 12) and Pocket Parks (PP-11)

Polygon to build those portions with the project limits, no SDC credits

Storm Quality SDC Fee

Polygon to build onsite/offsite facilities, pay no storm Quality SDC Fee

Storm Quantity SDC Fee

Polygon to pay fee (\$72k)

SDC Fees

Fee	Amount	Fasano		comments
		Units	Cost	
Sewer	4,153	93	386,229.00	
Coffee Lake Sewer Reimbursement	22,199.67	1	22,199.67	
School Reimbursement District	291,657.25	1	291,657.25	
Water	4,736	93	440,448.00	
Storm Quality	0	93	0.00	
Storm Quantity	780	93	72,540.00	
Roads	6,340	93	589,620.00	
I-5/Wilsonville road	690	93	64,170.00	
Parks	4,602	93	427,986.00	
Supplemental Park Fee	1,071	93	99,603.00	
Master Plan	1,027	93	95,511.00	
Total	337,256	93	2,489,963.92	

not including:

school construction Excise tax

Metro Excise tax

all fees expected to raise annually in July. These are current as of 7/1/12



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: November 5, 2012		Subject: <u>Ordinance No. 705</u> Comprehensive Plan Map Amendment from 'Commercial' to 'Residential, 10 – 12 du/ac', Fox Center Townhomes.	
		Staff Member: Blaise Edmonds, Manager of Current Planning Department: Planning Division	
Action Required		Development Review Board Recommendation	
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1st Reading Date: Nov. 5, 2012 <input checked="" type="checkbox"/> Ordinance 2nd Reading Date: Nov. 19, 2012 <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	
		Comment: Development Review Board Panel A recommends approval of the Comprehensive Plan Map Amendment.	
Staff Recommendation: Staff recommends that the City Council adopt Ordinances No. 705 approving a Comprehensive Plan Map Amendment from 'Commercial' to 'Residential 10 – 12 du/ac.' The State statutory 120-day time limit applies to this application so the City Council must render a final decision for the request by January 8, 2013.			
Recommended Language for Motion: I Move to Adopt Ordinance No. 705 on the first reading.			
PROJECT / ISSUE RELATES TO: Comprehensive Plan, Zone Code and Fox Center Master Plan.			
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Fox Chase Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL: Approve or Deny Ordinance No. 705 for a Comprehensive Plan Map Amendment on 1.14 acres comprising the southwestern corner of SW Wilsonville Road and SW Willamette Way East. Seema LLC, Applicant.

EXECUTIVE SUMMARY: After two public hearings the proposed Comprehensive Plan Map Amendment is being forwarded to the City Council by Development Review Board - Panel 'A' (DRB) with a recommendation of approval. Under a separate Ordinance the DRB is also recommending approval of a Zone Map Amendment from PDC to PDR-5 and to modify the Stage I Preliminary Plan for Fox Chase subdivision. The proposed Comprehensive Plan Map Amendment will enable the development of Fox Center Townhomes which is comprised of 15 townhome rental units. At least one unit must be rented to people 55 and over. Proposed in Ordinance No. 706 is a Zone Map Amendment from Planned Development Commercial to Planned Development Residential - 5. The DRB also approved a Stage II Final Plan and a Type 'C' Tree Plan. Those approvals are contingent on Council approval of the subject Comprehensive Plan Map Amendment.

EXPECTED RESULT: Adoption of Ordinance No. 705 will enable development of 15 townhome units in 4 buildings.

TIMELINE: Construction of the townhomes would begin in 2013 and would take approximately one year to complete.

CURRENT YEAR BUDGET IMPACTS: Proposed Fox Center Townhomes is a private development so the Applicant is responsible to make all public and private improvements, and pay City application fees and systems development charges for parks, storm sewer and streets.

FINANCIAL REVIEW / COMMENTS: n/a

Reviewed by: _____, Date: _____, 2012

LEGAL REVIEW / COMMENT:

Reviewed by: MEK _____ Date: October 9, 2012

The record reflects that the property has been designated commercial for a long period of time without market support for development; that the designation change to residential is compatible with surrounding uses; that originally the applicant sought to receive a bonus density of 2 units over the 14 allowable by providing the units for senior renters adding to the mix of available affordable housing; that due to neighborhood concerns the applicant has amended its original application in several respects, including but not limited to, eliminating one access, increasing on-site parking, and reducing the bonus density to 1 unit for a total of 15 units.

There is evidence in the record upon which the City Council may determine is persuasive to follow the Development Review Board's recommendation and approve the Comprehensive Plan designation amendment and the bonus density of one unit for senior residency for a total of 15 units upon the findings and conditions stated. Should the City Council determine that providing the bonus density of one was not appropriate under the circumstances and that the applicant didn't carry its burden of persuasion; then the council will need to provide its findings to this effect.

COMMUNITY INVOLVEMENT PROCESS: The required public hearing notices have been sent. Last year the Applicant conducted a neighborhood meeting.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY Ordinance No. 705 will provide:

- 15 market rate rental townhomes.

ALTERNATIVE: To deny the Applicant's request.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A – Comprehensive Plan Map Order DB12-0033

Attachment 1: Map depicting Comprehensive Map Amendment

Attachment 2: Legal Description

Exhibit B – Planning Staff Report, Comprehensive Plan Map Amendment Findings, and Recommendation to City Council, Oct. 8th

Exhibit C - DRB Panel A, Notice of Decision and Resolution No. 234.

Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), and Fox Center Townhomes application on compact disk.

Exhibit E – August 13th DRB Minutes

Exhibit F – October 8th DRB Minutes

ORDINANCE NO. 705

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL – 10 - 12 DU/AC ON 1.14 ACRES COMPRISING TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON; “FOX CENTER TOWNHOMES” SEEMA, LLC, APPLICANT

WHEREAS, SEEMA, LLC (“Applicant”), as owner of the real property legally shown and described on **Exhibit A**, Attachments 1 and 2, attached hereto and incorporated by reference herein (“Property”), has made a development application requesting, among other things, a Comprehensive Plan Map Amendment of the Property; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, attached hereto as **Exhibit B** and incorporated by reference herein, which staff report was presented to the Development Review Board (DRB) on August 13 and October 8, 2012; and

WHEREAS, the DRB Panel A held a public hearing on the application for a Comprehensive Plan Map Amendment (DB12-0033) and other related development applications (DB12-0034-0036, TR12-0067 and DB12-0039) on August 13, 2012, and after taking public testimony, receiving exhibits, and giving full consideration to the matter, determined to continue the hearing in order to allow the Applicant additional time to consider and address public testimony concerns and DRB Panel member concerns; and

WHEREAS, on October 8, 2012, the DRB Panel A reconvened and continued the public hearing on the application for a Comprehensive Plan Map Amendment (DB12-0033) and other related development applications (DB12-0034-0036, TR12-0067 and DB12-0039) and, after taking additional public testimony, receiving exhibits, reviewing the applicant’s revised application and the revised staff report, and giving full consideration to the matter, adopted Resolution No. 234, attached hereto as **Exhibit C** and incorporated by reference herein; and

WHEREAS, Resolution No. 234 recommends that the City Council approve the Applicant’s request for a Comprehensive Plan Map Amendment (Case File DB12-0033), approve all other related applications within DRB jurisdiction, and adopt the staff report with its modified findings, recommendations, and conditions, all as placed on the record. Contingent

upon City Council approval of the Comprehensive Plan Map Amendment, Resolution No. 234 authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on November 5, 2012, 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 staff report, which record was incorporated into the City Council public hearing record; 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, as summarized in the staff report, including, but not limited to, a one dwelling unit (du) density bonus for senior residents, for a total of 15 dwelling units for the development.

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing recitals and the staff report, as contained in the record of the above described DRB hearing, and incorporates them by reference herein as if fully set forth.

Section 2. Order. The City of Wilsonville Comprehensive Plan Map is hereby amended by Comprehensive Plan Map Order DB12-0033, attached hereto as **Exhibit A**, from Commercial to Residential, 10 - 12 dwelling units per acre (du/ac), together with a one unit density bonus for senior residents.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of November, 2012, and scheduled for second reading at a regular meeting thereof on the 19th day of November, 2012 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2012, by the following votes: Yes: _____ No: _____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of _____, 2012.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Nunez

Councilor Goddard

Councilor Starr

Attachments:

- Exhibit A – Comprehensive Plan Order DB12-0033
 - Attachment 1, Map Depicting Plan Amendment
 - Attachment 2, Legal Description
- Exhibit B – Comprehensive Map Amendment Findings
- Exhibit C – DRB Resolution No. 234

Exhibit A
BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Fox Center Townhomes

In the Matter of the Application of)
Mr. Lee Leighton of Westlake Consultants,)
Inc., Agent for the Applicant,)
Seema, LLC., for a Comprehensive Plan)
Map Amendment Incorporated in the)
City of Wilsonville Comprehensive Plan.)

COMPREHENSIVE PLAN ORDER
NO. DB012-0033

The above-entitled matter is before the Council to consider the application of DB12-0033, for a Comprehensive Plan Map Amendment and an Order, amending the Comprehensive Plan Map as incorporated in the Comprehensive Plan.

The Council finds that the subject property (“Property”), legally described and shown on Attachments 1 and 2, has heretofore appeared on the City of Wilsonville Comprehensive Plan Map as Commercial.

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 1.14 acres of Tax Lot 100 as more particularly shown in the Comprehensive Plan Map Amendment, Attachment 1 and described in Attachment 2 is hereby Residential – 10 – 12 du/ac. The foregoing re-designated 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 ___ day of ___, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Exhibit A: Comprehensive Plan Map Order

Attachment 1: Map depicting Comprehensive Plan Map Amendment

Attachment 2: Legal Description

Exhibit B: Comprehensive Plan Map Amendment Findings

GRAHAMS OAK PARK

SW WILSONVILLE ROAD

Lot 1
Block 1
Fox Chase
Subdivision
Tax Lot 100

**SUBJECT
PROPERTY**

**COMPREHENSIVE PLAN MAP
CHANGE:
COMMERCIAL TO
RESIDENTIAL 10 -12
DWELLING UNITS PER ACRE
TO ALLOW 15 TOWNHOMES IN
FOUR BUILDINGS**

WILLAMETTE WAY EAST

VALLEY
CHRISTIAN
CHURCH

CITY COUNCIL
EXHIBIT B

CHANTILLY

EXHIBIT

Lot 1, Block 1, FOX CHASE (Volume 86, Page 6, Clackamas County Plats), in the City of Wilsonville, County of Clackamas and State of Oregon, more particularly described per Plat dimensions as follows:

Commencing at an angle point in the north line of said FOX CHASE being North 64°31'00" East, 1147.50 feet from the northwest corner thereof;

thence, along the north line of said FOX CHASE North 52°43'59" East, 76.04 feet to the point of beginning;

thence, continuing along said north line, North 52°43'59" East, 182.72 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of 116°27'25", (chord bears South 69°02'18" East, 25.50 feet) an arc distance of 30.49 feet;

thence, South 10°48'35" East, 283.61 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of 75°28'35", (chord bears South 26°55'43" West, 18.36 feet) an arc distance of 19.76 feet;

thence, South 64°40' West, 16.52 feet;

thence, along a tangent 113.00 foot radius curve to the right, through a central angle of 38°54'45", (chord bears South 84°07'23" West, 75.28 feet) an arc distance of 76.74 feet;

thence, North 76°25'15" West, 73.73 feet;

thence, along a tangent 137.00 foot radius curve to the left, through a central angle of 7°06'21", (chord bears North 79°58'25" West, 16.98 feet) an arc distance of 33.75 feet;

thence, North 10°48'35" West, 191.34 feet to the point of beginning.

**COUNCIL EXHIBIT B
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION
CITY COUNCIL
QUASI - JUDICIAL PUBLIC HEARING
*Fox Center Townhomes***

Public Hearing Date: November 5, 2012

Application Number: DB12-0033 **Comp. Plan Map Amendment**

Property Owner/Applicant: Seema, LLC

REQUEST: Mr. Lee Leighton, AICP, of Westlake Consultants Inc., acting as agent for Seema, LLC, Applicant, proposes a 15 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase subdivision.

The Applicant is proposing to modify the Fox Chase Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres in commercial into a multi-family residential use (15 townhomes - rental units). In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Proposed is a Comprehensive Plan Map Amendment which would enable development of the project.

Current Comprehensive Plan Map Designation: Commercial

Proposed Comp. Plan Map Designation: Residential 10 – 12 units/acre

Zone Map Designation: Planned Development Commercial (PDC) see proposed Ordinance #705.

Proposed Zone: Planned Development Residential – 5 (PDR-5) see proposed Ordinance #706.

STAFF RECOMMENDATION: Approve the application with no conditions of approval.

Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon. The subject site has relatively level terrain with 11 deciduous and coniferous trees at the northerly part of the property.

VICINITY MAP



APPLICABLE REVIEW CRITERIA:

Wilsonville Code Section(s)	Description
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Section 4.140	Planned Development Regulations
Section 4.198.01(A through D)	Comprehensive Plan Map Amendment

Other Planning Documents:
Storm Water Master Plan
Transportation Systems Plan
Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x.
Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development. 10) Housing, 11) Public Facilities, and 12) Transportation.
Fox Chase Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning, Mike Ward, City Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

BACKGROUND:

The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City’s Comprehensive Plan had not yet been

acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was kept in place.

In 1995 and 1996 under Resolutions No.'s 95PC21 and 96DB23 following a controversial process that involved citizen concerns about the proposed retail uses. The Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhouse residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

PROJECT SUMMARY AND RECOMMENDATIONS:

A detailed project introduction and compliance report in support of the application is provided by the Applicant found in Exhibits B1 and B9. The Applicant's introduction on pages 1 and 2 of Exhibit B1 adequately describes the project, the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, Staff has relied upon the Applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Comprehensive Plan Map Amendment

The proposal is to change the 'Commercial' designation on 1.14 acres to 'Residential 10 – 12 dwelling units/per acre'. The adjacent Fox Chase subdivision is designated 'Residential 6 – 7 dwelling units/per acre' and is a detached, single-family house subdivision.

As demonstrated in findings A1 through A27, the proposed Comprehensive Plan Map Amendment meets all applicable requirements on pages 8 and 9 of the Comprehensive Plan and in Section 4.198.01(A through D).

DISCUSSION TOPICS

Housing Density: The Applicant is not proposing to build the project at the Comprehensive Plan Map density of 10 – 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units or 14 units). Instead the Applicant is seeking to obtain 15 dwelling units through Implementation Measure 4.1.4.v; "*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*" This would be a net increase of 1.32 dwelling units over the maximum Comprehensive Plan density or

10% of 14 units. However, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is: 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density.

DB12-0033: Comprehensive Plan Map Amendment

On the basis of findings A1 through A27 this action approves the Comprehensive Plan Map Amendment from Commercial to Residential 10 – 12 du/ac with no conditions of approval.

EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.

Applicant's Written and Graphic Materials:

- B1. Land Use application in a binder notebook and on compact disk, date received July 13, 2012 including; Code compliance/findings. Application, mailing list, introduction/project narrative, Comprehensive Plan Map & Zoning Map Illustrations, neighborhood meeting documentation, compliance reports, Economic Opportunity Analysis Report, Table 1 – Modification of Fox Chase Final Plat/Planned Development Approval, application form, Fox Center Townhomes Tree Maintenance and Protection Plan, Correspondence with Allied Waste Management, legal description, DKS Traffic Report, site plan sheets, conceptual building elevations and arborist's report for requests A through F.

Full Size Drawings/Plan Sheets.

Sheet Number Sheet title

- B2. A1.1: Site Plan
- B3. A3.1 Preliminary Building Elevations
- B4. A3.2 Preliminary Building Elevations
- B5. C1.0 Preliminary Grading Plan
- B6. C2.0 Preliminary Utility Plan
- B7. New Entry Fencing Perspective Illustration
- B8. Applicant's powerpoint presentation at the 8.13.12 DRB meeting.
- B9. The Applicant submitted revised application materials replacing or modifying the items listed in Exhibit B1.
- B10. E-mail, tolling the 120-day review period, dated August 21, 2012.

Public Testimony:

Letters (neither for nor Against):

Letters (In Favor): None submitted

Letters (Opposed):

- D1. Letter, Robert Meyer dated August 13, 2012.

FINDINGS OF FACT

1. **Existing Site Conditions:** The Applicant has provided a full project description in Exhibit B1. The subject property is currently zoned PDC.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Boones Ferry Primary and Wood Middle School – PF Zone
East	Valley Christian Church
South	Fox Chase Subdivision
West	Fox Chase Subdivision

Natural Characteristics: The relatively level property is 1.14 acres which includes a group of eleven conifer and deciduous trees.

Streets: The subject property is a corner lot with three side fronting Wilsonville Road at the north, Willamette Way East on the east and Chantilly at the south.

Previous Planning Applications Relevant to the subject property: See the background statement on page 3 of this staff report. Also;

83PC09: Fox Chase, Stage I Preliminary Plan (Master Plan)

95PC21: Stage II Final Plan for retail center.

96DB23: Site Design Review for retail center.

2. 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.
3. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
4. The statutory 120-day time limit applies to this application. The application was initially received on June 15, 2012. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the Applicant by letter on June 25, 2012, of missing items. On July 13, 2012, the Applicant submitted additional materials intended to complete the application. On July 16, 2012 the application was deemed complete. On August 13 the Board conducted a public hearing on the subject and continued the public hearing to October 8. The Applicant granted a 56 – day extension which moved the date for issuing the city decision from November 12, 2012 to January 8, 2013. Thus the City must render a final decision for the request, including any appeals, by January 8, 2013.

CONCLUSIONARY FINDINGS

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

REQUEST (A): COMPREHENSIVE PLAN MAP AMENDMENT

Section 4.009: Who May Initiate Applications

- A1.** The property owner through his authorized planning consultant (Lee Leighton) has made application to modify the Comprehensive Plan Map for his property designated "Commercial" to become "Residential 10 – 12 dwelling units/acre."
- A2.** The Applicant has met all applicable filing requirements for a Comprehensive Plan Map Amendment. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to amend the Comprehensive Plan Map will be forwarded as a recommendation to the City Council.
- A3.** Last fall the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to the Applicant there was a favorable reaction to the proposed project. See Exhibit B1 for the Neighborhood Meeting Documentation.

Standards for Development Review Board and City Council Approval of Plan Amendments. Criteria a through e are found on pages 8 and 9 of the Comprehensive Plan and listed below.

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.**
- A4.** The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.
 - b. The granting of the amendment is in the public interest.**
- A5.** Implementation Measures 4.1.4.b, d, and o speak to the City's desire to see a diversity of housing types and affordability. The Applicant's proposal would add to the diversity of 15 multiple-family townhomes. The project site is currently a vacant parcel with eleven trees which is Lot 1, Block 1 of the Fox Chase residential subdivision, and is presently master planned for a retail commercial use. The property has remained vacant, and since 1983 no viable commercial development has been able to materialize. It has remained off the Clackamas County tax roll for building assessment. The subject property being located at the Willamette Way East entrance to the Fox Chase and Rivergreen subdivisions has a highly visible location. In the professional opinion of staff, the proposed project would enhance the easterly gateway entrance to the Fox Chase and Rivergreen subdivisions.

A6. Policy 4.1.4 and Implementation Measures 4.1.4.f, 4.1.4.l, and 4.1.4.p of the Comprehensive Plan speak to the City's desire to see the development of housing that is affordable to and serves employees working in the City. The proposed 15 townhome project would only slightly increase housing units within the City and it would attract employed or retired persons.

c. The public interest is best served by granting the amendment at this time.

A7. Because of the staggering economy and the national home mortgage crisis, there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. This provides circumstantial evidence that the public interest would be best served by granting the amendment at this time because there is a high demand for multi-family housing. (See finding A8). The proposed Comprehensive Plan Map Amendment is intended to implement the residential objectives of the Comprehensive Plan by providing 15 new housing units that were not previously available under the "Commercial" designation, thereby creating at a small degree, more diversity in a townhome housing type.

A8. 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. Again, the national trend is to provide multi-family housing which according to the U.S. Commerce Department; *"fewer people bought new homes in December, 2011. The decline made 2011 the worst year for new - homes sales on records dating back nearly half a century to 1963. New-home sales fell 2.2 percent last December to a seasonally adjusted annual pace of 307,000. The pace is less than half the 700,000 that economists say must be sold in a healthy economy. The median sales prices for new homes dropped in December to \$210,300. Builders continued to slash price to stay competitive in the depressed market. A key reason for the dismal 2011 sales is that builders must compete with foreclosures and short sales, when lenders accept less for a house than what is owed on the mortgage. Furthermore, the wave of foreclosures is pushing many families out of their homes and into the rental market. For those increasing numbers of residents and employees that do not qualify to purchase a house, multi-family housing helps fill their housing need."*

Furthermore, the need for more multi-family housing at this time is further demonstrated by a recent article by Elliot Njus, of The Oregonian, dated, April 18, 2012. *"According to the Metro Multifamily Housing Association, which released its latest survey of apartment managers and owners Wednesday, vacancy across the metro area grew to 3.72 percent from 3.34 percent late last year. Rents, meanwhile, climbed 3 percent in the same period, reaching \$1 a square foot per month across the metro area. An average two-bedroom unit now rents for \$771 a month, an increase of \$28 a month compared with six months earlier. The Portland area has one of the lowest rental vacancy rates in the country. Last year, the U.S. Census Bureau and the National Association of Realtors both ranked Portland the second-tightest rental market among the largest metro areas. That's good news for owners of apartment buildings, who can push rents higher without risking empty units. "If you want to live in the moment, the moment is fantastic," Portland economist Jerry Johnson told an audience of housing professionals at the report's release. But the clock is running. High demand for apartments has drawn interest from developers, and*

Johnson said some 6,100 units are in the works. "New product must be rented, and there will be fierce competition," said Maureen MacNabb, the president of Capital Property Management Services Inc. of Portland."

"The bulk of those new apartments are still months or years away. Only 1,700 units will come to market this year, with another 2,700 on track to open in 2013. That lags the region's 15-year historical average of 4,000 new units a year."

Tight rental market

	Average rent per square foot	Average market vacancy rate
Inner and central S.E. Portland	\$1.21	1.4%
Inner and central N.E. Portland	1.13	1.8
S.W. Portland	0.99	2.7
Clackamas	0.93	3.1
Wilsonville / Canby	0.95	3.2
Beaverton	0.95	3.4
Milwaukie	0.94	3.4
Outer S.E. Portland	0.88	3.5
West Vancouver	0.85	3.5
Aloha	0.92	3.7
Tigard / Tualatin / Sherwood	0.92	3.7
N. Portland / St. Johns	1.17	3.8
N.W. Portland	1.44	3.8
Troutdale / Fairview / Wood Village / Gresham	0.90	4.2
East Vancouver	0.87	4.7
Downtown Portland	1.66	5.1
Hillsboro/ North of 26	0.98	5.2
Lake Oswego / West Linn	1.07	5.3
Oregon City / Gladstone	0.85	5.3
Outer N.E. Portland	1.02	6.0

Source: Metro Multifamily Housing Association

DAVID BADDERS/ THE OREGONIAN

**d. The following factors have been adequately addressed in the proposed amendment:
Suitability of the various areas for particular land uses and improvements;**

In 2000, the City was at a 9.5% vacancy rate but according to a Metro Multifamily Housing Association report released in April, 2012, the metro area grew to 3.72% vacancy rate from 3.34% from late last year. The report further indicates that Wilsonville had 3.2 percent vacancy rate. Unfortunately, because of the rental housing shortage rent levels are increasing making housing less affordable.

Land uses and improvements in the area;

- A9.** The Applicant has satisfied the requirements of the Comprehensive Plan relative to and proposed residential planning density and community design that specifically address the impacts of the proposed development on the provision of franchise and emergency services, and pedestrian and vehicular connectivity.

Trends in land improvement;

- A10.** In Resolution No. 96DB23 the Board approved site development plans for a child day care and retail commercial center. However, those land use approvals ultimately expired. Subsequent developments of Old Town Square (Fred Meyer and retail buildings) together with Lowries MarketPlace have left no real market demand for retail development on the subject site. Thus, in the professional opinion of staff, the highest and best use of the subject property is for a residential use.

Density of development;

- A11.** The adjoining Fox Center subdivision is designated on the Comprehensive Plan as Residential 6 – 7 dwelling units per acre which is medium residential density. Near to the southeast is Autumn Park Apartments with a Residential 10 - 12 dwelling units per acre designation. Adjacent to the east is Valley Christian Church zoned PDR-5 also with a Comprehensive Plan designation of 10-12 du/ac. 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. The March 2012 Development Summary completed by the City indicates that approximately 23% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR).

City Wide Housing Units

Type	New	YTD	Total
Apartment	0	0	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	21	21	3696
Totals	21	21	9081

On the basis of the above inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with

Policy 4.1.4 and its implementation measures that 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.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Tonquin Woods 2 (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total 591 homes.

Property values;

- A12.** As stated in findings A7 through A10 the nationwide recession has caused more foreclosures in home ownership and has resulted in lower property values. The proposed project is located on the last remaining and undeveloped lot (Lot 1) of the Fox Chase subdivision and if this project is approved it will become the last development in Fox Chase to occur since the 1980’s. In the professional opinion of staff, the project having attractive design will increase property values over time.

Needs of economic enterprises in the future development of the area;

- A13.** The subject site is not within an area identified by the City of economic enterprises for future development. The subject site is a remnant lot of the Fox Chase subdivision of only 1.14 acres and is only infill development.

Transportation access;

- A14.** The Traffic Impact Study completed for this project (Exhibit B1), prepared by DKS Associates indicates that the Willamette Way East and Chantilly provides sufficient access for the future residents, emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions.

- A15.** The subject property does not have protected natural resources.

e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.

- A16.** The proposal is for a small project comprising 15 townhome units that would not have any apparent conflicts with the applicable Metro requirements. To a lesser degree the proposed project will offset the employment and housing imbalance within the City by rezoning land from commercial to residential. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. In conjunction with the proposed Comprehensive Plan Map Amendment the Applicant in Request B is requesting a Zone Map Amendment from Planned Development

Commercial (PDC) to Planned Development Residential (PDR-5) which corresponds to the proposed Comprehensive Plan Map density of 10 - 12 dwelling units per acre.

Wilsonville Development Code – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:”

Criterion A: “That the proposed amendment meets a public need that has been identified;”

A17. Finding A5 addresses Criterion A. Through the Stage II Final Plan conditions of approval proposed by staff, the project can be adequately served with urban services and would minimize off-site impacts.

The traffic study completed for this project (Exhibit B1), prepared by DKS Associates indicate that the Willamette Way East and Chantilly provides sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Criterion B: That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made.

A18. See Findings A7 through A10. The current Comprehensive Plan designation for the subject property is Commercial. The Zoning Map identifies the subject property as Planned Development Commercial (PDC). The Planned Development Regulations of the Development Code require that properties over two acres result in a Planned Development community. Though the subject property is 1.14 acres less than 2 acres a prior condition of approval for Fox Chase (Resolution 83PC09) requires a Stage II Final Plan for commercial or multi-family residential development on this site. Proposed project has 13.16 dwelling units per gross acre which would be slightly more than the adjacent properties at the west, south, and east that are designated Residential 6 – 7 and 10 – 12 du/ac on the Comprehensive Plan Map.

Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

A19. The Applicable Statewide Planning Goals are;

Goal 1 - Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

A20. In the fall of 2011, the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to Exhibit B of Exhibit B1 (Neighborhood meeting Documentation Notes) there was a favorable reaction to the proposed project.

- A21.** 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.
- A22.** Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.

Goal 10 - Housing: *To provide for the housing needs of citizens of the state.*

- A23.** The City of Wilsonville Comprehensive Plan has been acknowledged by the State of Oregon Land Conservation and Development Commission and the Plan is consistent with Title 1 of Metro's Urban Growth Management Functional Plan,

Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

- A24.** The City of Wilsonville Comprehensive Plan includes a Stormwater Master Plan, Water Master Plan and Wastewater Master Plan all of which have been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

- A25.** The City of Wilsonville Comprehensive Plan includes a Transportation Systems Plan of which has been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

- A26.** The project supports the applicable Statewide Planning Goals.

Criterion D: “That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

- A27.** The Applicant is requesting an amendment of the Comprehensive Plan Map for the subject property. The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.

SUMMARY FINDING:

- A28.** The Applicant's proposed Comprehensive Plan Map Amendment meets all applicable Comprehensive Plan and Planning and Land Development Ordinance requirements.

October 11, 2012

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Fox Center Townhomes

Case Files: Request A: DB12-0033 – Comp. Plan Map Amendment
Request B: DB12-0034 – Zone Map Amendment
Request C: DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
Request D: DB12-0036 – Stage II Final Plan
Request E: TR12-0067 – Type ‘C’ Tree Plan
Request F: DB12-0039 – Waiver to front yard setback

Applicant / Owner: Seema LLC

Property Description: Tax Lots 100, Section 22AC, T3S-R1W, Clackamas, County,
Wilsonville, Oregon

Location: 30625 SW Willamette Way East

On October 8, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request A and B: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, November 5, 2012 to hear these items.*

Requests C, D, E, and F: Approved with conditions of approval.
These approvals are contingent upon City Council's approval of Request A and B.

An appeal of Requests C, D, E, and F to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02)*. A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 11th day of October 2012 and is available for public inspection. The decision regarding Requests C, D, E, and F shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 234, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 234**

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL 10 – 12 DU/AC AND A ZONE MAP AMENDMENT FROM PLANNED DEVELOPMENT COMMERCIAL (PDC) TO PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5), AND ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY PLAN FOR FOX CHASE, A STAGE II FINAL PLAN, A TYPE 'C' TREE PLAN AND A WAIVER TO ENABLE DEVELOPMENT OF FIFTEEN (15) TOWNHOME UNITS FOR FOX CENTER TOWNHOMES. THE SUBJECT 1.14 ACRE PROPERTY IS LOCATED ON TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON. SEEMA, LLC, APPLICANT.

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, the Planning Staff has prepared staff reports on the above-captioned subject dated July 31, 2012 and September 19, 2012, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meetings conducted on August 13, 2012 and October 8, 2012, 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 application and the recommendations contained in the staff report, and

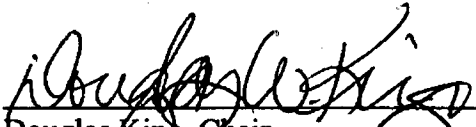
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board Panel A of the City of Wilsonville recommends that the City Council approve a Comprehensive Plan Map Amendment a Zone Map Amendment (Case Files DB12-0033 and DB12-0034), approve a revised Stage I Preliminary Plan, Stage II Final Plan, Type 'C' Tree Plan and a waiver to a front yard setback, and does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

DB12-0033 Comprehensive Plan Map Amendment
DB12-0034 Zone Map Amendment
DB12-0035 Revised Fox Chase, Stage I Preliminary Plan
DB12-0036 Stage II Final Plan

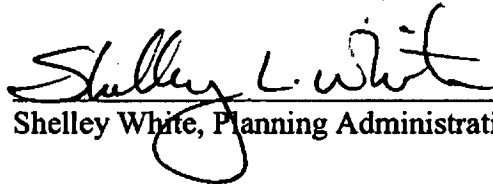
TR12-0067 Type 'C' Tree Plan
DB12-0039 Waiver to front yard setback

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of October 2012 and filed with the Planning Administrative Assistant on October 11, 2012. This resolution is final on the 15th 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)*.



Douglas King, Chair
Development Review Board, Panel A

Attest:



Shelley White, Planning Administrative Assistant

FOX CENTER TOWNHOMES
COMP PLAN MAP AMENDMENT
Comprehensive Plan Order DB12-0033

INDEX of RECORD

1. City Council Ordinance No. 705 approving and adopting Comprehensive Plan Order DB12-0033
2. City Council Meeting Staff Report, dated November 5, 2012
3. Council Exhibit A: Comprehensive Plan Order DB12-0033
 - Attachment 1: Map depicting Comprehensive Plan Map Amendment
 - Attachment 2: Legal description
4. Council Exhibit B: DRB Comprehensive Plan Map Amendment Adopted Findings, and Recommendation to City Council, October 8th
5. Council Exhibit C: Development Review Board Panel A, Notice of Decision and Resolution No. 234.
6. Council Exhibit D: DRB adopted staff report (Exhibit A1) digital sent and on compact disk.
7. Council Exhibit E: Minutes from August 13, 2012 DRB Panel A meeting, approved by DRB October 8, 2012.
8. Council Exhibit F: Minutes from October 8, 2012 DRB Panel A meeting (*to be submitted later*)

Additional Items for Review (No need to reproduce in Council Packet)

9. Packet items for the October 8, 2012 DRB Panel A meeting, including staff report and exhibits.

10. New exhibits entered into the record at the August 13, 2012 DRB Panel A meeting:

Exhibit C6. Memorandum from Blaise Edmonds, Manager of Current Planning, dated August 9, 2012 revising Condition of Approval PW1 for DB12-0036m Stage II Final Plan.

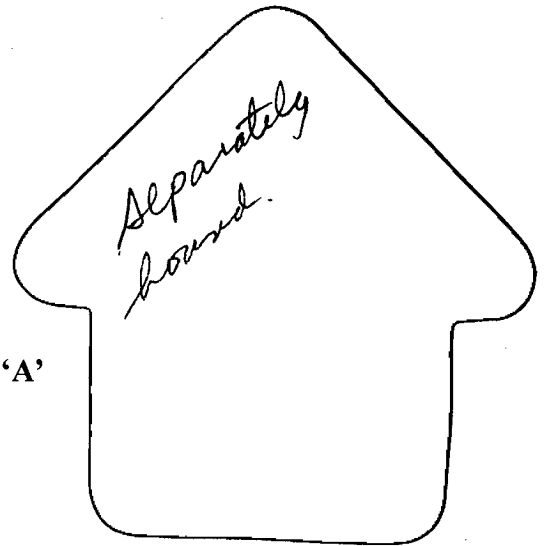
Exhibit D1. Two-page written statement submitted by Robert Meyer dated August 13, 2012 that he read into the record.

Exhibit B8. Applicant's PowerPoint presentation

11. Packet items for the August 13, 2012 DRB Panel A meeting, including staff report and exhibits and Exhibit B1 – applicant's submittal documents dated July 31, 2012, digital sent and on compact disk.

**EXHIBIT A1
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION
DEVELOPMENT REVIEW BOARD PANEL 'A'
QUASI - JUDICIAL PUBLIC HEARING
Fox Center Townhomes
(Amended and Adopted)**



1st Public Hearing Date: August 13, 2012
2nd Public Hearing Date: October 8, 2012

Date of Revised Report: September 19, 2012

Application Numbers:

- Request A: DB12-0033 Comp. Plan Map Amendment**
- Request B: DB12-0034 Zone Map Amendment**
- Request C: DB12-0035 Revised Stage I Pre. Plan**
- Request D: DB12-0036 Stage II Final Plan**
- Request E: TR12-0067 Type 'C' Tree Plan**
- Request F: DB12-0039 Waiver to front yard setback**

Applications for Site Design and Signs will be submitted separately and are not part of this review.

bold/italic = new words
strike = deleted words

Property Owner/Applicant: Seema, LLC

REQUEST: Mr. Lee Leighton, AICP, of Westlake Consultants Inc., acting as agent for Seema, LLC, Applicant, proposes a 15 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase subdivision.

The Applicant is proposing to modify the Fox Chase Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres in commercial into a multi-family residential use (townhomes, age restricted 55 and older rental units). In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing, but the Applicant has indicated that all 15 units being proposed will be age restricted housing. Proposed are Comprehensive Plan Map Amendment and a Zone Map Amendment which would enable development of the project. The Applicant's project introduction is found on pages 1 and 2 of Exhibit B1 and revised in Exhibit B9. Approvals of Requests C through F are contingent upon

City Council approval of the Comprehensive Plan Amendment and the Zone Map Amendment in case files DB12-0033 and DB12-0034 (Requests A and B).

Applicant: Let me call your attention to several important changes:

- *One unit was eliminated - the southwesterly building now contains only 3-units.*
- *All buildings were re-positioned to meet the 20-foot front yard setback requirement at all locations, eliminating the need for front setback waivers for any of the buildings (the arbor structure in the northern landscape area is now the only thing for which a setback waiver is requested).*
- *The south driveway has been eliminated, following consultation with TVF&R to ensure their access needs are satisfied.*
- *One of the community garden recreational use spaces has been moved to the southwest corner (which will have the best access to sunlight, much sought after by many gardeners).*
- *With a total of 44 off-street parking spaces for 15 dwelling units, the overall parking ratio is 2.93 spaces per unit – one space shy of two times the minimum requirement.*
- *The Site Plan drawing provides area calculations showing that the plan exceeds all applicable landscape/open space requirements.*
- *Similarly, the Tree Plan provides for new tree plantings in excess of the basic mitigation requirements for tree removal.*
- *Site Grading and Utilities Plans have been revised to be consistent with the 15-unit revised Site Plan.*

Current Comprehensive Plan Map Designation: Commercial

Proposed Comp. Plan Map Designation: Residential 10 – 12 units/acre

Zone Map Designation: Planned Development Commercial (PDC).

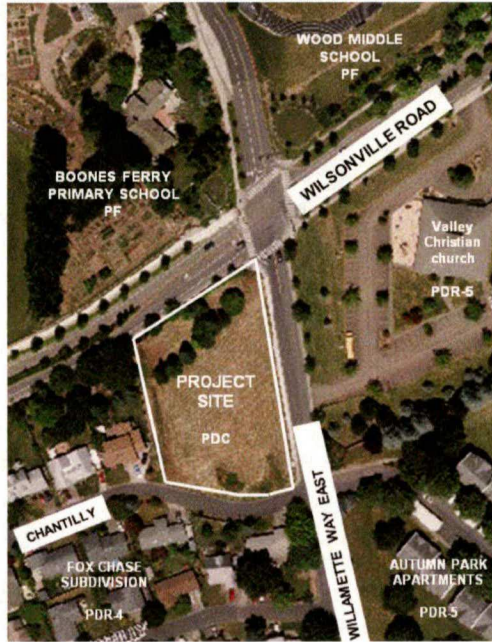
Proposed Zone: Planned Development Residential – 5 (PDR-5)

STAFF RECOMMENDATION: Approve the applications with conditions of approval beginning on page 8 9.

Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon.

The subject site has relatively level terrain with 11 deciduous and coniferous trees at the northerly part of the property.

VICINITY MAP



APPLICABLE REVIEW CRITERIA:

Wilsonville Code Section(s)	Description
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.113 (as applicable)	Standards for Residential Development in Any Zone
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Section 4.131	Planned Development Commercial (PDC) Zone
Section 4.124.5	Planned Development Residential – 5 (PDR-5) Zone
Section 4.140	Planned Development Regulations
Section 4.140.07	Stage I Preliminary Plan
Section 4.140.09	Stage II Final Plan
Section 4.155	Parking
Section 4.167	Access, Ingress and Egress
Section 4.175	Public Safety and Crime Prevention
.	
Section 4.177 (as applicable)	Street Improvement Standards
Section 4.178	Sidewalk and Pathway Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings
Section 4.197.02(A through G)	Zone Map Amendment
Section 4.198.01(A through D)	Comprehensive Plan Map Amendment
Section 4.199	Outdoor Lighting
Sections 4.300 – 4.320	Underground Utilities
Section 4.600 – 4.600.50	Tree Removal
Section 4.620.00 – 4.620.10	Mitigation, Tree Protection

Other Planning Documents:
Storm Water Master Plan
Transportation Systems Plan
Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x.
Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development, 10) Housing, 11) Public Facilities, and 12) Transportation.
Fox Chase Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning, Mike Ward, City Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

BACKGROUND:

The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City’s Comprehensive Plan had not yet been acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was kept in place.

In 1995 and 1996 under Resolutions No.’s 95PC21 and 96DB23 following a controversial process that involved citizen concerns about the proposed retail uses. The Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhouse residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

PROJECT SUMMARY AND RECOMMENDATIONS:

A detailed project introduction and compliance report in support of the application is provided by the Applicant found in Exhibits B1 and B9. The Applicant’s introduction on pages 1 and 2 of

Exhibit B1 adequately describes the project, the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, Staff has relied upon the Applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Request A – Comprehensive Plan Map Amendment

The proposal is to change the 'Commercial' designation on 1.14 acres to 'Residential 10 – 12 dwelling units/per acre'. The adjacent Fox Chase subdivision is designated 'Residential 6 – 7 dwelling units/per acre' and is a detached, single-family house subdivision.

As demonstrated in findings A1 through A27, the proposed Comprehensive Plan Map Amendment meets all applicable requirements on pages 8 and 9 of the Comprehensive Plan and in Section 4.198.01(A through D).

Request B – Zone Map Amendment

The proposal is to change the Planned Development Commercial (PDC) Zone on 1.14 acres to the Planned Development Residential - 5 (PDR-5) Zone. The proposed townhome - residential use is permitted under Wilsonville Code Section 4.124. The proposed Zone Map Amendment would enable the development permitting process.

As demonstrated in findings B1 through B27, the proposed Zone Map Amendment meets all applicable requirements in Section 4.197 subject to compliance with proposed conditions of approval.

Request C – Revised Stage I Preliminary Plan

The Code minimum and maximum densities can be achieved through the proposed Zone Map Amendment together with the proposed revised Stage I Preliminary Plan for the Fox Chase subdivision.

As demonstrated in findings C1 through C60, the proposed revised Stage I Preliminary Plan meets all applicable requirements in Section 4.140.01 through .07.

Request D – Stage II Final Plan

Section 4.140.09(J)(1) Land Use: The location, design, size of the townhome project, both separately and as a whole, are consistent with the proposed Comprehensive Plan designation, and with any other applicable plan, development map or Ordinance adopted by the City Council.

Section 4.140.09(J)(2) Traffic: The location, design, size of the townhome residential use is such that traffic generated by the townhomes can be accommodated safely for up to 13 (2 in 9 out) p.m. peak hour trips of which 7 p.m. peak hour trips through the and I-5/Wilsonville interchange area, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or

immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project and it will maintain LOS 'D', which complies with Subsection 4.140.09(J)(2). It is important to note that the proposed change from Commercial to Residential 10-12 du/ac will result in less traffic impacts to the surrounding areas.

According to the DKS Traffic Analysis in Exhibit B1: *"Because the proposed zone change is expected to result in significantly fewer trips being generated by the project (i.e., 16 p.m. peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under existing zoning), no additional Transportation Planning Rule (TPR) analysis needed since there would be no impacts from the proposed zone change."*

Section 4.140.09(J)(3) Public Facilities and Services: The location, design, size and uses of the proposed townhome project are such that the residents to be accommodated will be adequately served by existing or immediately planned facilities and services.

Emergency Access: Tualatin Valley Fire and Rescue and the Building Division have reviewed the proposed project and have concluded that adequate emergency service can be provided.

Recreational Amenities: The proposed project will provide the requisite 'usable' open space necessary to satisfy the minimum acreage requirement for a project of this size. Proposed are 24,551 sq. ft. (49%) of open space excluding private drives, which comprise of lawn, garden plots, landscaping and walkways for unstructured recreation. This is approximately 1,637 sq. ft. of outdoor area. 3,200 sq. ft. of recreational open space is provided for the 15 dwelling units - in excess of applicable Code minimum 200 sq. ft. per unit or 3,000 sq. ft. total requirement, and meets the minimum 25% of the net site area required in Subsection 4.113.02(A)WDC.

As demonstrated in findings D1 through D50, with conditions of approval referenced therein, the proposed Stage II Final Plan should be approved subject to compliance with proposed conditions of approval.

Request E – Type 'C' Tree Plan

The proposed Type 'C' Tree Maintenance and Protection Plan for the project is in compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00. The Applicant has provided a tree inventory in Exhibit I of Exhibit B1 and has evaluated the project's impact on tree removal and proposed tree mitigation. The Board may approve the Type 'C' Tree Removal Plan based upon this inventory, together with recommended conditions of approval.

The findings in Exhibit I of Exhibit B1 designated eleven (11) regulated trees for removal. Eleven (11) trees were inventoried including four tree species. Of the eleven trees, five are grand firs that have an untreatable insect infestation but the other trees are in good health. Five trees (three bigleaf maples, a red maple and a lodgepole pine) are proposed for protection and retention. Four grand firs and one lodgepole pine are proposed for removal due to poor health or conflicts with construction. One grand fir may survive for several more years but has insect infection.

As demonstrated in findings E1 through E6, with conditions of approval referenced therein, the proposed Type C Tree Plan can be approved subject to compliance with proposed conditions of approval.

Request F, Requested Waivers – Front Yard

The subject site is a corner lot with three front yards and one side yard. See Request F of this report for the detailed discussion of the proposed waiver to allow a trellis structures within the 20 foot front yard setbacks at Wilsonville Road and Willamette Way East. As demonstrated in findings DBF1 through DBF10, staff is recommending that the proposed waiver be approved.

DISCUSSION TOPICS

Housing Density: In this application age restricted rental housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, the City Council approved zone map amendment for Brenchley Estates – North. Council adopted as a finding that the “Applicant voluntarily reduced housing density and imposed age restriction on certain yet to be built and designed units.” For the proposed Fox Center Townhomes the Applicant is not proposing to build the project at the Comprehensive Plan Map density of 10 – 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units or 14 units). Instead the Applicant is seeking to obtain 16 15 dwelling units through Implementation Measure 4.1.4.v; *“Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).”* This would be a net increase of 1.32 dwelling units over the maximum Comprehensive Plan density or 10% of 14 units. However, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is: 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density.

Parking: The Development Code does not have a parking standard which directly addresses senior or age restricted apartments. Table 5: of Section 4.155 identifies 4 types of residential uses. Of the 4 options “Apartments of ten or more units” is most similar to Fox Center Townhomes. The DKS Traffic report in Exhibit B1 did not use “home for the aged” noted under institutional uses as a more applicable use than “Residential Condo/Townhouse” (ITE Code 230). Based on the original request of 16 units the DKS report indicates an average peak parking demand of 1.3 vehicles per dwelling unit, indication that an average demand of 21 parking spaces would be expected for the 16 townhomes. The DKS estimate for the peak parking demand would be slightly lower at 19.5 parking spaces for 15 units.

Based on Table 5 of Section 4.155, the Applicant is required to provide a minimum of 22.5 parking spaces at 1.5 parking spaces per dwelling unit (15 units all 2 bdrm). The Applicant is proposing to provide 44 spaces (29 surface parking spaces and 15 garage spaces), which is 21.5 spaces above the parking minimum. This is approximately 2.93 parking spaces per unit well in excess of the minimum parking requirement. But in order to assure adequate on-site parking the proposed single-car garages must be used for vehicle parking and not storage. See Condition of Approval PDD6. Furthermore, additional parking spaces are available along Willamette Way

East next to the subject property, but based on public testimony at the August 13th public hearing, staff is not recommending off-site street parking. The revised parking plan should satisfy any concern about guest parking demands during holidays or special events. Parking along the east side of Willamette Way East, Wilsonville Road and Chantilly is prohibited. The Valley Christian Church is located across the street to the east providing another possible option if an agreement can be reached.

Bicycle Parking: Based upon the requirement of this section, the Applicant is required to provide a minimum of 15 bicycle parking spaces, one per residential unit. It is not evident from the submittal plans that bicycle parking will be provided. The required 15 bicycle parking spaces must be dispersed throughout the project. This can be accomplished by providing racks for lockable space and/or bikes at a ratio of one bike parking space per garage with bicycles stored on wall mounted hangers. Freestanding bicycle racks shall be designed so that both wheels and bike frame can be secured, See condition PDD3.

Trees: A Tree Report has been prepared by Walter H. Knapp & Associates for trees impacted by the proposed project. Existing trees 6" DBH or larger must be preserved when healthy and compatible with the project design. The Tree Maintenance and Protection Plan in Exhibit I of Exhibit B1 designated eleven (11) regulated trees. Of the eleven trees inventoried it included four tree species (lodgepole pine, bigleaf maple, red maple and grand fir). Of the eleven trees, five are grand firs that have an untreatable insect infestation but the others trees are in good health. Five trees in the northern portion of the site (three bigleaf maples, a red maple and a lodgepole pine) are proposed for protection and retention. Four grand firs and one lodgepole pine are proposed for removal due to poor health or conflicts with construction. One grand fir may survive for several more years but has untreatable insect infection.

Waivers: See Request F of this report for the detailed discussion of the proposed waiver to front yards at Wilsonville Road and Willamette Way East from the PDR-5, 20' minimum setback standard to allow a trellis structure. Staff is recommending that the proposed waiver be approved.

Architecture: Subsection 4.140(.09)C.2.1 for Stage II application submittal requires preliminary building elevations. Exhibits B3, Plan Sheet A3.1 Preliminary Building Elevations and B4, Plan Sheet A3.2 Preliminary Building Elevations meets the standard but the Applicant has not submitted applications for Site Design Review and for signage. It appears that the shed roofs are designed to accommodate solar panels. The Board is not rendering a final decision on the townhome architecture but is encouraged to give design direction.

Sanitary Sewer: Proposed Public Works No. 1 states: *"The sanitary line at Autumn Park Apartment needs to be fixed before adding 16 more units to this line. Sanitary line is already surcharging when the force main kicks on."*

The Deputy City Engineer has indicated that the Autumn Park sanitary sewer project is approved; CIP #2091. It will be constructed this fall or next summer.

Rental/Leasing Office: The Applicant did not indicate a rental/leasing office. Outdoor advertising displays, advertising signs, or advertising structures are prohibited except as provided in Section 4.156WDC for temporary signs.

Safe Routes to Schools: *Steve Adams, Interim City Engineer has testified to the Development Review Board that the future extension of Tonquin Trail would occur on the project side of Willamette Road East as part of a safe route to schools which would be a 10' wide sidewalk improvement within the existing public right-of-way. The Applicant has indicated that they are agreeable to Mr. Adams proposal.*

PROPOSED ADOPTED CONDITIONS OF APPROVAL FOR REQUESTS ‘A’ – ‘F’

The applications and supporting documents are hereby adopted for approval with the following conditions:

PD = Planning Division conditions BD = Building Division Conditions PF = Engineering Conditions. NR = Natural Resources Conditions TR = SMART/Transit Conditions FD = Tualatin Valley Fire and Rescue Conditions PW = Public Works	Request A: DB12-0033 Comp. Plan Map Amendment Request B: DB12-0034 Zone Map Amendment Request C: DB12-0035 Revised Stage I Pre. Plan Request D: DB12-0036 Stage II Final Plan Request E: TR12-0067 Type ‘C’ Tree Plan Request F: DB12-0039 Waiver to front yard setback
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Request A: DB12-0033: Comprehensive Plan Map Amendment

On the basis of findings A1 through A27 this action approves the Comprehensive Plan Map Amendment from Commercial to Residential 10 – 12 du/ac, and forwards this recommendation to the City Council with no conditions of approval.

Request B: DB12-0034: Zone Map Amendment

On the basis of findings B1 through B27 this action approves the Zone Map Amendment from PDC to PDR-5, and forwards this recommendation to the City Council with no proposed conditions of approval.

Request C: DB12-0035: Revised Stage I Preliminary Plan

On the basis of findings C1 through C60. This action approves the revised Stage I Preliminary Plan submitted with this application labeled Exhibit B1, approved by the Development Review Board with one condition of approval, and stamped “Approved Planning Division.” Approval of the Stage I preliminary Plan is contingent on City Council approval of the requests for a Comprehensive Plan Map Amendment and a Zone Map Amendment.

PDC1. The Applicant/Owner shall provide a minimum of one (1) townhome unit for age restricted person(s) age 55 and over. At the time of any building occupancy the Applicant/Owner shall provide the Planning Division the townhome address that will be used for the resident(s) aged 55 and over.

Request D: DB12-0036: Stage II Final Plan

On the basis of findings D1 through D51 this action approves the Stage II Final Plan with this application, approved by the Development Review Board, and stamped “Approved Planning Division” unless altered by a subsequent Board approval, or with minor revisions approved by the Planning Director under a Class I administrative review process. Approval of the requested Stage II Final Plan is contingent upon City Council approval of the request for a Comprehensive Plan Map Amendment and a

Zone Map Amendment.

- PDD1.** Construction and site development shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved by the Board.
- PDD2.** The Applicant/Owner shall provide the general contractor for the project with a copy of the approved plans and conditions of approval adopted by the Development Review Board.
- PDD3.** The Applicant/Owner shall provide a minimum of 15 bicycle parking spaces to be dispersed throughout the project. This condition can be accomplished by providing racks for lockable space and/or bikes at a ratio of one bike parking space per garage with bicycles stored on wall mounted hangers. Freestanding bicycle racks shall be designed so that both wheels and bike frame can be secured. See Finding D23.
- PDD4.** Parking spaces along the boundaries of parking lots shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks. See Finding D20.
- PDD5.** The final design and number of ADA parking shall be reviewed by the Building Division at the time of building permit. This may cause a slight reduction in the number of parking spaces.
- PDD6.** The garages shall be used for vehicle parking and incidental storage. See Finding D22.

Exhibit C1, Engineering Division Conditions:

CONDITIONS OF APPROVAL:

The following conditions of approval are based on the material submitted by the applicant. Any subsequent revisions to the submitted plans may require conditions of approval to be modified by staff.

PFA 1.	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.
PFA 2.	Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:
PFA 3.	No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.

PFA 4. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

PFA 5. Plans submitted for review shall meet the following general criteria:

- a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
- b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
- c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.

PFA 6. Submit plans in the following format and order for all public works construction to be maintained by the City:

- a. Cover sheet
- b. City of Wilsonville construction note sheet
- c. General construction note sheet
- d. Existing conditions plan.
- e. Erosion control and tree protection plan.
- f. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- g. Grading plan, with 1-foot contours.
- h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility

	<p>crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.</p> <ul style="list-style-type: none"> j. Street k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference l. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference. m. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set. n. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set. o. Composite franchise utility plan. p. City of Wilsonville detail drawings. q. Illumination plan. r. Striping and signage plan. s. Landscape plan.
PFA 7.	Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.
PFA 8.	The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
PFA 9.	of the site will be disturbed a 1200-CN permit from the City of Wilsonville is Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres required.
PFA 10.	To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from the site shall be detained and limited to the difference between a developed 25-year storm and an undeveloped 25-year storm. The detention and outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
PFA 11.	A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to address appropriate pipe and detention facility sizing.
PFA 12.	The applicant shall be in conformance with all water quality requirements for the

	proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
PFA 13.	The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall maintain all LID storm water components and private conventional storm water facilities located within medians and from the back of curb onto and including the project site.
PFA 14.	Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
PFA 15.	The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
PFA 16.	All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
PFA 17.	Sidewalks and pedestrian linkages shall be in compliance with the Department of Justice's ADA Standards for Accessible Design (2010).
PFA 18.	No surcharging of sanitary or storm water manholes is allowed.
PFA 19.	The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
PFA 20.	A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
PFA 21.	The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
PFA 22.	All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
PFA 23.	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with

	driveways on the opposite side of the proposed project site.				
PFA 24.	Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer.				
PFA 25.	Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.				
PFA 26.	Proposed water main into project shall be looped from Willamette Way East to Chantilly Street. Minimum size of Public water main shall be 6-inches in diameter and located within a 15-foot public water line easement which includes the water meters.				
PFA 27.	Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Minor and Major Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.				
PFA 28.	Applicant shall prepare an Ownership and Maintenance agreement between the City and the Owner.				
PFA 29.	<p>Mylar Record Drawings:</p> <p>At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version.</p>				
PFA 30.	<p>Subdivision Plat:</p> <p>Paper copies of all proposed subdivision plats shall be provided to the City for review. Once the subdivision plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision plat.</p>				
	Specific Comments:				
PFA 31.	<p>At the request of Staff, DKS Associates completed a Transportation Review dated May 22, 2012. The project is hereby limited to no more than the following impacts.</p> <table style="margin-left: 40px;"> <tr> <td>Estimated New PM Peak Hour Trips</td> <td style="text-align: right;">16</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td style="text-align: right;">7</td> </tr> </table>	Estimated New PM Peak Hour Trips	16	Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7
Estimated New PM Peak Hour Trips	16				
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7				
PFA 32.	The applicant shall be allowed access to the public right-of-way as shown in the plans dated XXX as follows:				

Full access shall be allowed on Willamette Way East; driveway shall align with existing driveway on east side of roadway.

Access to Chantilly shall be limited to right-in access only, no exit allowed.

PFA 33. The applicant shall provide a \$250 easement fee to the City of Wilsonville for the recording of the required public waterline easement if not recorded on any plat or partition. The fee is to be collected at time of Engineering Permit issuance.

PFA 34. Willamette Way East is a 29-ft wide roadway, therefore by code is allowed to have on-street parking only on one side. The applicant will be allowed on street parallel parking along the west curb line of Willamette Way East in front of proposed development but shall not conflict with existing bus stop. In order to allow this on street parking, the applicant shall install "No Parking" signs along the east side of Willamette Way East directly opposite of the proposed development from Chantilly to Wilsonville Road, and along the west side of Willamette Way East from Wilsonville Road south 100 feet. The parking area will be clearly delineated with individual parking stalls striped on Willamette Way East and lane shift striping just north of the first parking area.

PFA 35. Applicant shall be required to upgrade the ADA ramps located on the southwest corner of Wilsonville Road and Willamette Way East, and the northwest corner of Chantilly and Willamette Way East to meet current ADA requirements.

PFA 36. Applicant shall be required to install a 5-foot sidewalk on property fronting Chantilly.

PFA 37. The applicant shall install "No Exit" signs at both sides of the "Right In" driveway located on Chantilly Street. Signs shall face north toward the parking area of the development.

Engineering Division Conditions:

PFB 1. The applicant has requested a Comprehensive Plan Map Amendment and Zone Change. The Engineering Division has reviewed the completed Transportation Analysis performed by DKS Associates dated May 22, 2012. The conclusion of this analysis is that the proposed zone change from Planned Development Commercial to Planned Development Residential would result in significantly fewer peak hour trips. The proposed project is not expected to impact safety or operations at the study intersection. Based on these findings, no public street mitigations are recommended.

Exhibit C2, Natural Resources Conditions:

The following conditions of approval are based on the material submitted by the applicant. Any subsequent revisions to the submitted plans may require conditions of approval to be modified by staff.

Stormwater Management

- NR1.** Pursuant to the policies and implementation measures of the 2012 Stormwater Master Plan, the applicant shall prioritize the use of Low Impact Development in the design and implementation of the stormwater management system.
- NR2.** Submit a drainage report and drainage plans. The report and plans shall demonstrate proposed stormwater facilities satisfy the policies and standards of the City of Wilsonville's Stormwater Master Plan and Public Works Standards.
- NR3.** Provide profiles, plan views and specifications for proposed stormwater facilities consistent with the requirements of the Public Works Standards.
- NR4.** Pursuant to the Public Works Standards, the applicant shall submit a maintenance plan (including the City's stormwater maintenance and access easement) for proposed stormwater facilities prior to approval for occupancy of the associated development.
- NR5.** Pursuant to the Public Works Standards, access shall be provided to all areas of proposed stormwater facilities. At a minimum, at least one access shall be provided for maintenance and inspection.

Other

- NR6.** Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant shall submit an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
 - a. Gravel construction entrance;
 - b. Stockpiles and plastic sheeting;
 - c. Sediment fence;
 - d. Inlet protection (Silt sacks are recommended);
 - e. Dust control;
 - f. Temporary/permanent seeding or wet weather measures (e.g. mulch);
 - g. Limits of construction; and
 - h. Other appropriate erosion and sedimentation control methods.
- NR7.** The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200-C permit).
- NR8.** Pursuant to the Wilsonville City Code, the applicant is required to provide covered waste and recycling enclosures. A drain is not allowed within the enclosure, and the floor in the enclosure shall be raised to prevent stormwater runoff from entering. The enclosure shall

contain adequate area for proper use of all receptacles. These measures minimize the risk of pollutants entering the public stormwater system.

Exhibit C3, Building Division Conditions and Advisories:

- | | |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BD 1. | FIRE REVIEW. This project was reviewed for compliance with the Fire Code by Deputy Fire Marshal Drew DeBois. That review, dated July 26, 2012, was submitted separately to Planning. No Fire Code issues will be addressed in the following project review. |
| BD 2. | CONDITION. SITE CONDITIONS. It is the responsibility of the applicant to insure that all existing underground utilities, piping, drain systems and easements of any kind are shown correctly on the site plan. |
| BD 3. | CONDITION. A GEOTECH REPORT will be required as part of the grading permit submittal. |
| BD 4. | ADVISORY. THE ACCESSIBLE PARKING SPOT is shown with the access aisle on the driver side of the parking space. The access aisle shall be on the passenger side. |

Exhibit C4, TVFR Conditions:

- FD1. SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1) *Applicable to the parking lot and circulation areas within the campus.*
- FD2. PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3) *Please provide curb striping and marking along the curbing at both the Willamette Way East and Chantilly entrances.*
- FD3. GATES:** Gates securing fire apparatus roads shall comply with all of the following: Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island. Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width. Gates shall be set back at minimum of 30 feet from the intersecting roadway. Gates shall be of the swinging or sliding type. Manual operation shall be capable by one person. Electric automatic gates shall be equipped with a means for operation by fire department personnel. Locking devices shall be approved. Electric automatic gates shall comply with ASTM 220-5 and UL 325. (OFC D103.6) A gate is not shown or otherwise approved.
- FD4. SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or

larger, the required fire flow shall be determined according to IFC Appendix B. (OFC B105.2) *Prior to issuance of a building permit, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure.*

- FD5. FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1) *Two public fire hydrants are located along Willamette Way East.*
- FD6. ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire-fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)
- FD7. PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1).

Exhibit C5, Public Works Department Conditions:

- PW1.** The sanitary line at Autumn Park Apartment needs to be fixed before adding 16 more units to this line. Sanitary line is already surcharging when the force main kicks on.

Request E: TR12-0067: Type ‘C’ Tree Removal Plan.

On the basis of findings E1 through E6, this action approves the Type ‘C’ tree Plan submitted with this application, approved by the Development Review Board, and stamped “Approved Planning Division” for Lot 1. Approval of the Type C Tree Plan is contingent on City Council approval of the request for a Comprehensive Plan Map Amendment and a Zone Map Amendment.

- PDE1.** The Applicant/Owner shall submit an application and fee for a Type ‘C’ tree removal permit, including a final tree removal plan prior to the issuance of a grading permit by the City’s Building Division.
- PDE2.** The Applicant/Owner shall implement the tree mitigation plan as recommended in the arborist report. The City requires mitigation planting when live trees are removed. Six trees measuring at least 2-inches in diameter (#101, 102, 103, 104, 106 and 108) must be planted as mitigation for tree removal at a ratio of at least one tree to be planted for mitigation for each tree to be removed. Table #2 of Exhibit I of Exhibit B1 five replacement trees intended to mitigate the loss of existing trees. Tree # 106 (grand fir) may also be removed over time because it is infested by *balsam woolly adelgid*

with no practical treatment options available.

PDE3. Trees to be planted will meet the requirements of the American Association of Nurseryman (AAN) American Standards for Nursery Stock (ANSI Z60.1) for Grade No. 1 or better.

PDE4. All retained trees from site development shall be protected with a 6' tall chain link fence with metal posts pounded into the ground at 6'-8' centers. Such fences shall be placed at or beyond the drip line of the trees to be protected and shall remain in place until such time as substantial construction is complete or City approval is obtained to remove the trees.

Request F: DB12-0039: Waiver – Front Yard

On the basis of findings F1 through F9, this action approves the waiver to front yards identified in Request F for a trellis structure with no conditions of approval being proposed.

MASTER EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.

Applicant's Written and Graphic Materials:

- B1. Land Use application in a binder notebook and on compact disk, date received July 13, 2012 including; Code compliance/findings. Application, mailing list, introduction/project narrative, Comprehensive Plan Map & Zoning Map Illustrations, neighborhood meeting documentation, compliance reports, Economic Opportunity Analysis Report, Table 1 – Modification of Fox Chase Final Plat/Planned Development Approval, application form, Fox Center Townhomes Tree Maintenance and Protection Plan, Correspondence with Allied Waste Management, legal description, DKS Traffic Report, site plan sheets, conceptual building elevations and arborist's report for requests A through F.

Full Size Drawings/Plan Sheets.

Sheet Number Sheet title

- B2. A1.1: Site Plan
- B3. A3.1 Preliminary Building Elevations
- B4. A3.2 Preliminary Building Elevations
- B5. C1.0 Preliminary Grading Plan
- B6. C2.0 Preliminary Utility Plan
- B7. New Entry Fencing Perspective Illustration
- B8. Applicant's powerpoint presentation at the 8.13.12 DRB meeting.
- B9. The Applicant submitted revised application materials replacing or modifying the items listed in Exhibit B1.
- B10. E-mail, tolling the 120-day review period, dated August 21, 2012.

Development Review Team

- C1. Engineering Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C2. Natural Resources Program Director Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C3. Building Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C4. TVFR Conditions, Dated July 26, 2012. Included in this staff report in the Conditions of Approval.
- C5. Public Works Department Condition, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
SMART Transit, no conditions provided.
- C6. *Engineering Division memorandum regarding Condition PW, Dated August 9, 2012.*

Public Testimony:

Letters (neither for nor Against):
Letters (In Favor): None submitted

Letters (Opposed):

D1. Letter, Robert Meyer dated August 13, 2012.

FINDINGS OF FACT

1. **Existing Site Conditions:** The Applicant has provided a full project description in Exhibit B1. The subject property is currently zoned PDC.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Boones Ferry Primary and Wood Middle School – PF Zone
East	Valley Christian Church
South	Fox Chase Subdivision
West	Fox Chase Subdivision

Natural Characteristics: The relatively level property is 1.14 acres which includes a group of eleven conifer and deciduous trees.

Streets: The subject property is a corner lot with three side fronting Wilsonville Road at the north, Willamette Way East on the east and Chantilly at the south.

Previous Planning Applications Relevant to the subject property: See the background statement on page 3 of this staff report. Also;

- 83PC09: Fox Chase, Stage I Preliminary Plan (Master Plan)
- 95PC21: Stage II Final Plan for retail center.
- 96DB23: Site Design Review for retail center.

2. 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.
3. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
4. The statutory 120-day time limit applies to this application. The application was initially received on June 15, 2012. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the Applicant by letter on June 25, 2012, of missing items. On July 13, 2012, the Applicant submitted additional materials intended to complete the application. On July 16, 2012 the application was deemed complete. On August 13 the Board conducted a public hearing on the subject and continued the public hearing to October 8. The Applicant granted a 56 – day extension which moved the date for issuing the city decision from November 12, 2012 to January 8, 2013. Thus the City must render a final decision for the request, including any appeals, by January 8, 2013.

CONCLUSIONARY FINDINGS

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

REQUEST (A): COMPREHENSIVE PLAN MAP AMENDMENT

Section 4.009: Who May Initiate Applications

- A1.** The property owner through his authorized planning consultant (Lee Leighton) has made application to modify the Comprehensive Plan Map for his property designated "Commercial" to become "Residential 10 – 12 dwelling units/acre."
- A2.** The Applicant has met all applicable filing requirements for a Comprehensive Plan Map Amendment. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to amend the Comprehensive Plan Map will be forwarded as a recommendation to the City Council.
- A3.** Last fall the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to the Applicant there was a favorable reaction to the proposed project. See Exhibit ~~B1~~ of ~~Exhibit B1~~ for the Neighborhood Meeting Documentation.

Standards for Development Review Board and City Council Approval of Plan Amendments. Criteria a through e are found on pages 8 and 9 of the Comprehensive Plan and listed below.

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.**
- A4.** The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.
 - b. The granting of the amendment is in the public interest.**
- A5.** Implementation Measures 4.1.4.b, d, and o speak to the City's desire to see a diversity of housing types and affordability. The Applicant's proposal would add to the diversity of 16 multiple-family townhomes (market rate rent) for persons 55 and over. The project site is currently a vacant parcel with eleven trees which is Lot 1, Block 1 of the Fox Chase residential subdivision, and is presently master planned for a retail commercial use. The property has remained vacant, and since 1983 no viable commercial development has been able to materialize. It has remained off the Clackamas County tax roll for building assessment. The subject property being located at the Willamette Way East entrance to the Fox Chase and Rivergreen subdivisions has a highly visible location. In the professional opinion of staff, the proposed project would enhance the easterly gateway entrance to the Fox Chase and Rivergreen subdivisions.

A6. Policy 4.1.4 and Implementation Measures 4.1.4.f, 4.1.4.l, and 4.1.4.p of the Comprehensive Plan speak to the City's desire to see the development of housing that is affordable to and serves employees working in the City. The proposed 15 townhome project would only slightly increase housing units within the City and it would attract employed or retired persons.

c. The public interest is best served by granting the amendment at this time.

A7. Because of the staggering economy and the national home mortgage crisis, there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. This provides circumstantial evidence that the public interest would be best served by granting the amendment at this time because there is a high demand for multi-family housing. (See finding A8). The proposed Comprehensive Plan Map Amendment is intended to implement the residential objectives of the Comprehensive Plan by providing ~~46~~ 15 new housing units that were not previously available under the "Commercial" designation, thereby creating at a small degree, more diversity in a townhome housing type.

A8. 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. Again, the national trend is to provide multi-family housing which according to the U.S. Commerce Department; *"fewer people bought new homes in December, 2011. The decline made 2011 the worst year for new - homes sales on records dating back nearly half a century to 1963. New-home sales fell 2.2 percent last December to a seasonally adjusted annual pace of 307,000. The pace is less than half the 700,000 that economists say must be sold in a healthy economy. The median sales prices for new homes dropped in December to \$210,300. Builders continued to slash price to stay competitive in the depressed market. A key reason for the dismal 2011 sales is that builders must compete with foreclosures and short sales, when lenders accept less for a house than what is owed on the mortgage. Furthermore, the wave of foreclosures is pushing many families out of their homes and into the rental market. For those increasing numbers of residents and employees that do not qualify to purchase a house, multi-family housing helps fill their housing need."*

Furthermore, the need for more multi-family housing at this time is further demonstrated by a recent article by Elliot Njus, of The Oregonian, dated, April 18, 2012. *"According to the Metro Multifamily Housing Association, which released its latest survey of apartment managers and owners Wednesday, vacancy across the metro area grew to 3.72 percent from 3.34 percent late last year. Rents, meanwhile, climbed 3 percent in the same period, reaching \$1 a square foot per month across the metro area. An average two-bedroom unit now rents for \$771 a month, an increase of \$28 a month compared with six months earlier. The Portland area has one of the lowest rental vacancy rates in the country. Last year, the U.S. Census Bureau and the National Association of Realtors both ranked Portland the second-tightest rental market among the largest metro areas. That's good news for owners of apartment buildings, who can push rents higher without risking empty units. "If you want to live in the moment, the moment is fantastic," Portland economist Jerry Johnson told an audience of housing professionals at the report's release. But the clock is running. High demand for apartments has drawn interest from developers, and*

Johnson said some 6,100 units are in the works. "New product must be rented, and there will be fierce competition," said Maureen MacNabb, the president of Capital Property Management Services Inc. of Portland."

"The bulk of those new apartments are still months or years away. Only 1,700 units will come to market this year, with another 2,700 on track to open in 2013. That lags the region's 15-year historical average of 4,000 new units a year."

Tight rental market

	Average rent per square foot	Average market vacancy rate
Inner and central S.E. Portland	\$1.21	1.4%
Inner and central N.E. Portland	1.13	1.8
S.W. Portland	0.99	2.7
Clackamas	0.93	3.1
Wilsonville / Canby	0.95	3.2
Beaverton	0.95	3.4
Milwaukie	0.94	3.4
Outer S.E. Portland	0.88	3.5
West Vancouver	0.85	3.5
Aloha	0.92	3.7
Tigard / Tualatin / Sherwood	0.92	3.7
N. Portland / St. Johns	1.17	3.8
N.W. Portland	1.44	3.8
Troutdale / Fairview / Wood Village / Gresham	0.90	4.2
East Vancouver	0.87	4.7
Downtown Portland	1.66	5.1
Hillsboro/ North of 26	0.98	5.2
Lake Oswego / West Linn	1.07	5.3
Oregon City / Gladstone	0.85	5.3
Outer N.E. Portland	1.02	6.0

Source: Metro Multifamily Housing Association DAVID BADDERS/ THE OREGONIAN

- d. The following factors have been adequately addressed in the proposed amendment:
Suitability of the various areas for particular land uses and improvements;

In 2000, the City was at a 9.5% vacancy rate but according to a Metro Multifamily Housing Association report released in April, 2012, the metro area grew to 3.72% vacancy rate from 3.34% from late last year. The report further indicates that Wilsonville had 3.2 percent vacancy rate. Unfortunately, because of the rental housing shortage rent levels are increasing making housing less affordable.

Land uses and improvements in the area;

- A9. The Applicant has satisfied the requirements of the Comprehensive Plan relative to and proposed residential planning density and community design that specifically address the impacts of the proposed development on the provision of franchise and emergency services, and pedestrian and vehicular connectivity.

Trends in land improvement;

- A10.** In Resolution No. 96DB23 the Board approved site development plans for a child day care and retail commercial center. However, those land use approvals ultimately expired. Subsequent developments of Old Town Square (Fred Meyer and retail buildings) together with Lowries MarketPlace have left no real market demand for retail development on the subject site. Thus, in the professional opinion of staff, the highest and best use of the subject property is for a residential use.

Density of development;

- A11.** The adjoining Fox Center subdivision is designated on the Comprehensive Plan as Residential 6 – 7 dwelling units per acre which is medium residential density. Near to the southeast is Autumn Park Apartments with a Residential 10 - 12 dwelling units per acre designation. Adjacent to the east is Valley Christian Church zoned PDR-5 also with a Comprehensive Plan designation of 10-12 du/ac. 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. The March 2012 Development Summary completed by the City indicates that approximately 23% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR).

City Wide Housing Units

Type	New	YTD	Total
Apartment	0	0	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	21	21	3696
Totals	21	21	9081

On the basis of the above inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with

Policy 4.1.4 and its implementation measures that 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.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Tonquin Woods 2 (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total 591 homes.

Property values;

- A12.** As stated in findings A7 through A10 the nationwide recession has caused more foreclosures in home ownership and has resulted in lower property values. The proposed project is located on the last remaining and undeveloped lot (Lot 1) of the Fox Chase subdivision and if this project is approved it will become the last development in Fox Chase to occur since the 1980’s. In the professional opinion of staff, the project having attractive design will increase property values over time.

Needs of economic enterprises in the future development of the area;

- A13.** The subject site is not within an area identified by the City of economic enterprises for future development. The subject site is a remnant lot of the Fox Chase subdivision of only 1.14 acres and is only infill development.

Transportation access;

- A14.** The Traffic Impact Study completed for this project (Exhibit B1), prepared by DKS Associates indicates that the Willamette Way East and Chantilly provides sufficient access for the future residents, emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions.

- A15.** The subject property does not have protected natural resources.
- e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.**

- A16.** The proposal is for a small project comprising 15 townhome units that would not have any apparent conflicts with the applicable Metro requirements. To a lesser degree the proposed project will offset the employment and housing imbalance within the City by rezoning land from commercial to residential. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. In conjunction with the proposed Comprehensive Plan Map Amendment the Applicant in Request B is requesting a Zone Map Amendment from Planned Development

Commercial (PDC) to Planned Development Residential (PDR-5) which corresponds to the proposed Comprehensive Plan Map density of 10 - 12 dwelling units per acre.

Wilsonville Development Code – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:”

Criterion A: “That the proposed amendment meets a public need that has been identified;”

A17. Finding A5 addresses Criterion A. Through the Stage II Final Plan conditions of approval proposed by staff, the project can be adequately served with urban services and would minimize off-site impacts.

The traffic study completed for this project (Exhibit B1), prepared by DKS Associates indicate that the Willamette Way East and Chantilly provides sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Criterion B: That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made.

A18. See Findings A7 through A10. The current Comprehensive Plan designation for the subject property is Commercial. The Zoning Map identifies the subject property as Planned Development Commercial (PDC). The Planned Development Regulations of the Development Code require that properties over two acres result in a Planned Development community. Though the subject property is 1.14 acres less than 2 acres a prior condition of approval for Fox Chase (Resolution 83PC09) requires a Stage II Final Plan for commercial or multi-family residential development on this site. Proposed project has 13.16 dwelling units per gross acre which would be slightly more than the adjacent properties at the west, south, and east that are designated Residential 6 – 7 and 10 – 12 du/ac on the Comprehensive Plan Map.

Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

A19. The Applicable Statewide Planning Goals are;

Goal 1 - Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

A20. In the fall of 2011, the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to Exhibit B of Exhibit B1 (Neighborhood meeting Documentation Notes) there was a favorable reaction to the proposed project.

- A21. 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.
- A22. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.

Goal 10 - Housing: *To provide for the housing needs of citizens of the state.*

- A23. The City of Wilsonville Comprehensive Plan has been acknowledged by the State of Oregon Land Conservation and Development Commission and the Plan is consistent with Title 1 of Metro's Urban Growth Management Functional Plan,

Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

- A24. The City of Wilsonville Comprehensive Plan includes a Stormwater Master Plan, Water Master Plan and Wastewater Master Plan all of which have been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

- A25. The City of Wilsonville Comprehensive Plan includes a Transportation Systems Plan of which has been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

- A26. The project supports the applicable Statewide Planning Goals.

Criterion D: “That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

- A27. The Applicant is requesting an amendment of the Comprehensive Plan Map for the subject property. The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.

SUMMARY FINDING FOR REQUEST A:

A28. The Applicant's proposed Comprehensive Plan Map Amendment meets all applicable Comprehensive Plan and Planning and Land Development Ordinance requirements and its approval may be recommended to the City Council.

REQUEST B
DB12-0034: ZONE MAP AMENDMENT

This request is for approval of a Zone Map Amendment from the Planned Development Commercial Zone to the Planned Development Residential – 5 (PDR-5) Zone for 1.14 acres involving Tax Lot 100. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance.

As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Board must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion ‘A’

“That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140.”

B1. The Applicant has provided findings in Exhibits B1 and B9 addressing the Zone Map Amendment criteria, which are included in this staff report as findings for approval. Approval of the proposed Zoning Map Amendment is contingent on approval by the City Council by a City Ordinance.

Criterion ‘B’

“That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text.”

Proposed Comprehensive Plan Designation: Residential 10 - 12 dwelling units per acre.

B2. The subject site is currently zoned Planned Development Commercial (PDC). The Applicant proposes to change the PDC Zone to the Planned Development Residential - 5 (PDR-5) Zone on 1.14 acres to enable development of 15 townhomes for rent. On the basis of Section 4.124.05 (Table 1) the Applicant is seeking the appropriate PDR-5 zone based on the 10 - 12 d.u. per acre Comprehensive Plan Density.

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

- B3.** The proposed Comprehensive Plan Map designation is Residential 10 – 12 dwelling units per acre. The gross site area of the subject property is 1.14 acres so the maximum Comprehensive Plan density is 13.68 dwelling units. However, the Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124, so the actual maximum density allowed by the PDR-5 zone at 19.9 or 20 dwelling units. An approval of the proposed revised Stage I Preliminary Development Plan is reviewed in Request C of this staff report.
- B4. Housing Density:** In this application age restricted housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, it involved City Council approval of a zone map amendment for Brenchley Estates – North. Council adopted as a finding that the *“Applicant voluntary reduced housing density and imposed age restriction on certain yet to be built and designed units.”* In this subject application the Applicant is not proposing to build the project at the maximum Comprehensive Plan Map density of 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units). Instead the Applicant is seeking approval for 15 dwelling units through Implementation Measure 4.1.4.v; *“Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).”* This would be a net increase of 1.32 dwelling units over the maximum plan density. In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing, but the Applicant has indicated that all 15 units being proposed will be age restricted housing. Furthermore, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density. See the following table:

Allowed Housing Units under Section 4.124.5:

Table 1: Fox Center Townhouses -Proposed PDR-5 Zone 15 Apartments Units			
Size (Gross Acres)	Net Acres	Total Housing 15 Units	<u>PDR-5</u> 2,500 SF, Maximum Units 4,000 SF, Minimum Units
1.14 acres (49,658 SF), gross site area	1.14 net acres		49,658 SF/2500 = 19.86 units 49,658 SF/4000 = 12.4 units 15 – 12.4 = 2.6 units above minimum zoning density and 4.86 units below maximum zoning density.

Variety/Diversity of Housing

Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City’s desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.

B5. The Applicant’s zone change proposal seeks to enable 15 townhome/apartment units dispersed in 4 buildings. The Applicant’s response findings in Exhibits B1 and B9 to Section 4.198.01(A) speak to the providing for additional multi-family housing in the City, meeting these measures.

Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City’s desire to approve new residential development concurrent with the availability of public facilities.

B6. Water, sanitary sewer, and storm sewer are either available to the proposed site (with appropriate connections) or can be supplied to the project. The Applicant will be constructing a private drive system internal to the site to serve the proposed townhomes.

Implementation Measure 4.1.4.h: “Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.”

B7. The Applicant will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.

Area of Special Concern

B8. The subject property is not located in an area of special concern by the Comprehensive Plan.

Implementation Measure 4.1.4.b – Variety in Housing Type “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.”

- B9.** Implementation Measures 4.1.4.b, d, and o declares the City’s desire to seek a diversity of housing types and affordability. The Applicant’s proposal would add 15 townhomes to the City’s housing diversity. With regard to traffic, through the conditions of approval recommended by staff, the project can be adequately served with urban services designed to minimize off-site impacts the project.
- B10.** Because of the staggering economy and the national home mortgage crisis there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. See findings A9 though A11. This provides circumstantial evidence that there is a demand for more multi-family housing in proposed Fox Center Townhomes. The proposed Zone Map Amendment is to implement the residential objectives of the Comprehensive Plan by providing diversity in housing types. Changing the PDC Zone to the proposed PDR-5 Zone meets IM 4.1.4b. Adequate public services can be made available to the site. Thus, the Zone Map Amendment together with the proposed Fox Center Townhomes project meets IM 4.1.4.b.
- B11.** Metro’s Urban Growth Management Functional Plan Title 1 of the Urban Growth Management Functional Plan (UGMFP) and the Comprehensive Plan requires 80% maximum density at build-out of any particular parcel. With the revision of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The Applicant is requesting a Zone Map Amendment to Planned Development Residential - 5 (PDR-5) which corresponds to a Comprehensive Plan Map density of Residential 10 - 12 dwelling units per acre. Furthermore, the Applicant’s proposal will fully achieve compliance with the minimum density required at build-out. Metro’s Functional Plan provides that this deficiency is justified, in order to approximate the density of adjacent, surrounding neighborhoods. See the Applicants’ response findings found on pages 17 through 22 of Exhibit B1, and Exhibit B9.
- B12. Section 4.140.09(J)(2) Traffic:** The DKS Associates traffic study completed for the project found in Exhibit B1 indicates existing streets will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan. The proposed zone change is expected to result in significantly fewer trips being generated by (i.e., 16 peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under the existing zoning) the project. The location, design, size and the proposed residential apartments are such that traffic generated by the development can be accommodated safely for up to 13 (9 in 4 out) p.m. peak hour trips of which 7 p.m. peak hour trips through the and I-5/Wilsonville interchange area, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate

traffic capacity to serve the project and it will maintain LOS 'D', which complies with Subsection 4.140.09(J)(2).

According to the DKS Traffic Analysis in Exhibit B1: *"Because the proposed zone change is expected to result in significantly fewer trips being generated by the project (i.e., 16 p.m. peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under existing zoning), no additional Transportation Planning Rule (TPR) analysis needed since there would be no impacts from the proposed zone change."*

Implementation Measure 4.1.4.d – Diversity of Housing Types "Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms," and;

Implementation Measure 4.1.4.e "Targets are to be set in order to meet the City's Goals for housing and to assure compliance with State and regional standards."

B13. The original, adopted City of Wilsonville Comprehensive Plan Map in 1980, geographically distributed housing density for the purpose of maintaining the balance of housing types and to not concentrate higher density for multi-family housing in a few areas of the City. Historically, with the exception of adding Villebois Village, there have been a few amendments to the Comprehensive Plan Map relative to the geographic distribution of housing density. Through the years the City has approved Comprehensive Plan Amendments that changed Residential to Industrial to enable the development of Canyon Creek Business Park – North, and changed Residential to Industrial on Mentor Graphics property south of SW Boeckman Road (formally part of the Ash Meadows Master Plan residential area). Those plan amendments reduced residential housing density in the City. Otherwise, residential projects that were approved within the City correspond with the Comprehensive Plan Map and with PDR minimum and maximum densities allowed by Land Use and Development Code.

B14. Pages 2 and 3 of the Comprehensive Plan: *"Wilsonville's planning programs are required to support Metro's 2040 Regional Framework Plan, and any Functional Plans that are formally adopted by Metro Council. Such Metro plans are intended to direct the region's urban growth and development."* *"The residential designations include planned density ranges which have been changed to reflect Metro's requirement that minimum densities be at least 80% of maximums. In order to meet that requirement, the lower end of the planned density range has been increased and the higher end left unchanged."* This in effect increases residential density with new development and is expected with the proposed project. Thus, the proposed Zone Map Amendment meets IM 4.1.4.d and 4.1.4.e.

B15. The proposed project offers 15 townhomes for market rate rent housing meeting IM 4.1.4.d. The March, 2012 City Housing Unit Summary indicates 9,060 dwelling units:

City Wide Housing Units

Type	New	YTD	Total
Apartment	324	376	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	10	77	3675
Totals	334	453	9060

On the basis of that inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with Policy 4.1.4 and its implementation measures that 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.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Woods 2 phases I and II (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total of 591 homes.

- B16.** 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. See findings A7 through A11 for the need demonstration for the proposed 15 townhome units. Thus the proposed Zone Map Amendment meets a public need that has been identified for rental housing.

Implementation Measure 4.1.4.v Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting specific needs (e.g., low/moderate income, elderly, or handicapped).

B17. On pages 19 and 20 of Exhibit B1 the Applicant has responded to IM 4.1.4.v but has misinterpreted how the PDR-5 maximum density limitation is determined at one unit per 3,000 SF under Subsection 4.124.5(.01). Per Subsection 4.124.5(.02) the maximum density is $49,658/2,500 \text{ SF/DU} = 19.86$ or 20 units. Per Subsection 4.124.5(.03) the minimum density is $49,658/4,000 \text{ SF} = 12.4$ or 12 units. Proposed are 15 dwelling units which are between 12 and 20. However, the proposed Comprehensive Plan designation of Residential 10 – 12 du/ac, allows 13.68 or 14 maximum units. The Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124WDC, so the actual maximum density allowed by the PDR-5 zone is 19.9 or 20 dwelling units.

B18. In terms of the proposed Residential 10 – 12 dwelling units per acre Comprehensive Plan Map designation for the project is considered medium density. Though this density is higher than its parent Fox Chase subdivision at Residential 6 – 7 du/ac. The Comprehensive Plan on page D-19 identifies Residential 6 – 7 du/ac and 10 – 12 du/ac as “medium density housing areas.” It should also be noted that the adjacent Valley Christian Church property and the Autumn Park Apartments are designated 10 – 12 du/ac.

Implementation Measure 4.1.4.q “The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.”

B19. The Applicant is not proposing to site mobile (manufactured) homes in this application so this criterion is not applicable.

Criterion ‘D’ – Public Facilities: “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

B20. The Deputy City Engineer’s recommended Public Facility (PF) conditions impose further performance upon the Stage II Final Plan application, which requires the Applicant to provide adequate water, drainage and sanitary sewer infrastructure to serve the proposed project. As currently configured, the project satisfies all design requirements regarding needed infrastructure improvements.

Criterion ‘E’ – Significant Resource Overlay Zone: “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abuts the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone.”

B21. The subject property is not designated within the Significant Resource Overlay Zone (SROZ).

Criterion 'F' "That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

B22. The Applicant's submittal documents indicate the intent to develop 15 market rent townhomes after final approvals is obtained from the City within the next year meeting Code.

Criterion 'G' "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards."

B23. The Applicant's proposal, together with the Stage II Final Plan conditions of approval will bring it into compliance with all applicable development standards.

Subsection 4.197(.03) provides that "If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied."

B24. The Applicant has made affirmative findings in Exhibits B1 and B9 to Subsection 4.197.02(A)-(G) meeting Subsection 4.197(.03).

Subsection 4.197(.04) stipulates that the "City Council action approving a change in zoning shall be in the form of a Zoning Order."

B25. Staff recommends approval of the proposed Zone Map Amendment with no conditions of approval being proposed. A City Council Zoning Order and Ordinance regarding the proposed Zone Map Amendment is required subsequent to contingent approval of the requested companion applications.

Subsection 4.197(.05) provides "In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed."

B26. Staff recommends adoption of these findings to the Development Review Board in review of the application to modify the Zone Map designation from PDC to PDR-5. Upon recommendation of approval by the Board, these will be forwarded to the City Council for final action.

SUMMARY FINDINGS FOR REQUEST B:

B27. The Applicant has demonstrated that the proposed Zone Map Amendment will meet all applicable requirements. Its approval may be recommended to the City Council.

REQUEST C
DB12-0035: PROPOSED REVISED STAGE 1 PRELIMINARY PLAN

The Applicant has provided compliance findings to the applicable criteria (See Exhibit B1). Staff concurs with these findings except where otherwise noted.

C1. The Applicant is requesting approval of a revised Stage I Preliminary Plan (Master Plan for Fox Chase subdivision) depicted in the application notebook (Exhibits B1 and B9). The Fox Chase master planned area comprises 59 residential lots with Lot 1 of Block 1 being the subject property proposed for 15 townhome rental units. Lot 1 abuts Willamette Way East, Wilsonville Road and Chantilly. (See the Vicinity Map in the introductory section of this staff report). The subject property was master planned for future commercial development. This request is being submitted concurrently with applications for a Stage II Final Plan, Site Design Review, Type C Tree Plan and new signage. In particular, see the Stage II compliance, Type 'C' Tree Plan of Exhibits B1 and B9. The elements of the proposed revised Stage I Preliminary Plan can be made to meet all applicable development standards through required conditions of approval.

C2. The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City's Comprehensive Plan had not yet been acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was retained.

In 1995 and 1996 under Resolutions No.'s 95PC21 and 96DB23 the Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhome residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

C3. The proposed project is intended to maximize multi-family density for market rate rental housing. The Applicant's submittal document indicates intent to the construct the project

shortly after final land use approvals are obtained from the City. The Applicant indicates that construction is planned in 2013.

Section 4.140. Planned Development Regulations.

(.01) Purpose.

A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

C4. Staff finds the proposed revised Stage I Preliminary Plan is consistent with the stated purpose in this section of the Planned Development Regulations.

B. It is the further purpose of the following Section:

1. To take advantage of advances in technology, architectural design, and functional land use design:

C5. The Applicant's compliance findings in Exhibits B1 and B9 of the Compliance Reports more than adequately addresses this criterion. The project is not designed to be LEED certified but will meet the energy code for building construction.

2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

C6. The Applicant's compliance finding in Exhibit B1 and B9 of the Compliance Reports more than adequately addresses this criterion.

3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

C7. The integrated design and recreational amenities for the Stage I master plan assures an overall cohesive character and will result in a comprehensive development that is equal to or better than that resulting from individual lot land use development.

4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;

C8. The proposed revised Stage I Preliminary Plan is responsive to site characteristics such as topography, access and visibility and natural resources. Problems of flood hazard, severe soil limitations, or other hazards are not characteristics of the property.

- 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.**

C9. The Applicant is seeking a waiver to the minimum 20 foot front yard Willamette Way East and Wilsonville Road to the development standards of the code for a trellis structure. For the detailed analysis of the waiver request see Request F of this staff report.

- 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.**

C10. The development will place low demands on public water, sanitary sewer, storm sewer facilities and streets. All public facilities and services are either available to the site or will be extended in compliance with City of Wilsonville standards. The City Civil Engineer has reviewed the revised Stage I Preliminary Plan and has determined that adequate services and facilities are available or will become available with scheduled City facilities development projects.

- 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.**

C11. The project does not comprise of mixed uses so criterion 7 is not applicable.

- 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.**

C12. The Applicant's compliance findings found in Exhibit B1 more than adequately addresses this criterion. The proposed revised Stage I Preliminary Plan responds to the economic changes by creating multi-family units in the City for a growing and aging population.

(.02) Lot Qualification.

- A. Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.**
- B. Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code.**

C13. The Applicant has demonstrated consistency with the purposes and objectives of Section 4.140. The proposed revised Stage I Preliminary Plan comprises 1.14 acres and is proposed to be designated Residential 10 – 12 d.u./ac on the Comprehensive Plan Map and is proposed to be zoned PDR-5.

(.03) Ownership.

- A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.**
- B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.**

C14. The subject property is currently one tax lot owned by Seema LLC., has authority to make land use and development applications meeting code. The land is not proposed to be divided.

(.04) Professional Design.

- A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.**
- B. Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:**
 - 1. An architect licensed by the State of Oregon;**
 - 2. A landscape architect registered by the State of Oregon;**
 - 3. An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review Board, Planning Commission, or City Council; or**
 - 4. A registered engineer or a land surveyor licensed by the State of Oregon.**
- C. One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.**
- D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.**

C15. All of the professional disciplines as required by (.04) above were used to prepare the plans and narrative for the consolidated land use applications. Individual firms are listed on the inside cover of the application and represent the following disciplines:

- Licensed architect (Mildren Design Group, P.C.)

- Land use planner with AICP certification (Lee Leighton, AICP of Westlake Consultants Inc.)
- Registered engineer AAI Engineering
- Arborist, Walter H. Knapp & Associates, LLC

Westlake Consultants, Inc. has taken a lead role in conferring with staff with respect to the concept and details of the plans.

(.05) Planned Development Permit Process.

- A. All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:**
- 1. Be zoned for planned development;**
 - 2. Obtain a planned development permit; and**
 - 3. Obtain Development Review Board, or, on appeal, City Council approval.**

C16. The subject property encompasses 1.14 acres in area. The property within the Fox Chase Stage I and Stage II boundaries is designated 'Commercial' on the Wilsonville Comprehensive Plan Map and is proposed to be amended to the Residential 10 - 12 du/ac. Though the subject property is less than 2 acres a prior condition of approval for Fox Chase requires a Stage II Final Plan for commercial or multi-family residential development. Stage I and Stage II approvals as well as Site Design Review are also being sought in the Applicant's consolidated application.

- D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:**
- 1. Pre-application conference with Planning Department;**
 - 2. Preliminary (Stage I) review by the Development Review Board. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval to the Board; and**
 - 3. Final (Stage II) review by the Development Review Board**
 - 4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan.**

C17. A formal pre-application conference was held on October 10, 2011. Additionally, the Applicant's project team has met with staff on a regular basis to refine components of the overall design. The Applicant has elected to combine numerous separate land use applications as allowed by the Wilsonville Code.

C18. The Stage II Final Plan application outlines the improvements included in the more detailed Site Design plans addressed in Exhibit B1 of the consolidated application.

(.06)(B) The applicant may proceed to apply for Stage I – Preliminary Approval – upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.

C19. The proposed townhome residential use contemplated with this request is consistent with the proposed PDR-5 zoning and with the proposed Comprehensive Plan Map designation of Residential 10 – 12 du/ac.

(.07) Preliminary Approval (Stage One):

A. Applications for preliminary approval for planned developments shall:

- 1. Be made by the owner of all affected property or the owner's authorized agent; and**

C20. As described in the findings addressing (.03) Ownership, the Stage I application was authorized by the property owner meeting code.

- 2. Be filed on a form prescribed by the City Planning Department and filed with said Department.**

C21. On June 15, 2012, the Applicant submitted the required application forms and the required fees were received by the City meeting code.

- 3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above.**

C22. The professional design team is described in Finding C15 addressing (.04) above.

- 4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.**

C23. The application introduction and the Stage I Preliminary Plan application describe and illustrate the land use (townhomes), the amount of land area devoted to the proposed residential use, and their location. See Exhibits B1 *and* B9 of the submittal notebooks for the complete site analysis.

B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:

C24. A checklist that provides cross-references to the information required by Section 4.035 (Site Development Permits) is included in Exhibits B1 and B9 and is included by reference herein. Staff has reviewed the application and has determined that it includes conceptual and quantitatively accurate representations of the entire Stage I Preliminary Plan sufficient to judge the scope, size, and impact of the development on the community.

- 1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.**

C25. The Applicant has provided a boundary survey representing the subject property within the Stage I Preliminary Plan area. This requirement is met.

2. Topographic information as set forth in Section 4.035

C26. Topographic information is shown on the Preliminary Grading Plan, Plan Sheet C1.0 of Exhibit B1 of the consolidated application. One (1)-foot contours are shown as required for sites with slopes up to 5%. This requirement is met.

3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.

C27. The Comprehensive Plan and Development Code work together to encourage flexibility in the application of regulations to planned Developments. For example, Implementation Measure 4.1.4.v of the Comprehensive Plan notes that densities may be increased through the Planned Development process, and the Planned Development regulations permit the waiver of development standards such as minimum lot area, lot width and frontage; waivers that result in increased density. (Section 4.118(.03)(.4))

C28. The current Comprehensive Plan designation of 'Commercial' and the 'PDC' zoning on the subject property happened in 1980 with the adoption of the City Comprehensive Plan.

In Exhibit B9 the Applicant has provided *a revised* detailed analysis for housing density. The following tables prepared by staff were based upon the Applicant's analysis but is an abbreviated version. The allowable housing density is based upon the PDR-5 Zone:

Table 1: Proposed 15 Townhomes - Zoned PDR-5			
Size (Gross Acres) 1.14 acres (49,654 SF) gross site area.	Total Housing 15 Units	Comprehensive Plan @ 10 – 12 units per acre = 13.68 <i>or</i> 14 units	PDR-5 2,500 SF, maximum units = 19.86 units 4,000 SF, minimum units = 12.4 units

C29. Townhome/apartment residential development is proposed. The "Parking Summary" on the Site Plan provides a detailed analysis.

4. A stage development schedule demonstrating that the developer intends to receive Stage II approval within two (2) years of receiving Stage I approval, and to commence construction within two (2) years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.

C30. In Request D, the Applicant is seeking approval of a Stage II Final Plan for ~~16~~15 townhomes concurrently with the request for a proposed revised Stage I Preliminary Plan. The Exhibit B1 project introduction of the consolidated application indicates construction of the townhomes in 2013. The Applicant intends to proceed diligently to

completion of the improvements identified in the Stage II Final Plan and Site Design Plans for the project.

5. **A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.**

C31. Capital improvements are not anticipated along Willamette Way East, Wilsonville Road and Chantilly.

6. **If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.**

C32. Final development plans will be executed in one stage for the proposed project meeting code.

7. **Statement of anticipated waivers from any of the applicable site development standards.**

C33. The Applicant is requesting one waiver to the 20 foot front yard setback along Wilsonville Road and Willamette Way East for a trellis structure. See Request F for the detailed analysis of the waiver request.

4. Land area within the Significant Resource Overlay Zone may be used to satisfy the requirements for outdoor recreation/open space area consistent with the provisions found in Section 4.113 of the Planning and Land Development Ordinance.

C34. The Applicant is proposing useable outdoor living space that exceeds the minimum 200 sq. ft. per dwelling unit requirement and exceeding the 15% minimum landscape coverage. In the professional opinion of staff the Applicant's evidence meets Subsection 4.139.10(A). See Finding C36.

C35. The project site is outside the Boeckman Creek corridor - SROZ area and it is not within an identified natural hazard, or on an identified geologic hazard. The proposed project will not impact the SROZ.

Section 4.113. Standards Applying To residential developments in any zone.

(.01) Outdoor Recreational Area in Residential Developments.

A. Purpose. The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development. Outdoor recreational area shall be:

1. **Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas. Such outdoor recreational area shall be provided consistent with the requirements of this Section.**
2. **Recreational areas shall be provided in keeping with the needs of the prospective tenants and shall not be located in required yards, parking, or maneuvering areas, or areas that are inaccessible. Standards for outdoor recreational areas may be waived by the Development Review Board upon**

finding that the recreational needs of the residents will be adequately met through the use of other recreational facilities that are available in the area.

3. In mixed-use developments containing residential uses, the Development Review Board shall establish appropriate requirements for outdoor recreational area, consistent with this Section.
4. The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development. Multi-family developments shall provide at least the following minimum recreational area:
 - a. For ten (10) or fewer dwelling units, 1000 square feet of usable recreation area;
 - b. For eleven (11) through nineteen (19) units, 200 square feet per unit;
 - c. For twenty (20) or more units, 300 square feet per unit.
5. Outdoor recreational area shall be considered to be part of the open space required in the following subsection.

C36. The proposed project will provide the requisite 'usable' open space necessary to satisfy the minimum acreage requirement for a project of this size. Proposed are 24,551 sq. ft. (49%) of open space excluding private drives, which comprise of lawn, garden plots, landscaping and walkways for unstructured recreation. This is approximately 1,637 sq. ft. of outdoor area. 3,200 sq. ft. of recreational open space is provided for the 15 dwelling units - in excess of applicable Code minimum 200 sq. ft. per unit or 3,000 sq. ft. total requirement, and meets the minimum 25% of the net site area required in Subsection 4.113.02(A)WDC.

(.02) Open Space Area shall be provided in the following manner:

- A. In all residential subdivisions including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots, ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space.

Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.

Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1) through (5). [Amended by Ord. 589 8/15/05]

C37. The current Stage I Preliminary Plan for Fox Chase was approved for 59 single-family detached houses. A private park (Tract F) of approximately 2 acres was developed for Fox Chase in accordance with the requirements of a previous zoning code. Opposite the site to the north are large areas of public open space and recreational fields associated with the Metro Grahams Oak Nature Park, Boones Ferry Primary School and Inza Wood Middle School recreation fields.

B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.

C38. The open space provided for the proposed 15 townhomes is intended to be owned and maintained by the property owner.

C. The Development Review Board may specify the method of assuring the long term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance is the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.

C39. The open space provided for all of the residential units is intended to be owned and maintained by the owner and does not need review by the City Attorney prior to recordation.

(.03) Building Setbacks (for Fence Setbacks, see subsection .08)

C40. See the response findings in Request F and the Applicant's *revised* findings in Exhibit ~~B1~~ **B9**. The minimum front yard setback of the proposed PDR-5 zone is 20 feet, 10 feet side and 20 feet rear measured from property line for lots greater than 10,000 square feet which is the case here. In order to fit the townhomes within the site with no waivers to minimum building setbacks the revised buildings were shifted west closer to the ten (10) foot side yard setback. In a separate application for Site Design the Applicant has indicated that they will plant trees to help buffer the project from the adjacent single-family residential house.

(.04) Height Guidelines: The Development Review Board may regulate heights as follows:

- A. **Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.**
- B. **To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.**
- C. **To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.**

C41. TVFR has reviewed the proposed plans and can provide fire protection and emergency services to the project. The project has been designed to comply with these criteria. The proposed 2-story townhomes are designed to be generously set back from SW Wilsonville Road with intervening landscaping or existing trees and open space to buffer the buildings meeting code. Development in the PDR – 5 Zone is subject to a maximum 35 foot height limit. Proposed is 21.5’ maximum building height for the townhomes meeting code.

(.05) Residential uses for treatment or training.

C42. Residential treatment facility or residential home, as defined in Section 4.001.238 of the Wilsonville Development Code, is not proposed as a part of this master plan. This section is not applicable.

(.06) Off Street Parking: Off-street parking shall be provided as specified in Section 4.155.

C43. Surface and garage parking is provided at grade next to all of the proposed townhomes. (See Request D for the detailed parking analysis).

(.07) Signs: Signs shall be governed by the provisions of Section 4.156.

C44. The Applicant will be submitting a separate application for signs, which is not part of this review.

(.08) Fences:

C45. The existing wood fence along SW Wilsonville Road was installed as part of the Fox Chase subdivision. Attached to it are two wood signs identifying the Fox Chase and Rivergreen subdivisions. The Applicant has indicated that the existing Fox Chase and Rivergreen signs that are mounted on the fence at the corner of Wilsonville Road and Willamette Way East will be removed. The wood fence along Wilsonville Road will be partially removed and replaced with new entry fencing. See Exhibit B7. The Applicant has indicated to staff that they could not find any agreements obligating him to preserving the fence and signs. Existing is an older wood fence along the west side of the subject property that was installed by the adjacent homeowner and will remain in place. The Applicant proposes to replace a segment of the fence with a trellis and is seeking a waiver from the 20’ front yard setback.

(.09) Corner Vision: Vision clearance shall be provided as specified in Section 4.177, or such additional requirements as specified by the City Engineer.

C46. The proposed townhomes are sufficiently set back from public streets to allow appropriate vision clearance at the existing driveways meeting code.

(.10) Prohibited Uses:

C47. No prohibited uses are proposed.

(.11) Accessory Dwelling Units.

C48. Accessory dwelling units are not proposed.

(.12) Reduced Setback Agreements.

C49. Subsection .09 provides an allowance for zero setbacks at the discretion of the neighboring landowner which is not being requested with this application.

(.13) Bed and Breakfasts.

C50. A Bed and Breakfast is not proposed as a part of this development.

(.14) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used 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. However, consideration of these factors shall not prevent the Board or Planning Director from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.

C51. This section provides procedural guidance to the Planning Director and Development Review Board, for which no finding of compliance is necessary at this time.

Subsection 4.140 (.07)B.: The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:

C52. The Applicant has submitted a boundary survey including topographic information completed by a licensed surveyor meeting code. See Exhibit B1.

C53. The Applicant has submitted a tabulation of the proposed land use (Exhibit B1). A more detailed analysis of the proposed development will occur as a part of the Stage II Final Plan (Request D) application. The Applicant is proposing multi-family residential use (townhomes) which is allowed in the PDR – 5 Zone.

C54. The Applicant is seeking Stage II Final Plan approval for the project concurrent with the

request for a Stage I Preliminary Plan meeting code meeting code.

Section 4.118. Standards applying to all Planned Development Zones:

(.01) Height Guidelines: In "S" overlay zones...

The project site is not within an "S" overlay zone; therefore, this provision does not apply.

(.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

C55. Public Utilities were installed as part of SW Wilsonville Road and Willamette Way East improvements. Thus, the Applicant proposes to utilize existing utilities within those streets. None of the proposed utilities will be located above ground.

(.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140 and based on findings of fact supported by the record may:

**A. Waive the following typical development standards:
3. Height and yard requirements;**

C56. The proposal does not include a request for a waiver to the building height requirement.

Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and

C57. The site has been designed to comply with the regulations of Section 4.140. Open space and landscaping and screening are designed to respect lot lines.

Section 4.167. General Regulations - Access, Ingress and Egress.

C58. Proposed is one vehicular access driveway at Willamette Way East.

Section 4.171. General Regulations – Protection of Natural Features and Other Resources.

C59. All grading, filling and excavating on the project site will be done in accordance with the Uniform Building Code. See Plan Sheet C1.0.

C60. A Tree Report has been prepared by Walter H. Knapp & Associates, LLC for impacted by development, addressing existing trees within the proposed project site. Existing trees 6" DBH or larger must be preserved when healthy and compatible with the project design. The Preliminary Tree Removal/Preservation Plan in Exhibit B1 for the proposed development designates eleven regulated trees for removal. Five of those trees are proposed for protection and retention. Tree mitigation is proposed in the form Table 2 of Exhibit I of Exhibit B1.

REQUEST D
DB12-0036: STAGE II FINAL PLAN

D1. The Applicant has provided compliance findings to the applicable criteria (in Exhibit B1). Staff concurs with these findings except where otherwise noted.

Proposed Fox Chase Townhomes, Stage II Final Plan – 15 Apartment Units			
Area	Size (Sq. Ft.)	Size (Acres)	% of Total Site
Building Footprints	11,420 SF		23%
Paving Coverage, Drives	25,125 SF		28%
Open Space, Landscape Sidewalks	24,551 SF		49%
		1.14 AC	100%

The relevant Stage II Final Plan review standards are the following:

ZONING, Sections 4.100-4.141

Subsection 4.140.09(J): A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the planned development regulations in Section 4.140.

Subsection 4.140.09(J) – Stage II Final Plan approval

Subsection 4.140.09(J)(1-3) stipulates the following criteria for Final Plan approval:

- 1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.**
- 2. That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.**
- 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.**

Additionally, Subsection 4.140.09(J)(1) states: The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

Subsections 4.140.09(C-F): Stage II Final Plan

D2. The Applicant's submittal documents provide sufficient detail to satisfy the requirements of Section 4.140.09(C) & (D). These criteria are met.

Comprehensive Plan and Zoning: Planned Development Residential zone

D3. With an approval of the proposed Zone Map Amendment the subject property will have the PDR-5 zone. The proposed Comprehensive Plan designation discussed in request a of this staff report to become 'Residential 10 - 12 dwelling units per acre'.

Subsection 4.118.03(B): Waivers.

D4. The Applicant is seeking a waiver to the front yard setback for a trellis structures at Wilsonville Road and Willamette Way East. See Request F for the detailed analysis of the proposed waiver.

Subsection 4.113: Standards Applying to Residential Developments in any Zone:

Subsection 4.113 provides for the required open space in new residential developments. In addition, Implementation Measures 4.1.5.d, 4.1.5.j, and 4.1.5.k speak to the Comprehensive Plan's desire to create and conserve open space in the City for specified objectives.

Subsection 4.113.02(A) – Outdoor Recreational Area - Standards Applying To Residential Developments In Any Zone.

(:01) Outdoor Recreational Area in Residential Developments.

A. Purpose. The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development. Outdoor recreational area shall be:

- 1. Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas. Such outdoor recreational area shall be provided consistent with the requirements of this Section.**
- 2. Recreational areas shall be provided in keeping with the needs of the prospective tenants and shall not be located in required yards, parking, or maneuvering areas, or areas that are inaccessible. Standards for outdoor recreational areas may be waived by the Development Review Board upon finding that the recreational needs of the residents will be adequately met through the use of other recreational facilities that are available in the area.**
- 3. In mixed-use developments containing residential uses, the Development Review Board shall establish appropriate requirements for outdoor recreational area, consistent with this Section.**
- 4. The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development. Multi-family developments shall provide at least the following minimum recreational area:**
 - a. For ten (10) or fewer dwelling units, 1000 square feet of usable recreation area;**
 - b. For eleven (11) through nineteen (19) units, 200 square feet per unit;**
 - c. For twenty (20) or more units, 300 square feet per unit.**
- 5. Outdoor recreational area shall be considered to be part of the open space required in the following subsection.**

(02) Open Space Area shall be provided in the following manner:

A. In all residential subdivisions including subdivision portions of mixed use Development where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space.

Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.

Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1) through (5) [Amended by Ord. 589 8/15/05]

- B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.**
- C. The Development Review Board may specify the method of assuring the long term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.**

D5. See findings C36 – C39 of this staff report. The Stage II Final Plan will provide the requisite 'usable' open space necessary to satisfy the minimum acreage requirement for a project of this size.

D6. The subject property is in a single fee simple ownership. Thus, site and building protection or maintenance is the responsibility of the property owner.

Subsection 4.113(.07) – Fences

D7. See finding C45.

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

(.02) General Provisions:

G. The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.

D8. The proposed parking areas are located within one hundred (100) from each townhome unit, thus this code criterion is satisfied.

J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.

D9. The submitted plans indicate that concrete curbing will be provided, however the Applicant must install bumper guards to prevent any portion of a vehicle within a parking lot from extending over sidewalks. With proposed condition PDD4 this can be accomplished.

K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as "grasscrete" in lightly-used areas, that is found by the City Engineer to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City Engineer, shall be provided.

D10. Asphalt/concrete surface is proposed for parking and drives. This code criterion is satisfied.

L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.

D11. The City recently passed an outdoor lighting ordinance (Dark Sky), Ordinance #649, which implemented Section 4.199.50 into the Development Code. A more in depth discussion regarding Section 4.199.50 will be reviewed in a separate application for Site Design which is not part of this staff report.

N. Compact car spaces.

D12. Ten compact spaces are proposed with this project, eleven compact spaces are allowed.

O. Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven

(7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

D13. The Site Plan shows conceptually the proposed planting areas are at least seven (7) feet in depth. This provision is therefore satisfied. In addition, consistent with Section 4.155(.02)J., the Applicant must provide wheel stops in those areas that don't. With proposed condition PDD4 bumper guards must be provided.

(.03) Minimum and Maximum Off-Street Parking Requirements:

A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:

D14. The main and only vehicle access points to the site ~~are~~ *is* at Willamette Way East. On-site Circulation within the site was reviewed by the City's Traffic Consultant, DKS & Associates and there were no significant concerns. Staff further finds the site plan is designed with access and maneuvering areas adequate to serve the functional needs of the site.

D15. Pedestrian access to the site will be taken from the sidewalk on Willamette Way East and via internal walkways meeting code.

B. Parking and loading or delivery areas landscaping requirements

D16. Parking Lot Landscaping as a Percentage: Proposed is 10% of the parking lot will be landscaped meeting code.

D17. Parking Areas Visible from the Right-of-Way: The proposed landscape treatment must provide adequate screening of parking areas at Wilsonville Road, Willamette Way East and Chantilly. This will be reviewed in a separate application for Site Design.

D18. Parking Areas Visible from Adjacent Properties: The proposed parking areas will be partially visible to SW Wilsonville Road, SW Willamette Way East and Chantilly. The Applicant must provide a Landscape Plan to demonstrate landscaping will be provided around the perimeter of the project site with low to medium shrubs consistent with that standard. This will be reviewed in a separate application for Site Design.

D19. Landscape Tree Planting Areas: The Applicant must provide a Landscape Plan to demonstrate that most of the proposed planting areas are a minimum of eight (8) feet in width. The code further requires that the Applicant provide one (1) tree per (8) parking spaces. The Applicant is proposing 29 surface parking spaces, which at one tree per eight spaces would require 3 to 4 trees. This will be reviewed in a separate application for Site Design.

Subsection 4.155(.03)B.4: Parking for ADA

D20. Based on the requirement of one ADA-accessible parking space for every fifty (50) standard spaces, the Applicant is required to provide minimum one (1) ADA compliant

parking space. However, since this project is proposed for persons 55 years and over the proposed single ADA parking space may be inadequate from a practical point of view. The Building Division has also indicated that Section 502.8 Relationship to Accessible Routes of ANSI A117.1 – 2003 Accessibility Code indicates parking spaces and access aisles must be designed so that cars and vans, when parked, cannot obstruct the required clear width of adjacent accessible routes. Proposed are seven foot wide sidewalks at the main pathways. Final design of ADA parking is reviewed by the Building Division. See condition PDD4.

Subsection 4.155(.03)B.5.: Connection of Parking Areas

D21. The subject site not part of complex of buildings envisioned for shared parking with adjacent properties. Thus, the Applicant is providing all of the needed parking on-site. This provision will be satisfied subject to the DRB approving the proposed parking plan.

Subsection 4.155(.03)B.6-8 and Table 5: Parking Standards.

D22. Plan Sheet A1.1 provides a table for parking provisions. Proposed are age-restricted townhome apartments. The Development Code does not have a parking standard which directly addresses senior or age restricted apartments. Table 5: of Section 4.155 identifies 4 types of residential uses. Of the 4 options “Apartments of ten or more units” is most similar to Fox Center Townhomes. The DKS Traffic report in Exhibit B1 did not use “home for the aged” noted under institutional uses as a more applicable use than “Residential Condo/Townhouse” (ITE Code 230). Based on 16 units the DKS report indicates an average peak parking demand of 1.3 vehicles per dwelling unit, indication that an average demand of 21 parking spaces would be expected for the 16 townhomes. Adjusted for 15 units the average demand is 19.5 spaces. Based on Table 5 of this Section 4.155, the Applicant is required to provide a minimum of 22.5 parking spaces at 1.5 parking spaces per dwelling unit (15 – 2 bdrm units). The Applicant is proposing to provide 44 spaces (29 surface parking spaces and 15 garage spaces), which is 21.5 spaces above the parking minimum. This is approximately 2.93 parking spaces per unit. But in order to assure adequate on-site parking the proposed garages must be used for vehicle parking. See Condition of Approval PDD6. Additional parking spaces are available along Willamette Way East next to the subject property, however, public testimony at the August 13th public hearing discouraged parking for traffic safety concerns. Parking along the east side of Willamette Way East, Wilsonville Road and Chantilly is prohibited.

Proposed Bedrooms Count:

15 two bedroom units

Subsection 4.155(.03)B.6-8 and Table 5: Parking Standards.	OFF – STREET PARKING REQUIREMENT	Code minimum: Apartments of ten (10) or more units.
Parking Required Per MF Unit	# of units	Parking Spaces Required
1.25 spaces/1 BDR MF Unit	0	0
1.5 spaces/2 BDR MF Unit	15	22.5
1.75 spaces/3 BDR MF Unit	0	0
TOTAL		22.5

Parking Maximum: No limit

OFF - STREET PARKING PROPOSED:	
SURFACE STANDARD	18
SURFACE COMPACT	10
SURFACE ADA	1
GARAGE STANDARD	15
TOTAL	44

D23. Bicycle Parking: Based upon the requirement of this section, the Applicant is required to provide a minimum of 15 bicycle parking spaces, one per residential unit. It is not evident from the submittal plans that bicycle parking will be provided. The required 15 bicycle parking spaces must be dispersed throughout the project. This can be accomplished by providing racks for lockable space and/or bikes at a ratio of one bike parking space per garage with bicycles stored on wall mounted hangers. Freestanding bicycle racks shall be designed so that both wheels and bike frame can be secured, See condition PDD3.

Subsection 4.171. General Regulations – Protection of Natural Features and Other Resources

(.02) General Terrain Preparation:

D24. There are no environmental features on the subject property to protect (natural forest or SROZ).

(.03) Hillsides:

D25. The project-development site is relatively level and does not contain slopes greater than 25%; therefore, this code criterion is not applicable.

(.04) Trees and Wooded Areas.

D26. The proposed Type ‘C’ Tree Removal Plan is in compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00. The Applicant has provided a tree inventory in Exhibit B1 and has evaluated the project’s impact upon tree removal, and proposed tree mitigation. The Board may approve the Type ‘C’ Tree Removal Plan based upon this inventory, together with recommended conditions of approval.

(.05) High Voltage Power Line Easements and Rights of Way and Petroleum Pipeline Easements:

D27. The subject site is not encumbered by high voltage power line easements and right-of-way or petroleum pipeline easement; therefore, this provision is not applicable.

(.06) Hazards to Safety:

D28. The project site is not located within a soil or geological hazard area. Review of the building plans and public works permit will ensure that best engineering practices are maintained.

Subsection 4.177(.01)A-B. Street Improvement Standards.

D29. The project site will have private drives and not involve on-site public street improvements. The project site fronts SW Wilsonville Road which is a Minor Arterial. Subsection (.01) C. 3, require a special setback for properties adjacent to all arterial streets. A minimum setback of 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater is required to allow for future widening. The current street section for SW Wilsonville Road meets Figure 4.20 of the 2003 Transportation System Plan provides a street section depicting two (2), 12 foot thru lanes, a 14 foot turn lane/median, 6 foot bike lanes, and 8.5 foot planter strip and 5 foot sidewalks.

D30. The required Right of Way is 71 to 77 feet. The proposed townhomes are more than 55 feet from the centerline and are not closer than 25 feet from the right-of-way meeting code. The City Engineer's Public Facilities conditions require that all right-of-way dedications, easements and street improvements are to be completed to the requirements of the City's 2003 Transportation System Plan but no improvements are expected.

D31. The subject site also fronts on Willamette Way East, which is identified in the Transportation System Plan (TSP) as a Residential Street with on-street parking within a required Right of Way of 47 to 51 feet.

D32. Bicycle Network: Regarding the bicycle network, due to its projects frontage with SW Willamette Way East it currently provides east-west bicycle lanes along its frontage.

Subsection 4.177.01(E): Access drives and lanes.

D33. Proposed are a full turning movement driveway at Willamette Way East and a right-in driveway at Chantilly because Chantilly is a one-way road.

Subsection 4.177.03(.01)I: Corner or clear vision area.

D34. This site plan is acceptable but must maintain a minimum 250 feet sight distance based on SW Willamette Way East 25-mph speed limit. The final clear vision areas and vertical clearance will be reviewed by the City Engineering Division to assure compliance with the Section 4.177.

Section 4.175: Public Safety and Crime Prevention

D35. The Clackamas County Sheriff Department and Tualatin Valley Fire and Rescue provide emergency services for the City. Proposed townhomes are positioned for easy on-site surveillance and next to SW Willamette Way East providing opportunity for clear on/off-site security views. Proposed parking lots can be easily viewed by the City Police

Department. Curbs must be painted and/or signs installed for no parking near the hydrants. This provision is satisfied.

TRAFFIC

Subsection 4.140(.09)(J)(2): Traffic Concurrency. “That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.”

Additionally, Subsection 4.140(.09)(J)(2)(a)(ii) requires that the traffic study performed to determine whether a proposed project will generate traffic in excess of Level of Service D (LOS D) look at “what impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic.”

D36. The DKS traffic report estimated that the PM peak hour trips to and from this project would use the I-5/Wilsonville Road interchange (Wilsonville Road between SW Boones Ferry Road and Town Center Loop West).

D37. At the request of Staff, DKS Associates completed a Transportation Impact Study dated May 22, 2012 that is included in Exhibit B1. The project is hereby limited to no more than the following impacts.

Estimated PM Peak Hour Trips:	13
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7

D38. The location, design, size and residential use are such that traffic generated by the proposed project can be accommodated safely for up to 7 p.m. peak hour trips through the I-5/Wilsonville interchange area and without congestion in excess of level service "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project and it will maintain LOS 'D', which complies with Subsection 4.140.09(J)(2).

D39. Proposed are private drives and pedestrian ways to access the townhomes.

Subsection 4.177.01(B): Sidewalk Requirements

D40. The proposed pedestrian circulation plan is found on the Preliminary Site Plan Sheet A1.1 in Exhibit B1 meeting this criterion.

D41. Except for Chantilly of which a five wide sidewalk is proposed, sidewalks adjacent to the site and linkage are consistent with the Transportation Systems Plan. The current constructed section of Wilsonville Road includes 5' wide sidewalks, curbing and 5' bike lanes. *Steve Adams, Interim City Engineer has testified that the future extension of Tonquin Trail would occur on the project side of Willamette Road East as part of a safe route to schools which would be a 10' wide sidewalk improvement within the existing public right-of-way. The Applicant has indicated that they are agreeable to Mr. Adams proposal.*

Subsection 4.140.09(J)(3) Public Facilities stipulates, "That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

D42. The proposed project has available to it, or will be required to make available to it, adequate facilities to serve the project.

Sanitary Sewer

D43. The existing site is served by an 8" public system in Chantilly. All sanitary sewer and storm sewer pipelines and appurtenances located within City ROW, including laterals and service lines to the edge of the ROW, should be owned and maintained by the City. Ownership transfer shall be in a form acceptable to the City and must be concurrent with final release of warranty on the improvements. All laterals and service lines beyond the ROW line must remain the ownership and maintenance responsibility of the development.

Proposed Public Works No. 1 states: *"The sanitary line at Autumn Park Apartment needs to be fixed before adding 16 more units to this line. Sanitary line is already surcharging when the force main kicks on."*

The Deputy City Engineer has indicated that the Autumn Park sanitary sewer project is approved; CIP #2091. It will be constructed this fall or next summer.

Water

D44. The subject site is connected to 6" public system in SW Willamette Way East.

Storm Sewer

D45. The subject site is served by a private storm water system connected to the 8" and 10" public system in Chantilly and Willamette Way East. The Applicant has the responsibility to fund and install all necessary storm water facilities to meet the requirements of the City's Storm Water Master Plan. The final design and installation of

storm water facilities will require a public works permit from the City's Engineering Division.

Public Services

D46. Staff has requested comment with public service providers (e.g., Sheriff, Tualatin Valley Fire & Rescue, South Metro Area Rapid Transit (SMART), etc.) within the City about the potential of providing service to the subject project. Any comments received from those agencies will be embodied in the conditions of approval.

Semi-Public Utilities

D47. The Applicant will need to consult with the private utility providers (e.g., gas, electric, cable, waste collection, etc.) within the City about the potential of providing service to the subject project.

D48. Schools: Within Wilsonville, the West Linn/Wilsonville School District there has two primary schools; Boones Ferry and Boeckman Primary; Inza Wood Middle school and Wilsonville High School. The new Lowrie Primary School in Villebois will be open for the 2012 school year. The proposed age restricted project will likely not have children attending schools.

D49. Prior to the issuance of building permits by the City, the Applicant shall be responsible for paying all applicable systems development charges (SDCs) for the proposed project including supplemental street SDCs for future improvements to Wilsonville Road/I-5 interchange.

Subsection 4.140(.09)(I): Duration of Stage II Approval

D50. Approval of the Stage II Final Plan will expire two years after the approval date, if substantial development has not occurred on the property in that time. The DRB may grant three (3) one-year extensions to this approval upon findings of good faith efforts to develop the property per this code criterion.

D51. Transit: The subject property is close to stop C on the *SMART* Wilsonville Road transit line.

REQUEST E
TR12-0067: TYPE 'C' TREE PLAN

- E1.** The Applicant has provided compliance findings to the applicable criteria (Exhibit B1). Staff concurs with these findings except where otherwise noted.

Section 4.600 – Tree Preservation and Protection

(.50) Application for Tree Removal Permit

- (.02) Time of Application: Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site plan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter,**

Also Subsection 4.610.40: Type C Permit

- E2.** The tree compliance findings and report are found on page 26 and Exhibit I of Exhibit B1. The Tree Report/Survey was provided by Walter Knapp, ISA Cert #PN-0497A and Morgan Holen, ISA Cert #PN-6145A. The Tree Report documents the condition, viability, and which trees will be retained on the site and which will be removed because of construction or condition on the project site. The survey that was provided by the arborist lists tree species, size, condition and recommended treatment. The recommended treatments were based on tree characteristics as well as location within the site. The report divides the inventoried trees into three categories: 1) those to be removed, 2) those to be preserved, and 3) those trees as situational but disposition is uncertain pending further assessment.
- E3.** The Applicant's tree report all of the existing trees within the construction impact areas on the entire project site but the Applicant intends to develop the site comprising 16 apartment units,
- E4.** Existing trees 6" DBH or more must be preserved when healthy and compatible with the project design. Native species of trees and trees with historical importance shall be given special consideration for retention of which no Oregon white oaks, native yews, or any other significant species are present on the site. The Tree Maintenance and Protection Plan in Exhibit I of Exhibit B1 designated eleven (11) regulated trees. Of the trees inventoried it includes four tree species (lodgepole pine, bigleaf maple, red maple and grand fir). Of the eleven trees, five are grand firs that have an untreatable insect infestation but the others trees are in good health. Five trees in the northern portion of the site (three bigleaf maples, a red maple and a lodgepole pine) are proposed for protection and retention. Four grand firs and one lodgepole pine are proposed for removal due to poor health or conflicts with construction. One grand fir may survive for several more years but has untreatable insect infection.

Subsection 4.620.00: Tree Relocation, Mitigation, or Replacement

E5. The City requires mitigation planting when live trees are removed. Five to six trees measuring at least 2-inches in diameter must be planted as mitigation for tree removal. Tree mitigation is proposed in Table 2 of the arborist report, Exhibit I of Exhibit B showing twelve (12) total trees to be planted at 2" caliper d.b.h. or larger exceeding code by six trees.

Applicant: *"The preliminary tree protection and planting plan in Exhibit I illustrates tree protection fencing locations as well as typical proposed locations for the following specified trees:*

- *Two Hogan cedars (Thuja plicata 'Hogan') along the north property boundary;*
- *Two Katsuras (Cercidiphyllum japonicum) at the east and west ends of the northern open space area;*
- *Six Katsuras in parking lot landscape islands;*
- *Two Tricolor Beeches (Fagus sylvatica 'roseomarginata') adjacent to Chantilly Loop; and*
- *Eight Bowhall Red Maples along the west property boundary.*

"This represents a total of twenty trees to be planted within the site, all of which will be nursery stock specimens meeting the City's replacement planting specifications. The planting plan therefore exceeds by fourteen specimens the number of trees to be removed (five immediately and one in the foreseeable future). As a result, no replacement planting should be required in the future when situational tree #106 needs to be removed. The cost of this planting plan will be approximately \$4,800, based on a typical installed unit cost of \$400.00 per tree."

E6. Tree Protection During Construction: Tree protection specifications are proposed and are included in the Tree Report meeting code. Except for the proposed smaller trees for mitigation the proposed Type C Tree Plan is in substantial compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00 subject to compliance with the attached conditions of approval.

REQUEST F
DB12-0036: WAIVER

The Applicant has provided compliance findings to the applicable criteria (Exhibit B1). Staff concurs with these findings except where otherwise noted.

Section 4.118.03 - The Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may approve waivers. The code requires that all waivers be specified at the time of Stage 1 Master Plan and Preliminary Plat approval.

Waivers - Subsection 4.118.03(B) as applicable to the proposed project: (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:

A. Waive the following typical development standards:

3. height and yard requirements.

Section 4.140. Planned Development Regulations.

(.01) Purpose.

A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

B. It is the further purpose of the following Section:

1. To take advantage of advances in technology, architectural design, and functional land use design;

2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;

5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

Section 4.140. Planned Development Regulations.

- 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Standards for Residential Development In Any Zone. According to Section 4.113.03 the front and rear yard setback limitation are:

- A.1. Minimum front yard setback: Twenty (20) feet.
- A.6. Minimum rear yard setback: Twenty (20) feet.

Section 4.116.10(E). Standards Applying to Commercial Development, Commercial Developments Generally “Maximum Building Height: Thirty-five (35) feet, unless taller building are specifically allowed in the zone.”

F1. Requested Waiver – Front Yard Setback

Proposed Waiver: A waiver to the 20-foot front yard setback for structures on lots larger than 10,000 square feet to allow ~~the proposed southwesterly building to be located as close as 12 feet from the front property line at Chantilly, to allow balcony projections along Willamette way East and to allow an arbor~~ **trellis** structure along Wilsonville Road. Regarding the proposed waiver the Applicant has met Section 4.118.03 by listing a waiver to front yards at Wilsonville Road, **and** Willamettè Way East. ~~and Chantilly:~~

Applicant: *“Anticipating approval of the proposed Zone Change, the Subject Property will be in the PDR-5 Zone, in which the minimum front yard setback requirement is 20-feet. The Applicant/Owner has been advised by Wilsonville Planning staff that, based on the definitions in the Wilsonville Planning and Land Development Ordinance, the Subject Property is considered to have “front” yards on all three of its public street frontages. As a result, the minimum building setback is 20 feet along the Wilsonville Road/north property line, the Willamette Way East/east property line, and the Chantilly Loop/south property line. (The west property line is considered a side lot line and is subject to a 10-foot minimum setback standard.) “*

North/Wilsonville Road Frontage

The proposed trellis structure near the northeast corner of the Subject Property [See Keynote 7 of the Site Plan drawing] is located partially within the 20-foot minimum setback perimeter. (Although this is not a “building,” the Applicant/Owner is unsure of its status with regard to the minimum setback provisions, so it is included here in an abundance of caution.) Because of the acute angle at the southwest corner of the intersection, the location of the trellis will not interfere with intersection sight distances. Its form and position are designed to create an appealing visual impression from Wilsonville Road, framing a view into the open space area in the northern part of the site. [See perspective drawing in Exhibit C.]” (Exhibit B1)

F2. The subject property has three front yards facing public streets; Wilsonville Road, Willamette Way East and Chantilly. Subsection 4.113.03(A)(1) sets the minimum front yard setback at Twenty (20) feet. Per Section/definitions 4.001(146) Lot, Front: “The

boundary line of a lot abutting a street, other than a boundary line along a side or rear yard. If the lot does not abut a street, the narrowest boundary line shall be considered to the front.” Subsection 4.001(149): Lot Line Rear: “*Any boundary line opposite and most distant from a front line and not intersecting a front line, except in the case of a corner lot*” Unfortunately, the Code does not define corner lot so its absence the more restrictive lot definition applies. Finally, Subsection 4.001(151): Lot Line Side: “*Any boundary not a front or rear lot line.*” So on the basis of the definitions the project site has three front yards and one side yard (westerly property line). The code path for the review of a waiver is found in criterion 4.118.03(A)(3)... “*the DRB, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may: Section 4.118.03(A)(3) Height and yard requirements.*”

Section 4.140.05(C) states: Development Review Board approval is governed by Sections 4.400 to 4.450. Particularly Section 4.400.02 (A through J). In this case as it relates to the decision criteria for reviewing waivers.

Section 4.140(.04) B. It is the further purpose of the following Section:

1. To take advantage of advances in technology, architectural design, and functional land use design:

F3. The scarcity of land for development has necessitated the intensification of the use of available land to accommodate future housing needs. Compact development has become an attractive approach, especially in cities where services and transportation are most available. While the Applicant has sought to take advantage of advances in functional land use design, the Applicant must balance the requirements of the Development Code, e.g. yard setback requirements and building height. In order to provide a residential component that is ~~both walk-able and~~ functional, the Applicant has sought to reduce the front yard setback of a proposed ~~apartment~~ **trellis structure** building. This request is in order to accommodate ~~the southwest apartment building,~~ open space, ~~parking and drives~~ thereby necessitating the request for the waiver.

2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

F4. The Applicant is seeking to develop townhome/apartment buildings. In supplying townhomes the Applicant must not exceed the minimum yard setbacks for residential development in the PDR-5 zone. The Applicant is not requesting relief to provide a greater density of such townhome housing on the property.

3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

F5. The subject site is within the PDR-5 Zone. Planned developments allow for non-traditional land use development. Planned developments also allow for traditional zoning rules to be waived in order to promote innovation and coordinated development. Rather

than approaching development on a lot-by-lot basis, as typically occurs under traditional zoning, the entire parcel is planned in a comprehensive and integrated fashion. In this case it is being developed for townhomes.

4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;

F6. The very purpose of the Planned Development Regulations is to permit flexibility of site design. Staff finds that the proposed waiver for the trellis structure would allow the Applicant the flexibility to utilize the open space more efficiently meeting code.

5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

F7. Reducing the front yard setback for the proposed trellis enables the Applicant to integrate open space at the north side of site. Staff concurs with the Applicant's findings that a waiver to the 20 foot front yard setback requirement permits flexibility to construct the trellis structure.

6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.

F8. Adequate facilities exist; therefore, this provision is satisfied regardless of building setbacks.

7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.

F9. Residential development has not been an integral part of the land use for the subject property since the City's first Comprehensive Plan was adopted in 1971, so the Applicant is requesting a plan amendment to Residential 10 – 12 d.u./acre.

Standards for Residential Development In Any Zone. According to Section 4.113.04 the building height limitation is:

“Height Guidelines: The Development Review Board may regulate heights as follows:

A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.

B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.”

F10. TVFR has indicated that building designs for the townhomes are consistent with adequate provision of fire protection and fire-fighting apparatus height limitations meeting this criterion.

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

**Approved
October 8, 2012**

**Development Review Board – Panel A
Minutes–August 13, 2012 6:30 PM**

I. Call to Order

Chair Douglas King called the meeting to order at 6:30 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Douglas King, Bob Alexander, John Schenk, Mary Fierros Bower, and Lenka Keith. Councilor Liaison Scott Starr was absent.

Staff present: Chris Neamtzu, Blaise Edmonds, Barbara Jacobson, Dan Pauly and Mark Ward

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board (DRB) on items not on the agenda. There were no comments.

V. City Council Liaison Report

No report was given due to Councilor Starr’s absence.

VI. Consent Agenda:

A. Approval of minutes of July 9, 2012 meeting

John Schenk moved to approve the July 9, 2012 DRB Panel B meeting minutes as presented. Lenka Keith seconded the motion, which passed unanimously.

VII. Public Hearings:

A. Resolution No. 233. SSI Shredding Systems: Lans Stout, T.M. Rippey Consulting Engineers– Representative for Jerry Dettwiler, Our Associates LLC – Applicant and Owner. The Applicant is requesting approval of a Stage I Master Plan Revision, Stage II Master Plan, Site Design Review, Preliminary Partition Plat, Type C Tree Plan, Master Sign Plan and Wavier for SSI Shredding Systems. The site is located on Tax Lot 1300, Section 11A and Tax Lot 1800, Section 11, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

- Case Files:
- DB12-0026 – Stage I Master Plan Revision
 - DB12-0027 – Stage II Master Plan
 - DB12-0028 – Site Design Review
 - DB12-0029 – Preliminary Partition Plat
 - DB12-0030 – Type ‘C’ Tree Plan
 - DB12-0031 – Master Sign Plan
 - DB12-0037 – Class 3 Waiver to Setback

Chair King called the public hearing to order at 6:33 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member,

however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

No substantial approval criteria noted.

Daniel Pauly, Associate Planner, presented the Staff report via PowerPoint presentation for several component applications for new storage area, new buildings and the expansion of an existing building for SSI Shredding Systems with these comments:

- Request A: Stage I Master Plan Revision. The majority of the site is part of the Wilsonville Business Center Master Plan. The current proposal would establish new building locations on the subject property, identify planned and potential uses, and incorporate an area not previously in the master plan area. The area to be incorporated was along the western edge of the site and included outdoor storage area, parking, and natural area. The purpose of the revision was to make clean lines with no affect to the commercial or other allowances based on acreage for the master plan.
 - He noted the Wilsonville Business Center Master Plan approval allowed 20 percent of the acreage within the master plan area to be commercial, much of which has been used by commercial uses such as car dealerships. The Applicant proposed using approximately one acre of the 2.337 acres that remained of the original commercial allowance to incorporate the building area, parking, related drive aisles, parking islands, walks, and landscaping. The 15,000 sq ft of commercial requested was within the 20,000 sq ft of commercial allowed in a multi-building development under the current zoning.
- Request B: Stage II Final Plan. He reviewed the current site, noting the approximately 68,000 sq ft existing building, its associated parking, storage and landscaping. The Applicant proposed a number of phases to develop the remainder of the site. He noted the site and landscape data in the proposal did not include Tract A, which was a natural area.
 - Phase 1 on the west side of the site would include parking, paved outdoor storage area, a storm water facility on the southwest part of the site and a canopy to cover a paint booth.
 - As required by Code, the outdoor storage would be screened from the north and south by a combination of plantings and a slatted fence. The view from the west was screened by existing vegetation within the natural area. The east side of the storage would be screened by the existing building.
 - Because parking would be adjacent to storage, a condition of approval required the Applicant to demarcate the limits of the storage area and keep the drive aisles and parking spaces clear. An exception would be allowed until all the parking is required, however.
 - Phase 2 would include a 31,576 sq ft industrial building, known as proposed Building 3, and its associated parking along much of the southern property line. Building 3 would front 95th Ave and was proposed as a single-story, 37-ft high building that is architecturally designed to look like a two-story building.
 - Phase 3 included a mixed-use building that had 15,000 sq ft commercial and almost 7,500 sq ft industrial. The building may not have any commercial use, but the Applicant requested that use to have that flexibility available over time. The single-story building would be located at the Freeman Dr/95th Ave intersection and both façades would have a two-story appearance. The building would be well situated with commercial storefronts, parking and landscaping facing the streets and internal delivery loading docks located toward the center of the site.
 - Phase 4 involved an addition on the south end of the existing building and a canopy over a loading dock on the east side of the existing building.
 - The minimum parking requirement of 249 spaces was met; 252 spaces were being provided, which included the existing spaces.
 - If the 15,000 sq ft of potential commercial use remained industrial, 38 fewer spaces would be required. The proposed site plan showed shared parking for all three parcels to accommodate maximum parking demand based on a commercial use in Building 2. With regard to the

condition requiring the demarcation of the storage area, the Applicant proposed, and Staff agreed, that parking adjacent to storage could be used for storage until commercial tenant improvements trigger the need for those parking spaces. Those parking spaces that could be used for storage were indicated in yellow on Slide 16.

- There were no apparent traffic capacity issues with the proposed project.
- The Applicant has proposed and brought in covered trash enclosures as required by Chapter 8 of the Development Code. The enclosures are situated on the side of the buildings with concrete walls matching the buildings' architecture that provide screening from 95th Ave.
- All applicable the Codes have been met with the proposed landscaping. Low plant screening was being provided for parking and storage, and a wide variety of appropriate plants, shrubs, and trees was proposed in professional design proposed in the Landscape Plan.
- Substantial grading would be required on the site's western edge to create the flat storage area and to construct the stormwater facility. The only work in the resource area was stormwater outfall, indicated with a circle on Slide 20, and which was exempt from SROZ regulations.
- Request C: Site Design Review. The color and materials boards were circulated.
 - Building 2 had elevations facing 95th Ave and Freeman Dr that would have a variety of articulation, blue-tinted glazing, and natural tones with blue highlights on doors. The back of the building would not have as much architectural detail but would be appropriate. The west elevation was well screened by mature trees.
 - Building 3 had one elevation facing 95th Ave. Staff's professional opinion was that the architecture was functional for the design uses while providing an appropriate amount of design elements, including glazing and articulation of the façade with a parapet and coloring on different portions of the building. The building's design was compatible with many designs in the 95th industrial corridor.
 - The addition on Building 1 would match the existing building with blue metal roofs over the proposed canopies.
 - Applicant was utilizing the performance method to comply with the outdoor lighting ordinance and had achieved the required lighting levels at all measurement points.
- Request D: Preliminary Partition Plat. The plats proposed would result in each building, as well as the tract preserving the natural area, being on separate parcels, which would allow flexibility for the property owner. A waiver was requested for the location of the western property line between Parcels 1 and 2.
- Request E: Type C Tree Plan. The Applicant proposed removing 86 trees, 23 evergreen and 63 deciduous trees, from the development site and planting 92 trees, 26 evergreen and 66 deciduous trees, as mitigation. In addition, 31 one-inch caliper red alder trees would be planted as part of the stormwater facility. Some trees being removed were in proposed parking areas and some street trees would be removed due to grading or other issues.
 - The stand of trees west of Building 2, the trees being preserved along the southern property line, and those around Building 1 were mature trees. The greatest number of trees being removed was due to the design of the stormwater facilities. Most tree plantings would occur along the street, in parking islands, and along the southern property line.
- Request F: Master Sign Plan. All proposed signage was within Code allowances. The Applicant proposed a small directional sign for the existing building on Parcel 1, a monument sign on the corner of 95th Ave and Freeman Dr on Parcel 2, and a directional sign on Parcel 3. Appropriate signage was also proposed on the building elevations facing 95th Ave and Freeman Dr. The locations of the monument and directional signs were displayed. The Applicant provided signage placement options based on the tenant configurations for Building 2 and Building 3, which were also displayed.
- Request G: Waiver to Setback. Applicant requested a waiver to reduce the setback for proposed Building 2 from 30 ft to 20 ft to allow all the parking spaces to be on one parcel. Reducing the setback would still maintain the spacing required by the Building Code. Staff believed this was a logical use of a waiver.

Chair King questioned how the development would look from 95th Ave and asked if any part of the storage would be visible from the main road. The development should be attractive and functional. He was concerned about the leeway where the storage could move into parking.

Mr. Pauly explained the storage area was proposed for the first phase of the project, which would move the storage into the screened area between the building, and natural area, and new landscaping and fencing would screen the storage better than what currently existed. He displayed the Parking Plan, noting the existing screening, screened gates and proposed landscaping and fencing. No storage was planned for the east portions of the two proposed plats. There would be typical truck parking, circulation, and loading docks, but all storage would be south and west of the existing Building 1.

Chair King explained he wanted to clarify how far the storage area could potentially move. Seeing no further questions, he called for the Applicant's presentation.

Jerry Dettwiler, Our Associates, LLC, and SSI Shredding Systems, 9760 SW Freeman Dr, Wilsonville, OR, thanked the DRB and several members of City's Staff for guidance and assistance in putting the plans together. He agreed with the findings in the reports generated by Dan Pauly and Blaise Edmonds and expressed his gratitude for being able to move forward.

Lans Stout, T.M. Rippey Consulting Engineers, introduced the Applicant's team of consultants, stating that they preferred to address any questions the Board might have rather than reiterate the points already made by Mr. Pauly.

Mary Fierros Bower noted the architectural, two-story appearance and asked if there was a loft or some other functional purpose for the taller interior.

Mr. Dettwiler responded that about 40 percent of the equipment manufactured by SSI Shredding Systems is shipped internationally. Much of the equipment was too tall to fully assemble and test in the current building, which had 24-ft clearance. The new buildings were designed to allow full assembly and testing of the equipment.

Chair King called for public testimony in favor of, neutral and opposed to the application. Seeing none, he confirmed the Applicant had no rebuttal.

John Schenk believed the application was thoroughly worked out and he was content with the project.

Chair King closed the public hearing at 7:01 p.m.

Lenka Keith moved to approve Resolution No. 223 with the conditions recommended by Staff. **John Schenk** seconded the motion, which passed unanimously.

No rules of appeal read into the record.

B. Resolution No. 234. Fox Center Townhomes: Seema, LLC – Applicant. The Applicant is requesting approval of a Comprehensive Plan Map Amendment from Commercial to Residential 10-12 du/ac, Zone Map Amendment from PDC to PDR-5, Revised Stage I Preliminary Development Plan for Fox Chase, Stage II Final Plan, Type 'C' Tree Plan and waivers to front yards to enable development of sixteen (16) townhome units for Fox Center Townhomes. The subject 1.14-acre property is located Tax Lot 100 of Section 22AC, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds.

The DRB action on the Comp. Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.

Case Files: DB12-0033 – Comp. Plan Map Amendment
DB12-0034 – Zone Map Amendment
DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
DB12-0036 – Stage II Final Plan
DB12-0039 – Waiver to front yard setback
TR12-0067 – Type ‘C’ Tree Plan

Chair King called the public hearing to order at 7:03 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Blaise Edmonds, Manager of Current Planning, announced that the criteria applicable to the application were stated on pages 2 and 3 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Edmonds presented the Staff report via PowerPoint, reviewing the project site and requested applications with these key comments:

- He noted the Board had received via email new Exhibit C6 regarding revised Condition PW1 that was reviewed by Interim City Engineer, Steve Adams. Staff proposed deleting and replacing the condition with the following language, “The sanitary line in Autumn Park Apartments has been identified by the City as needing repairs and upgrading. The line is surcharging when the force main kicks on. The work has been funded through Capital Improvements Project #2091 with the work scheduled for completion by summer 2013.” He explained the completion timeline would coincide with the development of this project and before Fox Center was granted occupancy.
- The Comprehensive Plan Map Amendment proposed rezoning the commercial property to residential with a 10-12 units per acre, which required a Zone Map amendment from PDC to PDR- 5. Staff advised that the DRB forward a recommendation to Council to approve these requests. Exhaustive findings related to the Comprehensive Plan, goal policies, and implementation measures were included in the Staff report addressing the logic of approving the Comprehensive Map and Zone Map amendments.
 - The Applicant was requesting approval of 16 townhome rental units in four buildings intended for occupants age 55 and older.
 - Comparisons of the Zoning Map were displayed, showing the 1.4-acre subject property currently zoned commercial and the surrounding adjacent residential uses zoned PDR-4 and PDR-5. The Applicant believed the proposed residential zone change was appropriate.
 - The Applicant complied with Table 1 of the Zoning Code (Slide 9); however, a discrepancy existed between Comprehensive Plan and Zone Map densities (Slide 10).
 - Using the Comprehensive Plan density allowed the Applicant 13.7 maximum units, however the Comprehensive Plan directed applicants to apply the PDR-5 zone density to achieve the maximum density, resulting in 20 units on the site.
 - The Applicant sought to exercise Comprehensive Plan Measure 4.1.4v, which stated, “Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped)” to achieve the desired 16 units they proposed and help address the discrepancy.
- Revise Fox Chase Stage 1 Preliminary Plan. He reviewed the history of the subject property’s zoning and how economic fluctuations affected the area’s original master plan and subsequent platting of the

subdivision, reducing the size of commercial zoning to the 1.4-acre site. The site had been vacant for many years, as it seemed that a commercial use was not popular with the neighborhood, especially in light of a controversial hearing in 1995-1996.

- The current Applicant was proposing senior residential. He reviewed a number of reasonable situations in which senior citizens choose to be or must become a renter (Slide 13). The material was taken from the Internet. He clarified that not all occupants would necessarily be age 55 and older, as younger adults or children could possibly share the residence. Those with young or young adult children would not be precluded from living in the development.
- The planned development was reasonably well received at the neighborhood meeting held in September 2011 by the Applicant, who could provide more details about the meeting.
- Stage II Final Plan. He reviewed the proposed site plan, noting the considerable open space, landscape and sidewalks well in excess of the 15 percent required by the Development Code. Also noted were a gazebo and community gardens at the north end of the site, and tracts between two of the buildings. The west side would be buffered with additional trees, and each unit would have a private courtyard at its entry, providing a semi-private space from the public realm. The garages were tucked away from Willamette Way East and Wilsonville Rd and accessed from an internal corridor.
- An additional parking space was provided in front of each garage for units along Willamette Way East and given the other parking provided on site, the proposed project far exceeded the Parking Code requirement compared to other rental properties in the city as shown on Slide 17.
 - Creekside Woods, which became controversial due to the lack of parking, was granted a substantial waiver and allowed only .5 spaces per unit. The City had wanted to find new housing for the displaced residents of the former Thunderbird Mobile Club and the site was encumbered with difficult slopes. That applicant had also testified that their projects in the Portland metro region did not require as many parking spaces.
 - Jory Trail, a 324-unit complex, was approved for 1.6 spaces per unit.
 - Fox Center Townhomes proposed 2.6 spaces per unit on site with the potential for striping at least five additional spaces on Willamette Way East for overflow parking. No parking was allowed on Wilsonville Rd due to the bike lane, or on Chantilly, which was a one-way street.
- The DRB was not reviewing the site design review, which was unusual. The Applicant did provide conceptual drawings of the building elevations, primarily to show conformity with building height. He noted the Applicant would not necessarily be building the elevations presented, however, the DRB could provide some direction to the Applicant. He added the design had potential for roof-mounted solar panels that would face south.
- Willamette Way East was only 29-ft wide and parking was only allowed on the west side of the street. The Engineering Division advised that on street parking must be 100 ft from the Wilsonville Rd/Willamette Way East intersection.
- Waivers to front yard setbacks. By Code definition, the proposed site was essentially a corner lot with three front yards requiring 20-ft setbacks, and one side yard requiring a 10-ft setback.
 - The first waiver would allow one building a 19-ft setback, and the corner of another building a 12-ft setback along Chantilly at the south end of the property.
 - A second waiver would allow buildings at the east side of the property along Willamette Way East to have a 14-ft setback rather than the required 20 ft setback, which would accommodate the balconies that project about 2-ft, 4-in from the building. The Applicant presented a good discussion in the project narrative regarding the architecture and design, and why the waivers were justified.
 - The waiver for the northeast corner of the site would accommodate the trellis, which would likely infringe the 20-ft setback due to its acute angle. Existing fencing would remain in addition to some replacement and new fencing.
- The Applicant's report indicated they had no legal obligation to keep the two existing wooden signs reading "RiverGreen" and "Fox Chase" on property. The Board could probe the issue further with the Applicant.

- Type 'C' Tree Removal and Preservation Plan. The City required five to six trees to be planted for mitigation when live trees are removed. Most existing trees were at the north end of the site and five trees would be removed due to construction or the poor condition of the trees. He did not believe the trees being removed were significant or very old, perhaps only 30 or 40 years old. The Applicant was making a solid effort to preserve as many trees at the north site of the site as possible.
- He concluded the Staff report stating Staff recommended approval of all applications.

Mr. Schenk stated that he lived close enough to the site to appreciate the issues and he had concerns. Willamette Way East was a significant route for children going to school. The proposed street-side parking was already a de facto bike lane. He preferred seeing formal bike lanes and no parking because the street was only wide enough to support half a space for bicycles and pedestrians.

- He doubted that the projected parking would be adequate as garages were more likely to be used for storage in small condo and townhome settings, so he believed the Board should discount about two-thirds of the designated parking spaces, leaving inadequate parking spaces for the proposed units. The City could only cite people who parked on the streets. He strongly encouraged that no parking be allowed on Willamette Way East.

Chair King confirmed Willamette Way East was 29 ft wide curb-to-curb. He did not believe adequate room would exist for a school bus and car to pass safely at the same time with cars parked on the street. Willamette Way East was highly traveled by children as they funneled in from Morey's Landing, RiverGreen and Fox Chase five days a week, which posed definite safety concerns. He noted installing the sidewalk had been helpful to get kids off the street and the dirt path.

Mike Ward, City Engineering, agreed the concerns expressed were valid. DKS & Associates had reviewed the situation and assured the site distance would work. The intersection was three lanes wide with fairly parallel road curbs, so the road south of the intersection should comfortably accommodate a school bus, car, and a parked car.

Mr. Schenk disagreed and reiterated his concerns pertaining to the safety of children traveling by bicycle or on foot who would be hit beyond the 100-ft site distance requirement.

Mr. Ward reminded that the conditions stated that parking was not allowed to block the bus stop. He noted that public works standards did not necessarily provide a mechanism to prevent parking on the street.

Mr. Schenk asked if public works was unable to prevent on street parking, could the DRB simply not approve it.

Mr. Edmonds explained the parking on the street was included to address concerns that apartment projects typically have inadequate parking and noted that the on street parking was optional. He proposed adding a condition of approval that parking garages not be allowed solely for storage. The Applicant was prepared to discuss inclusion of those terms in their rental agreements. With the eight additional parking spaces behind the garages, the Applicant exceeded the minimum required by the Code, which the Board needed to consider when making a decision. The DRB could review other issues, such as parking in garages. He believed the Applicant had met the test to safeguard against that concern.

Bob Alexander confirmed that the eight additional spaces behind the townhomes could only be used by the owner of the townhome.

Ms. Fierros Bower confirmed that the vacant land between the two westerly buildings adjacent to the four parking spaces was open space. She asked if the parking spaces could be rotated 90 degrees and

expanded into the open area to create a single-loaded parking area for additional spaces and negating any need for on street parking on Willamette Way East.

Mr. Edmonds replied that only about one parking space would be gained at the expense of sacrificing the green space.

Mr. Schenk asked about the setback requested on the west side adjacent to Fox Chase.

Mr. Edmonds stated that Code was being met on the west side; the setback was greater than the 10-ft minimum side yard setback required. The Applicant was asking for a setback waiver on Willamette Way East for both the units and balcony projections. The first plan proposed by the Applicant had eight fewer parking spaces. Staff expressed concern parking was inadequate, even though the minimum parking code was met, and worked with the Applicant to revise the plans. The units were spaced farther apart to provide eight additional on site parking spaces behind the garages, causing more of an encroachment along Willamette Way East.

Mr. Schenk inquired if parking could be added at the north end of the site in place of some of the green space, making the parking accessible from within the development, not Wilsonville Rd.

Mr. Edmonds deferred to the Applicant. He noted that when reviewing site plans, he looked for a balance of parking with livability of the space. The Applicant was trying to create livability for the tenants with open space. The DRB needed to consider whether additional parking should be created for maximum parking needs at certain times of the year at the expense of livability for tenants the rest of the year.

Chair King understood the desire was to consider options to get parking off Willamette Way East to improve livability for three or four different subdivisions near the site.

Mr. Schenk added, even to the extent of removing one unit off each building at the north end to get the needed space.

Chair King asked whether the requested setback waiver from Willamette Way East was to fit the building in there.

Mr. Edmonds answered yes; the buildings had been spaced wider to accommodate eight more parking spaces to be responsive in anticipation of concerns about parking.

Chair King asked if the Fox Chase and RiverGreen signs were placed on the site because there was no active property owner.

Mr. Edmonds said he was unsure of the signs' history or why they were placed. His indication in the record was that those signs would be removed. The Applicant would return at the site design review for this project to have a monument sign placed that identified the project. He confirmed that the two demarcation signs for other subdivisions would be removed

Chair King called for the Applicant's presentation.

Lee Leighton, AICP, Westlake Consultants Inc, 15115 SW Sequoia Pkwy, Suite 150, Tigard, OR, 97220, invited questions about the approach to the design, rather than reiterate the material covered so well by Mr. Edmonds. He thanked City Staff, including the engineers, for their suggestions and support. The project had evolved quite a bit over the past year and the current proposal was superior to the original the project, even the one presented at the neighborhood meeting because the Applicant had listened to

their suggestions. He addressed key issues regarding the proposed development via PowerPoint with these key comments:

- He acknowledged concerns about inadequate parking were a key discussion item. He discussed the design strategies used make the project beautiful as well as functional that would have all the parking it needed.
 - A Google Earth aerial photo was displayed of the subject site and key surrounding transportation features including I-5, approximately 1.5 miles from the site, the Smart terminal station to the north, and the Smart bus stop at the corner, making transit very accessible to people living in the area.
 - The Autumn Park Apartments located across Willamette Way East featured a long serpentine driveway through their site with a series of four-unit apartment buildings along that drive. Autumn Park 144 unit complex had nearly two parking spaces per unit. Staff had no record of any parking complaints at Autumn Park, and that information helped inform what parking demand could be at the proposed Fox Center project.
- He described the experience of arriving at the intersection of Wilsonville Rd and Willamette Way East. Three of the four corners were occupied by large institutional buildings with a park to the west. The fourth corner, which was the subject site, had been vacant for decades and did not seem to be a viable use for its commercial zoning.
 - The natural inclination of people parking along Wilsonville Rd or in the church parking lot would be to step out and assess their surroundings. People respond well to seeing similar types of uses. Any changes in density were best made on the rear property line. For example, houses adjacent to the school bordered the school off their back yards rather than the front, so the use was similar when looking out one's front door.
 - It was appropriate to bring up the scale of building on the subject site to dialogue with the scale of the uses surrounding the intersection, which was why the Comprehensive Plan and Zone Map boundaries should tie the site in with the zoning across the street to emphasize the importance of the intersection as a place.
 - Past the intersection and onto Chantilly, the homes match one another again. If the proposed project were required to match its surroundings, one concern was that the driveway would still need to align with the church's driveway. Lots on Chantilly were about 9,000 sq ft and currently no zone supported that type of development for the existing site. The current PDR-4 zone would reduce the lots to approximately half the size of the neighboring homes. The site would be awkward to design with its irregular shape and dimensions. The proposed project emphasized the significance of the corner as a place and did a good job of meeting the neighbors on both sides.
 - A perspective of the northeast corner of the proposed development as seen from the intersection was displayed. The trellis structure would draw attention to the large open space and the trees being conserved within it. The buildings were set back considerably from Wilsonville Rd, and the curbside sidewalk was already in place.
- He displayed a site plan and noted the line indicating the 20-ft setback from the right-of-way edge, which was not on the sidewalk. The sidewalk was on curbside so about five feet existed between the sidewalk and property line.
 - He described the structure of spaces in the front yards, including the balcony overhanging the front by a couple feet, which helped create open space for sitting. The positive and negative elements of the front wall created a visual dialogue and interplay rather than having a broad, flat wall.
 - The foreground of each unit had a low fence and gateway that provided a transition from a public to a semi-public area. The semi-private entryway then transitioned into the interior private space. This series of transitions provided structure between the sidewalks and front of the building to articulate the space and make it meaningful even though the sidewalk was not

very deep. This design was implemented when the buildings were set at a 20-ft setback and the eight additional parking spaces were not included in the center alley.

- The Applicant wanted to make sure to have more than the minimum parking. Preliminary sketches were done with additional parking at the north end of the project; however, the existing parking proposed between the west side buildings was determined to be the most efficient design.
 - Adding parking on the northern portion required a 24-ft drive aisle that would access only about five, 18-ft deep parking spaces due to the restraints of the wall and tree root zones. The two-way circulation of the 24-ft drive aisle in the alleyway was needed to provide access to the garages.
 - The double-loaded parking area between the buildings had 18 ft to 20 ft for the parking spaces on each side, and 24 ft clear was needed in the middle for two-way circulation, backing movements, etc. Adding parking between the two buildings would be highly inefficient due to all the additional space required for the drive aisles.
 - He noted the four, dark shaded areas on the site plan were designated as gardening plots as part as the recreational open space. The concept for the age 55 and over target group was recreational activity they would likely want was more along the lines of a community garden. The dense landscaping around the perimeter would soften the appearance of the site and be professionally maintained by the management company. The gardening plots were spaces were for the residents to do their own gardening and were important for recreation.
 - The Applicant held a design work session to explore further parking options. Project Architect Dan Vasquez had obediently held to the 20-ft setback on the east property line with a 10 ft setback for the westerly buildings. However, the westerly buildings were now set back 22 ft to provide a pedestrian sidewalk and planting strip along that property line to afford a privacy screening between the units and the neighbors' yards. Buildings on the west side faced the garden path and their garages were internalized.
 - He noted the narrative had described the walkway as meandering, which should be struck from the finding because the landscape architect recommended a straight walkway. He did not believe "meandering" was mentioned in the Staff report's findings.
 - He credited Mr. Vasquez for proposing to separate the buildings a bit and restructure the internal paved areas to allow 20 ft behind the garages on one side, thereby accommodating the eight additional spaces added in tandem behind garages on the east units, which were chosen due to their proximity to the original parking area. Surveillance of the shared parking area was better for the western units, so those residents and guests could park extra cars there.
- Although the front yard setback waiver was requested for the east side of the property, the perceptual distance of the front yard was largely based on the distance between the curb and sidewalk. The building was 19 ft from the inside edge of the sidewalk. The series of transitions would make the front yard feel deeper and create a strong streetscape along Willamette Way East.
- Because of the curbing alignment of Chantilly, the buildings would not be squared up with street, which would instead create a dynamic flow on the one-way street. He noted the one-foot encroachment of the southwest building into the 20 ft setback, as well as the landscape bed and tree on its southern elevation. Considering the context of the landscaping, the southwest corner of the development would not be uncomfortably crowded.
- A driveway was planned between the two south buildings and a condition required that No Exit signing be posted at the key decision point for drivers within the property. The additional drive would also provide easier access for emergency vehicles to loop through the site, in addition to the hammerhead turnaround structure in the middle.

Greg Close, Wise Investment Services Company, 1501 SW Taylor, Suite 100, Portland, OR 97239, stated he was the property owner's representative, as well as the financing and development consultant that had been working with the property owner since acquiring the property in 1999 or 2000. He explained his client had loaned money to the property owner involved in the prior application described by Staff. After that property owner died, his client took a deed in lieu of foreclosure. Since then, the

property had been marketed by different commercial real estate agents have tried to market the property for various commercial uses but were unsuccessful. While daycare tenants were attracted to the property, none could pay the market rent rate necessary to earn any return on the investment needed for a daycare facility. The Applicant had been considering the current concept for a while and initiated the plan within the last year.

- Regarding the parking issues, he assured there would be no problem implementing a condition that required no storage in garages, other than shelving storage, and enforcing parking in the garages. A 15-unit townhome development in Portland under their management with no street parking had the same stipulation and it worked well. The company had a good property manager who enforced those regulations and actually visited units from time to time, so it was a workable concept.
- He did not believe the street parking was not vital to the application, whatsoever, so any stipulation prohibiting on street parking would not impact the owner's perspective to develop the site.
- He explained that his participation with the project related more to economics than anything else. He was responsible for helping arrange the loan many years ago and was doing the residential market analysis and cost benefit analysis of the presentation currently before the DRB. The estimated cost of the proposed project was between \$2.5 million and \$3 million to complete.
 - Based on the market analysis, rent was projected to be \$1,100 to \$1,300 per month. The program for this development was to build quality, not luxury, to provide good, reliable, affordable housing for age 55 and over that would last a long time.
 - The loss of two units would be a major adverse economic impact to the pro-forma. Doing so would make a significant impact on the ability of the property owner to execute and develop the plan based on the projected return on investment, which he offered to certify. Anything less than 16 units could result in the property sitting undeveloped or eventually sold to someone for a single-family development. However, if the Applicant were allowed to move forward with the proposed plan, they would be a long-term investor. He had managed assets for the property owner for a long time and they typically held their investments for a long time.

Lenka Keith asked if the clause about no storage in garages would be enforced for tenants who did not own a vehicle.

Mr. Close answered no; an exception would be made in that case.

Chair King asked there would still be ample parking per unit if the five street parking spaces were removed from the plan.

Mr. Leighton referred to the Parking Comparables slide prepared by Staff (Slide 17). The minimum parking requirement for the 16 units was 24 spaces. The Applicant proposed 43 onsite spaces, resulting in 2.6 onsite parking spaces per unit, which was more than the two examples provided. The five additional on street spaces on Willamette Way East were not essential to the project.

Mr. Close disclosed that discussions with parking experts concerning the difference between standard apartments and 55 and over apartments yielded mixed opinions. He noted the project was not being designed necessarily for retired people or as a retirement facility. Active tenants were expected who would most likely have jobs and visitors, so adequate parking was necessary. Rules and regulations would be in place, and tenants would be screened appropriately by management to avoid having tenants who plan a large numbers of visitors, multiple live-in children, or households with an abundance of vehicles.

Mr. Schenk commented that a tenant could be approved and then purchase another vehicle. He inquired about the feasibility of cutting one unit from the buildings to the west to make room for the same parking egress as located between the east buildings.

Mr. Close replied that could be an option, but he deferred to Mr. Leighton about the feasibility of actually getting more efficient parking where one of the units was located. He did not personally believe the loss of one unit would be fatal to the project's progress, but two would be. He noted he would have to confirm such a change with the owner. He admitted the Applicant was not positive at this time that 16 units were fully feasible. The costs were only projections until a full design was in place and bids were received. A general contractor had been assisting with budgeting for the past year to keep the project within reason, so they were pretty confident in their numbers.

Mr. Schenk indicated on the map how removing one unit from the western row of units near Chantilly and pushing the remaining units toward Wilsonville Road would allow for additional parking between the two westerly buildings. He would be much more comfortable with that design.

Mr. Close mentioned some economies existed when constructing the four units per building, but he was uncertain whether removing a unit would be fatal. The Applicant preferred building the 16 units, but again that was up to the property owner.

Mr. Leighton noted that 3,200 sq ft of open space was required, which was based on 200 sq ft per unit. The communal gardens provide about 3,373 sq ft in the existing plan. He agreed pushing the footprint back to provide more parking was efficient. However, conversion of that entire area between the two westerly buildings to parking area would require accommodating all the community garden space into the open space at the north end of the property, which would take away much of the passive use, shady open space area. The City could grant a waiver from that requirement given the circumstances. Part of the site's attraction was the variety of ways to use, occupy, and live in it. He reiterated the current plan proposed 2.6 parking spaces per unit which was more than adequate compared to nearby developments.

Ms. Keith asked why the Applicant chose to place a 55-plus community across from two schools. She also questioned the logistics of having two-story structures for an age 55 and older renter group, and inquired if any studies have been completed in that regard.

Mr. Close replied that no formal studies were completed. Summit Real Estate was the housing consultant on this project and had developed many apartment properties with various shapes, sizes and age criteria. Summit was responsible for more than 3,000 units throughout the Metro area. In Summit's experience, as well as that of his firm, one-level living was not a challenge for 55 and over partly for reasons mentioned earlier. [The expected residents], often well into their 60s and even 70s were very active. As mobility became limited, tenants would transition to other housing. He anticipated short-term leases and turnover.

- Proximity to the schools had not been considered when the site was selected, partly due to the constraints of the site. The Applicant was seeking a noncontroversial approach given the neighbors' contention regarding commercial use. The project promoted a simple approach to living and noise constraints, due to the tight site and neighborhood. The plans were developed with impacts in mind, not the schools. At the neighborhood meeting, there was not a lot of concern that the proposed project would be inconsistent with the neighborhood or the schools. Concerns were expressed about the possibility of loitering in the gazebo by children after school. However, that type of activity was likely to occur no matter what was put on the property, and would be a management issue to address.

Chair King noted the existing signs for Fox Chase and RiverGreen, the two neighborhoods located behind the proposed project, would be removed with no plans for replacement. That corner was the first corner people came to from I-5. He questioned the Applicant fitting in and being a good neighbor when the indicator signs for the existing neighbors were being removed. He asked how that might be better managed.

Mr. Close agreed that was a good question, adding that the removal of the signs had not been significantly considered by the owner or design team. His firm's position regarding that signage was neutral. The last meeting the Applicant's team had about signage and the identity of the proposed facility and its context with the neighborhood centered on the name of the project. One suggestion was Fox Chase Apartment Facility. If there was any concern about signage or connection to the community, the signs could be retained or new indicators created.

Mr. Leighton added the signs could simply be remounted on the realigned fence to be visible from the intersection. He confirmed the signage was not an objectionable issue.

Chair King called for public testimony in favor of, opposed and neutral to the application.

Michael Cook, 11299 SW Chantilly, Wilsonville, OR, stated he has been a resident of the Fox Chase neighborhood since 1990. He thanked the Board for their efforts and stated that he supported the proposed project or nearly any project to put something on the empty corner lot, which the City had to maintain. He believed this was a good project with some caveats.

- Parking was an issue for everyone. He was pleased to see there would be no exit onto Chantilly, which has no sidewalks and where children played in the street.
- He agreed parking on Willamette Way East was not a good option. The community mailboxes were on the east side of Willamette Way East, and when a TriMet bus stop had been located on the street, the road was blocked when the bus stopped at the same time people were stopped to pick up mail.
- Many kids traveled back and forth on Willamette Way East during school time. He appreciated that a sidewalk was installed but kids were kids and he preferred having no on street parking there due to safety issues.
- As a real estate salesman, he agreed with Ms. Keith that most seniors were not seeking two-story housing, but master-on-the-main living. The proposed housing was close to the freeway, Fred Meyer and in a great neighborhood and the Applicant might want to reconsider the two-story option, which he was surprised to see. He agreed it would be transitional housing.
- He noted the parking layout seemed strange getting in and out, but he guessed that was how it had to be.
- He clarified that the SMART bus stop was not on corner, but half a block down the street, and the busses also park at the school, so the transportation issue was a pretty good one. He understood the on street parking was not required to meet Code, but he preferred no parking be allowed on Willamette Way East.

Robert Meyer, 11307 SW Chantilly, Wilsonville, Oregon, stated he has been a homeowner in the Fox Chase neighborhood for 11 years. He pointed out that Fox Chase was one of the oldest neighborhoods in the Wilsonville. Many of the residents have lived there for more than 20 years. He opposed the project and read his statement into the record. (Exhibit D.1)

Mr. Edmonds entered the following exhibits into the record:

- Exhibit D.1: Two-page written statement submitted by Robert Meyer dated August 13, 2012 that he read into the record.
- Exhibit B.8: Applicant's PowerPoint presentation.

Mary Hines, 11299 SW Chantilly, Wilsonville, OR 97070, a 22-year resident of Fox Chase, spoke neutral to the application. She would be happy to see the lot occupied because of the fire risk it posed during the summer. She agreed the sidewalk should not dead-end into her neighbor's property. The sidewalk should turn and continue as a walking path as intended. She expressed concern that the project would not fit Fox Chase; she did not oppose the project, but was not thrilled about it.

- She questioned why the parking on each side faced each other, leaving the front of the westerly units to face her neighbor's house. The two-story units would likely overlook their yard. She suggested turning the units so that the garages face the neighbors.
- She believed that the development could be named Fox Chase Townhouses and then one big sign could read Fox Chase.

Chair King called for the Applicant's rebuttal.

Mr. Leighton appreciated the comments received thus far, adding the Applicant did not want to seem disagreeable. Many very helpful comments had been received during this process, which was not yet complete as the design review would return with greater detail in another forum. The current proceeding was to determine if the type of development proposed was suitable for the location in the totality of circumstances. He responded to comments made during public testimony as follows:

- Fox Chase Townhouses could be a good name, and would be considered.
- Regarding the comment made about the project not fitting in, he disagreed with the notion that everything should be the same. People did not expect to see nothing but single-family homes along Wilsonville Rd simply because a single-family home was their destination. A transition was to be expected as one moved through a high-traffic arterial road to a high order intersection and then to a smaller, more residential area. Things were different at the corners along collector and arterial roads. Going by something else en route to one's destination was quite common.
- There had been nothing on the site for a very long time. He understood the immediate reaction of residents might be to see more of what they were used to, which in this case was single-family residences. However, the corner site was not like the quiet loop streets of Fox Chase. It was not a sequestered site suited for cul-de-sac development. Doing so was not good urban design.
 - The frontages organized on Willamette Way East contributed to the sense of arriving somewhere and going by something en route to an ultimate destination. It was his experience that such transitions could be managed very well and be very comfortable for the neighborhood.
- He noted some congestion on Willamette Way East could be avoided by residents pulling around to Chantilly to enter the development. The entrance was not essential, but would certainly facilitate easier access for emergency vehicles. If eliminated, the turning radii might need to be increased within the lot, resulting in the possible loss of a landscape island.
- Travel impact and vehicle trips associated with the driveway off Chantilly would be very minimal, as few residents were likely to use that entrance.
- In the context of the overall City goal for 50 percent single-family, it applies to the scale of the entire city. It was not possible to meet that ratio in every area. Variety actually contributes to a viable, vital city, which holds true for different densities and types of ownership versus rental housing.
- This site was a relatively small piece of the mix at 16 units and was a niche environment targeted for a niche market. The project should not be ruled out because it was not exactly in line with where City policy was now. Planning for long-term trends was not accomplished by having everything approved today pointing the City in the right direction. Staying with that trend followed a fuzzy line. The proposed 16-unit project would not take the Comprehensive Plan out of compliance.
- Comments about the mailbox and issues with the bus stop were fair. He apologized for the discrepancy regarding the SMART bus stop location, which he got online. With the bus stop located farther up the block, the conclusion was that people renting two-story units would not mind walking half a block to a bus. The key was that good transportation was available to the location as part of the existing environment.
- Regarding the west-end terminus of the sidewalk on Chantilly, he reminded everyone that the site plan was conceptual, although the dimensions were pretty precise. The sidewalk could terminate with the transition to the walkway and a ramp provided down to match the street paving. The Applicant was happy to work that out in the final design to the comfort of the neighbors.

- As far as the size of the buildings and their massing in relation to the western neighbor, the waiver was requested for in part to allow for a setback of 10-12 ft in excess of the required 10-ft setback. The site plan included a planters' strip behind the walkway and trees whose specific purpose was to provide a canopy to block the lines of sight between the house on Chantilly and the proposed buildings. The concept had been to have it be a bit more open for afternoon light on the gardens. However, additional trees could be planted if some sight lines needed to be more opaque. The overall goal of the planting plan was to protect the privacy of the neighbors. Those neighbors were at the neighborhood meeting, and the Applicant's team had quite a discussion about their desires.
- In terms of missing items related to Tonquin Trail in the Bicycle and Pedestrian Master Plan, he advised that no notification had come from Staff of a mandate requiring a 10-ft wide sidewalk along Willamette Way East as a function of that Master Plan. The Applicant was willing to widen the sidewalk at the entry gates to the transitional garden in front from 6 ft to 10 ft wide. The wider sidewalk was a valid point that could be addressed within the available right-of-way at Site Design review. Similarly, for Safe Routes to School, the sidewalks to the signalized intersection could be widened as well to address safety concerns for children traveling to the school. This widening was a construction detail.
- He suggested that all the comments made could be taken in stride in the next phase of approval for the project's design. The Applicant hoped the Board would send a recommendation of approval to City Council.

Chair King called for Board member discussion.

Mr. Schenk stated he had a great deal of sympathy for Mr. Meyer who believed the DRB might be approving too much density to be congruent with the neighborhood. He agreed it was strange to have tenants over 55 years old climbing stairs. It was also pointed out that it was unusual to make the approval without a firm site plan. For all these reasons, he was very leery of moving forward.

Chair King reiterated his concerns about parking on Willamette Way East. The mailbox issue and the observation of larger vehicles blocking the roadway when cars were parked on the side was a good one. His main concern was that on street parking was a hazard. He was not concerned with the two-story units as there were only 16 units. The lack of a formal site plan and construction details was a small concern, but the larger concern was the Board approving a legacy left to the City that could be a potential hazard on the street.

Ms. Fierros Bower said her concern was for the children and the safety along the sidewalk at Willamette Way East as well. Her biggest request was to delete the on-street parking and widen the sidewalks to 10 ft on Willamette Way East.

Mr. Alexander stated the parking on Willamette Way East could be changed as only 5 spots were being removed. Parking within the complex was adequate for the apartments. Having tenants age 55 and over was not a decision for the DRB to make. He also believed the sidewalk on Chantilly was easily corrected. He suggested focusing on the five items requested in the application and approving it with the minor conditions.

Mr. Edmonds clarified that the proposal was a Stage II Final Plan. The Applicant needed to be aware that this was more of a site-specific plan, and they seemed to have diminished that. The Stage II Final Plan was pretty definite, not so conceptual and gray. The Applicant would return with a site design plan at a later review that was more landscape and architecturally specific. The site plan before the DRB was more of a definitive plan. Based on his experience, it might be appropriate to allow the Applicant an opportunity to absorb all the statements made during the hearing and attempt to incorporate the issues

discussed by continuing the item to a later date. He believed trying to design the plan and vote was inappropriate, because that was not what was submitted.

Chair King asked Mr. Edmonds to speak to the issue raised about difference in the PDR-4 and PDR-5 zoning.

Mr. Edmonds referred to the slide showing that Fox Chase is zoned PDR-4 and the other side of Willamette Way East is zoned PDR-5. The church was a conditional use, which was subject to change in the future. The Autumn Park Apartments are zoned PDR-5. The proposed site was in a part of Wilsonville that had two zones, PDR-4 and PDR-5. Becoming PDR-5 was not an anomaly because PDR-5 was located across the street.

Chair King asked if the Board wanted to consider any new conditions reflecting the discussion thus far.

Mr. Alexander proposed one condition would be to prohibit on street parking on Willamette Way East.

Barbara Jacobson, Assistant City Attorney, noted that the DRB was voting on a site-specific plan. It would be very difficult to address all of the nuances the Board wanted to address. She advised taking the testimony given in opposition into consideration and allowing the Applicant further time to consider that testimony and respond. The DRB could either make a motion to vote on the plan, or move to continue the hearing and keep the record open to allow time for the Applicant or the opposition to submit additional information. The Applicant could return with a site-specific plan that addressed some of the concerns expressed tonight.

Chair King stated that knowing this was a Final Phase II Site Plan, and that some definite concerns and questions existed, along with some lack of specificity on certain items, he was also leery. He favored a continuance to allow the Applicant an opportunity to digest the comments and suggestions and return with some refinements and perhaps more specificity.

Mr. Edmonds suggested offering specific direction to the Applicant regarding items the DRB would like to see in the revisions. Parking along Willamette Way East had been mentioned, as well as retaining or eliminating the driveway off Chantilly, the sidewalk widening and the sidewalk transition along Chantilly.

Chair King recounted the concerns discussed and advised that the Applicant address the parking spaces with regard to concerns about pedestrian traffic on Willamette Way East, especially with young school-age community members traveling Willamette Way East twice a day, five days a week. There were also concerns about the potential increase in traffic at the southern entrance on Chantilly and the sidewalk terminus. Staff had also noted concerns about having a final plan and not a conceptual design.

Mr. Leighton clarified that the Applicant understood this was a final, definitive site plan, which was provided with precise dimensions. The setbacks were called out to the inch. The plan was not conceptual and could be built as is. He admitted that he misspoke when he used that word. To demonstrate his point, he noted the illustration of an ADA ramp at Wilsonville Rd and Willamette Way East and explained where additional ADA ramps and driveway drops should be located. His intent when referring to the plan as conceptual was that some of the missing components would be detailed in construction plan drawings, not in a planned development plan. As the project proceeded to bring the site plan back for more precise review, the architectural details, materials, and finishes would be further detailed on that forum and ultimately in the construction plans. It would not be difficult to respond to the comments heard this evening. The buildings, paths, garden spaces, and trees to be planted were not fuzzy, but were finalized on the subject plan.

Mr. Ward commented with regard to the sidewalk width. Tonquin Trail would travel northwest to southeast. Engineering would prefer that the 10-ft wide sidewalk be on the east side of Willamette Way East along the Autumn Park Apartments and the church where sufficient space existed. Engineering preferred not to have people see a 10-ft wide sidewalk on the west side of the street, follow it, and come to a place where they would have to do a mid-block crossing. The City preferred that pedestrians cross at the intersection with an existing signalized crosswalk, and have them proceed down the east side of Willamette Way East to where the Tonquin Trail would catch up and head through the visible field area.

Mr. Schenk noted the existence of a wide bike trail running under the power lines that curved back into Morey's Landing but should be brought straight out to the east side of Willamette Way East as noted.

Mr. Ward confirmed that was the final intent.

Mr. Leighton stated he was not certain that any discussion from the Board warranted the need for the Applicant to do more work as opposed to taking direction from the DRB for specific items to be resolved as the Applicant followed through on the well-defined site plan.

Mr. Alexander believed the Board had enough information to vote on the six applications presented. The DRB was not addressing a final construction plan, which would come later.

Ms. Jacobson reminded the Board of the discussion raised by Mr. Schenk about removing a unit or two. If the vote were to continue, it would be to approve all 16 units. If the Board wanted to explore removing one or two units, Staff would need to continue working with the Applicant for an alternate plan. Other items that would be approved included the parking as well as the secondary driveway on Chantilly. The ADA ramp locations were not part of the approval. She advised the DRB to vote only if they were comfortable with the proposed plan as well as the waivers, and seek continuance if further questions exist.

Mr. Schenk stated he could not approve 16 units.

Chair King stated that he would require a condition for the parking.

Ms. Jacobson advised that the public hearing be concluded if discussions were complete.

Chair King closed the public hearing closed at 9:06 p.m.

Chair King moved to continue Resolution No. 234 to the DRB Panel A October 8, 2012 meeting date certain. John Schenk seconded the motion, which passed 5 to 0 to 0.

Mr. Edmonds noted the Board needed to specify a time and date certain for the continuance. If the Applicant was unavailable to attend, the DRB could ask if the Applicant was willing to toll the 120-day period mandated by the State to review the application.

Chair King asked if the Applicant was willing to toll the 120-day period until the next review.

Mr. Leighton requested a brief recess to discuss the schedule.

Chair King recessed the DRB meeting which was reconvened at 9:15 pm.

Mr. Leighton expressed the Applicant's desire to continue working with Staff to address the issues of concern. He was available for the October 8, 2012 DRB Panel A meeting, noting that under those

circumstances, an extension of the 120-day period was needed and he agreed to follow through with the appropriate paperwork and add it to the file.

- He stated he was uncertain about what the Applicant's assignment was for the next meeting. The DRB seemed to be concerned about parking on Willamette Way East, which the Applicant was willing to drop right now. He requested further direction from the Board about the issues needing to be addressed for the October 8th meeting.

Chair King stated the concerns he had heard regarded the parking, as mentioned, and that several Board members expressed concern about the density and having 16 units at that location. The south side entrance was also a concern due housing on Chantilly and the congestion issues that might cause.

Mr. Schenk added he would like to see the center widened and the units reduced to 14 or 15 units in order to fit the Comprehensive Plan density requirement. He also wanted the driveway removed from Chantilly. He noted with two fewer units, the parking needs could be better addressed.

Chair King clarified for the record that the continuance was scheduled for October 8, 2012 DRB Panel A meeting date certain.

IX. Board Member Communications

A. Results of the July 23, 2012 DRB Panel B meeting

There were none.

X. Staff Communications

There were none.

XI. Adjournment

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant


**CITY COUNCIL MEETING
 STAFF REPORT**

Meeting Date: November 5, 2012		Subject: <u>Ordinance No. 706</u>, Zone Map Amendment from PDC to PDR-5, Fox Center Townhomes. Staff Member: Blaise Edmonds, Manager of Current Planning Department: Planning Division	
Action Required		Development Review Board Recommendation	
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: Nov. 5, 2012 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: Nov. 19, 2012 <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	
		Comment: Development Review Board Panel A recommends approval of the Zone Map Amendment.	
Staff Recommendation: Staff recommends that the City Council adopt Ordinance No. 706 approving a Zone Map Amendment from 'PDC' to 'PDR-5'. The State statutory 120-day time limit applies to this application so the City Council must render a final decision for the zone change by January 8, 2013.			
Recommended Language for Motion: I Move to Adopt Ordinance No. 706 on the first reading.			
PROJECT / ISSUE RELATES TO: Comprehensive Plan, Land Development Code and Fox Center Master Plan.			
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Comprehensive Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL: Approve or Deny Ordinance No 706 for a Zone Map Amendment on 1.14 acres comprising the southwestern corner of SW Wilsonville Road and SW Willamette Way East. Seema LLC, Applicant.

EXECUTIVE SUMMARY: After two public hearings the proposed Zone Map Amendment is being forwarded to the City Council by Development Review Board Panel 'A' (DRB) with a recommendation of approval. The Board approved a companion application to modify the Stage

I Preliminary Plan for Fox Chase subdivision. The proposed zone change will enable the development of Fox Center Townhomes which will comprise of 15 townhome rental units. At least one unit must be rented to people 55 and over. Proposed in Ordinance 705 is a Comprehensive Plan Amendment from Commercial to Residential 10 – 12 dwelling units per acre. The DRB also approved a Stage II Final Plan and a Type 'C' Tree Plan. Those approvals are contingent on Council approval of the Comprehensive Plan Map Amendment and the Zone Map Amendment.

EXPECTED RESULT: Adoption of Ordinance No 706 will enable development of 15 townhome units in 4 buildings.

TIMELINE: Construction of 15 townhomes would begin in 2013 and would take approximately one year to complete.

CURRENT YEAR BUDGET IMPACTS: Proposed Fox Center Townhomes is a private development so the Applicant is responsible to make all public and private improvements, and pay City application fees and systems development charges for parks, storm sewer and streets.

FINANCIAL REVIEW / COMMENTS: n/a

Reviewed by: _____, Date: _____, 2012

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: October 9, 2012

The Council's decision on the Zoning Ordèr should follow its decision on the Comprehensive Plan amendment and density designation bonus which accompanies this matter. See City Attorney's comments to the accompanying report to recommended approval by the DRB to approve the Comprehensive Plan designation and one density bonus unit.

COMMUNITY INVOLVEMENT PROCESS: The required public hearing notices have been sent. The Applicant conducted a neighborhood meeting in 2011.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY Ordinance No. 706 will provide:

- 15 market rate rental townhomes.
- Close walking distance to Graham's Oak Park and schools.
- Close access to *SMART* transit.
- With a total of 44 off-street parking spaces for 15 dwelling units, the overall parking ratio is 2.93 spaces per unit – one space shy of two times the minimum requirement. Parking is not proposed along adjacent public streets.

ALTERNATIVE: To deny the Applicant's request.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A - Zoning Order DB12-0034

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description

Exhibit B – Planning Staff Report, Zone Change Findings, and Recommendation to City Council, October 8th

Exhibit C - DRB Panel A, Notice of Decision and Resolution No. 234.

Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1) and Fox Center Townhomes application dated on compact disk.

Exhibit E – August 13th DRB Minutes

Exhibit F – October 8th DRB Minutes

ORDINANCE NO. 706

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PLANNED DEVELOPMENT COMMERCIAL (PDC) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5) ZONE ON 1.14 ACRES COMPRISING TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON; "FOX CENTER TOWNHOMES" SEEMA, LLC, APPLICANT

WHEREAS, SEEMA, LLC ("Applicant"), as owner of the real property legally shown and described on **Exhibit A**, Attachments 1 and 2, attached hereto and incorporated by reference herein ("Property"), has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, attached hereto as **Exhibit B** and incorporated by reference herein, which staff report was presented to the Development Review Board (DRB) on August 13 and October 8, 2012;

WHEREAS, the DRB Panel A held two public hearings on the application for a Zone Map Amendment (DB12-0034) and other related development applications (DB12-0033, 0035 and 0036, TR12-0067 and DB12-0039) on August 13, 2012, and after taking public testimony, receiving exhibits, and giving full consideration to the matter, determined to continue the hearing in order to allow the Applicant additional time to consider and address public testimony concerns and DRB Panel A member concerns; and

WHEREAS, on October 8, 2012, DRB Panel A reconvened and continued the public hearing on the application for the aforementioned Zone Map Amendment and related applications and, after taking additional public testimony, receiving exhibits, and being fully advised in the matter, DRB Panel A adopted Resolution No. 234, attached hereto as **Exhibit C** and incorporated by reference herein, which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB12-0034); approve all other related applications; adopt the staff report with modified findings and recommendations, all as placed on the record at the hearing; and contingent upon City Council approval of the Zone Map Amendment, authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on November 5, 2012, 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 staff report, which record was incorporated into the City Council public hearing record; took public testimony, received exhibits; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code and conforms to the Comprehensive Plan Map Amendment, Ordinance No. 705, adopted by the City Council on November 5, 2012 contemporaneously herewith;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing recitals and the staff report, as contained in the record of the above described DRB hearing, and incorporates them by reference herein, as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB12-0034, attached hereto as **Exhibit A**, from Planned Development Commercial (PDC) Zone to Planned Development Residential - 5 (PDR-5) Zone.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of November, 2012, and scheduled for second reading at a regular meeting thereof on the 19th day of November, 2012 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2012; by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2012.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Nunez

Councilor Goddard

Councilor Starr

Attachments:

Exhibit A – Zoning Order DB12-0034

Attachment 1, Map Depicting Zone Amendment

Attachment 2, Legal Description

Exhibit B – Zone Map Amendment Findings

Exhibit C – DRB Resolution No. 234

Exhibit A
BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Fox Center Townhomes

In the Matter of the Application of)
Mr. Lee Leighton of Westlake Consultants,)
Inc., Agent for the Applicant,)
Seema, LLC., for a)
Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

ZONING ORDER DB12-0034

The above-entitled matter is before the Council to consider the application of DB12-0034, 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 shown and described on Attachments 1 and 2, has heretofore appeared on the City of Wilsonville Zoning Map as Planned Development Commercial (PDC).

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 1.14 acres of Tax Lot 100 as more particularly shown in the Zone Map Amendment Map, Attachment 1 and described in Attachment 2 is hereby rezoned to Planned Development Residential - 5 (PDR-5). 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 ___ day of ___, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Exhibit A: Zone Order

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description

Exhibit B: Zone Map Amendment Findings

GRAHAMS OAK PARK

SW WILSONVILLE ROAD

Lot 1
Block 1
Fox Chase
Subdivision
Tax Lot 100

**SUBJECT
PROPERTY**

**PROPOSED:
RE-ZONE: PDC TO PDR-5**

WILLAMETTE WAY EAST

VALLEY
CHRISTIAN
CHURCH

CHANTILLY

CITY COUNCIL
EXHIBIT B

EXHIBIT

Lot 1, Block 1, FOX CHASE (Volume 86, Page 6, Clackamas County Plats), in the City of Wilsonville, County of Clackamas and State of Oregon, more particularly described per Plat dimensions as follows:

Commencing at an angle point in the north line of said FOX CHASE being North $64^{\circ}31'00''$ East, 1147.50 feet from the northwest corner thereof;

thence, along the north line of said FOX CHASE North $52^{\circ}43'59''$ East, 76.04 feet to the point of beginning;

thence, continuing along said north line, North $52^{\circ}43'59''$ East, 182.72 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $116^{\circ}27'25''$, (chord bears South $69^{\circ}02'18''$ East, 25.50 feet) an arc distance of 30.49 feet;

thence, South $10^{\circ}48'35''$ East, 283.61 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $75^{\circ}28'35''$, (chord bears South $26^{\circ}55'43''$ West, 18.36 feet) an arc distance of 19.76 feet;

thence, South $64^{\circ}40'$ West, 16.52 feet;

thence, along a tangent 113.00 foot radius curve to the right, through a central angle of $38^{\circ}54'45''$, (chord bears South $84^{\circ}07'23''$ West, 75.28 feet) an arc distance of 76.74 feet;

thence, North $76^{\circ}25'15''$ West, 73.73 feet;

thence, along a tangent 137.00 foot radius curve to the left, through a central angle of $7^{\circ}06'21''$, (chord bears North $79^{\circ}58'25''$ West, 16.98 feet) an arc distance of 33.75 feet;

thence, North $10^{\circ}48'35''$ West, 191.34 feet to the point of beginning.

**COUNCIL EXHIBIT B
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION
CITY COUNCIL
QUASI - JUDICIAL PUBLIC HEARING
*Fox Center Townhomes***

Public Hearing Date: November 5, 2012

Application Number: DB12-0034 Zone Map Amendment

Property Owner/Applicant: Seema, LLC

REQUEST: Mr. Lee Leighton, AICP, of Westlake Consultants Inc., acting as agent for Seema, LLC, Applicant, proposes a 15 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase subdivision.

The Applicant is proposing to modify the Fox Chase Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres in commercial into a multi-family residential use townhomes. In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly for at least one unit. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Proposed are Comprehensive Plan Map Amendment and a Zone Map Amendment which would enable development of the project. The Applicant's project introduction is found on pages 1 and 2 of Exhibit B and revised in Exhibit B9. Approvals of Requests C through F are contingent upon City Council approval of the Comprehensive Plan Amendment and the Zone Map Amendment in case files DB12-0033 and DB12-0034 (Requests A and B).

Current Comprehensive Plan Map Designation: Commercial

Proposed Comp. Plan Map Designation: Residential 10 – 12 units/acre

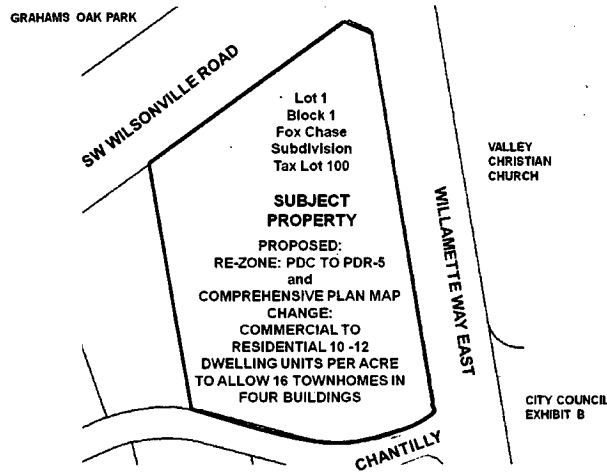
Zone Map Designation: Planned Development Commercial (PDC).

Proposed Zone: Planned Development Residential – 5 (PDR-5) See Ordinance #705

STAFF RECOMMENDATION: Approve the application.

Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon. The subject site has relatively level terrain with 11 deciduous and coniferous trees at the northerly part of the property.

VICINITY MAP



APPLICABLE REVIEW CRITERIA:

Wilsonville Code Section(s)	Description
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.113 (as applicable)	Standards for Residential Development in Any Zone
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Section 4.131	Planned Development Commercial (PDC) Zone
Section 4.124.5	Planned Development Residential – 5 (PDR-5) Zone
Section 4.140	Planned Development Regulations
Section 4.140.07	Stage I Preliminary Plan
Section 4.197.02(A through G)	Zone Map Amendment

Other Planning Documents:
Storm Water Master Plan
Transportation Systems Plan
Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x.
Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development. 10) Housing, 11) Public Facilities, and 12) Transportation.
Fox Chase Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning, Mike Ward, City Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

BACKGROUND:

The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City's Comprehensive Plan had not yet been acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was kept in place.

In 1995 and 1996 under Resolutions No.'s 95PC21 and 96DB23 following a controversial process that involved citizen concerns about the proposed retail uses. The Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhouse residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

PROJECT SUMMARY AND RECOMMENDATIONS:

A detailed project introduction and compliance report in support of the application is provided by the Applicant found in Exhibits B1 and B9. The Applicant's introduction on pages 1 and 2 of Exhibit B1 adequately describes the project, the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, Staff has relied upon the Applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Zone Map Amendment

The proposal is to change the Planned Development Commercial (PDC) Zone on 1.14 acres to the Planned Development Residential - 5 (PDR-5) Zone. The proposed townhome - residential use is permitted under Wilsonville Code Section 4.124. The proposed Zone Map Amendment would enable the development permitting process.

As demonstrated in findings B1 through B27, the proposed Zone Map Amendment meets all applicable requirements in Section 4.197 subject to compliance with proposed conditions of approval.

Revised Stage I Preliminary Plan

The Code minimum and maximum densities can be achieved through the proposed Zone Map Amendment together with the proposed revised Stage I Preliminary Plan for the Fox Chase subdivision.

As demonstrated in findings C1 through C60, the proposed revised Stage I Preliminary Plan meets all applicable requirements in Section 4.140.01 through .07.

DISCUSSION TOPICS

Housing Density: In this application age restricted rental housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, the City Council approved zone map amendment for Brenchley Estates – North. Council adopted as a finding that the “Applicant voluntarily reduced housing density and imposed age restriction on certain yet to be built and designed units.” For the proposed Fox Center Townhomes the Applicant is not proposing to build the project at the Comprehensive Plan Map density of 10 – 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units or 14 units). Instead the Applicant is seeking to obtain 15 dwelling units through Implementation Measure 4.1.4.v; “*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*” This would be a net increase of 1.32 dwelling units over the maximum Comprehensive Plan density or 10% of 14 units. However, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is: 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density.

DB12-0034: Zone Map Amendment

On the basis of findings B1 through B27 this action approves the Zone Map Amendment from PDC to PDR-5 with no proposed conditions of approval.

EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

- A1.** Staff Report, findings, recommendations and conditions.
- A2.** Staff PowerPoint presentation.

Applicant’s Written and Graphic Materials:

- B1.** Land Use application in a binder notebook and on compact disk, date received July 13, 2012 including; Code compliance/findings. Application, mailing list, introduction/project narrative, Comprehensive Plan Map & Zoning Map Illustrations, neighborhood meeting documentation, compliance reports, Economic Opportunity Analysis Report, Table 1 – Modification of Fox Chase Final Plat/Planned Development Approval, application form, Fox Center Townhomes Tree Maintenance and Protection Plan, Correspondence with Allied Waste Management, legal description, DKS Traffic Report, site plan sheets, conceptual building elevations and arborist’s report for requests A through F.

Full Size Drawings/Plan Sheets.

Sheet Number Sheet title

- B2.** A1.1: Site Plan
- B3.** A3.1 Preliminary Building Elevations
- B4.** A3.2 Preliminary Building Elevations
- B5.** C1.0 Preliminary Grading Plan
- B6.** C2.0 Preliminary Utility Plan
- B7.** New Entry Fencing Perspective Illustration
- B8.** Applicant's powerpoint presentation at the 8.13.12 DRB meeting.
- B9.** The Applicant submitted revised application materials replacing or modifying the items listed in Exhibit B1.
- B10.** E-mail, tolling the 120-day review period, dated August 21, 2012.

Development Review Team

- C1.** Engineering Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C2.** Natural Resources Program Director Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C3.** Building Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C4.** TVFR Conditions, Dated July 26, 2012. Included in this staff report in the Conditions of Approval.
- C5.** Public Works Department Condition, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
SMART Transit, no conditions provided.
- C6.** *Engineering Division memorandum regarding Condition PW, Dated August 9, 2012.*

Public Testimony:

Letters (neither for nor Against):

Letters (In Favor): None submitted

Letters (Opposed): D1. Letter, Robert Meyer dated August 13, 2012.

FINDINGS OF FACT

1. **Existing Site Conditions:** The Applicant has provided a full project description in Exhibit B1. The subject property is currently zoned PDC.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Boones Ferry Primary and Wood Middle School – PF Zone
East	Valley Christian Church
South	Fox Chase Subdivision
West	Fox Chase Subdivision

Natural Characteristics: The relatively level property is 1.14 acres which includes a group of eleven conifer and deciduous trees.

Streets: The subject property is a corner lot with three side fronting Wilsonville Road at the north, Willamette Way East on the east and Chantilly at the south.

Previous Planning Applications Relevant to the subject property: See the background statement on page 3 of this staff report. Also;

83PC09: Fox Chase, Stage I Preliminary Plan (Master Plan)

95PC21: Stage II Final Plan for retail center.

96DB23: Site Design Review for retail center.

2. 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.
3. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
4. The statutory 120-day time limit applies to this application. The application was initially received on June 15, 2012. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the Applicant by letter on June 25, 2012, of missing items. On July 13, 2012, the Applicant submitted additional materials intended to complete the application. On July 16, 2012 the application was deemed complete. On August 13 the Board conducted a public hearing on the subject and continued the public hearing to October 8. The Applicant granted a 56 – day extension which moved the date for issuing the city decision from November 12, 2012 to January 8, 2013. Thus the City must render a final decision for the request, including any appeals, by January 8, 2013.

CONCLUSIONARY FINDINGS

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

DB12-0034: ZONE MAP AMENDMENT

This request is for approval of a Zone Map Amendment from the Planned Development Commercial Zone to the Planned Development Residential – 5 (PDR-5) Zone for 1.14 acres involving Tax Lot 100. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance.

As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Board must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion 'A'

“That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140.”

B1. The Applicant has provided findings in Exhibits B1 and B9 addressing the Zone Map Amendment criteria, which are included in this staff report as findings for approval. Approval of the proposed Zoning Map Amendment is contingent on approval by the City Council by a City Ordinance.

Criterion 'B'

“That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives; set forth in the Comprehensive Plan text.”

Proposed Comprehensive Plan Designation: Residential 10 - 12 dwelling units per acre.

B2. The subject site is currently zoned Planned Development Commercial (PDC). The Applicant proposes to change the PDC Zone to the Planned Development Residential - 5 (PDR-5) Zone on 1.14 acres to enable development of 15 townhomes for rent. On the basis of Section 4.124.05 (Table 1) the Applicant is seeking the appropriate PDR-5 zone based on the 10 - 12 d.u. per acre Comprehensive Plan Density.

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

B3. The proposed Comprehensive Plan Map designation is Residential 10 – 12 dwelling units per acre. The gross site area of the subject property is 1.14 acres so the maximum Comprehensive Plan density is 13.68 dwelling units. However, the Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124, so the actual maximum density allowed by the PDR-5 zone at 19.9 or 20 dwelling units. An approval of the proposed revised Stage I Preliminary Development Plan is reviewed in Request C of this staff report.

B4. Housing Density: In this application age restricted housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, it involved City Council approval of a zone map amendment for Brenchley Estates – North. Council adopted as a finding that the “*Applicant voluntary reduced housing density and imposed age restriction on certain yet to be built and designed units.*” In this subject application the Applicant is not proposing to build the project at the maximum Comprehensive Plan Map density of 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units). Instead the Applicant is seeking approval for 15 dwelling units through Implementation Measure 4.1.4.v; “*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*” This would be a net increase of 1.32 dwelling units over the maximum plan density. In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Furthermore, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density. See the following table:

Allowed Housing Units under Section 4.124.5:

Table 1: Fox Center Townhouses -Proposed PDR-5 Zone 15 Apartments Units			
Size (Gross Acres)	Net Acres	Total Housing 15 Units	PDR-5 2,500 SF, Maximum Units 4,000 SF, Minimum Units
1.14 acres (49,658 SF), gross site area	1.14 net acres		49,658 SF/2500 = 19.86 units 49,658 SF/4000 = 12.4 units 15 – 12.4 = 2.6 units above minimum zoning density and 4.86 units below maximum zoning density.

Variety/Diversity of Housing

Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City’s desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.

B5. The Applicant’s zone change proposal seeks to enable 15 townhome/apartment units dispersed in 4 buildings. The Applicant’s response findings in Exhibits B1 and B9 to Section 4.198.01(A) speak to the providing for additional multi-family housing in the City, meeting these measures.

Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City’s desire to approve new residential development concurrent with the availability of public facilities.

B6. Water, sanitary sewer, and storm sewer are either available to the proposed site (with appropriate connections) or can be supplied to the project. The Applicant will be constructing a private drive system internal to the site to serve the proposed townhomes.

Implementation Measure 4.1.4.h: “Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.”

B7. The Applicant will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.

Area of Special Concern

B8. The subject property is not located in an area of special concern by the Comprehensive Plan.

Implementation Measure 4.1.4.b – Variety in Housing Type “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City’s desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes

the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.”

- B9.** Implementation Measures 4.1.4.b, d, and o declares the City’s desire to seek a diversity of housing types and affordability. The Applicant’s proposal would add ~~46~~ **15** townhomes to the City’s housing diversity. With regard to traffic, through the conditions of approval recommended by staff, the project can be adequately served with urban services designed to minimize off-site impacts the project.
- B10.** Because of the staggering economy and the national home mortgage crisis there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. See findings A9 though A11. This provides circumstantial evidence that there is a demand for more multi-family housing in proposed Fox Center Townhomes. The proposed Zone Map Amendment is to implement the residential objectives of the Comprehensive Plan by providing diversity in housing types. Changing the PDC Zone to the proposed PDR-5 Zone meets IM 4.1.4b. Adequate public services can be made available to the site. Thus, the Zone Map Amendment together with the proposed Fox Center Townhomes project meets IM 4.1.4.b.
- B11.** Metro’s Urban Growth Management Functional Plan Title 1 of the Urban Growth Management Functional Plan (UGMFP) and the Comprehensive Plan requires 80% maximum density at build-out of any particular parcel. With the revision of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The Applicant is requesting a Zone Map Amendment to Planned Development Residential - 5 (PDR-5) which corresponds to a Comprehensive Plan Map density of Residential 10 - 12 dwelling units per acre. Furthermore, the Applicant’s proposal will fully achieve compliance with the minimum density required at build-out. Metro’s Functional Plan provides that this deficiency is justified, in order to approximate the density of adjacent, surrounding neighborhoods. See the Applicants’ response findings found on pages 17 through 22 of Exhibit B1, and Exhibit B9.
- B12.** **Section 4.140.09(J)(2) Traffic:** The DKS Associates traffic study completed for the project found in Exhibit B1 indicates existing streets will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan. The proposed zone change is expected to result in significantly fewer trips being generated by (i.e., 16 peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under the existing zoning) the project. The location, design, size and the proposed residential apartments are such that traffic generated by the development can be accommodated safely for up to 13 (9 in 4 out) p.m. peak hour trips of which 7 p.m. peak hour trips through the and I-5/Wilsonville interchange area, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project and it will maintain LOS ‘D’, which complies with Subsection 4.140.09(J)(2).

According to the DKS Traffic Analysis in Exhibit B1: *“Because the proposed zone change is expected to result in significantly fewer trips being generated by the project*

(i.e., 16 p.m. peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under existing zoning), no additional Transportation Planning Rule (TPR) analysis needed since there would be no impacts from the proposed zone change.”

Implementation Measure 4.1.4.d – Diversity of Housing Types “Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms,” and;

Implementation Measure 4.1.4.e “Targets are to be set in order to meet the City’s Goals for housing and to assure compliance with State and regional standards.”

B13. The original, adopted City of Wilsonville Comprehensive Plan Map in 1980, geographically distributed housing density for the purpose of maintaining the balance of housing types and to not concentrate higher density for multi-family housing in a few areas of the City. Historically, with the exception of adding Villebois Village, there have been a few amendments to the Comprehensive Plan Map relative to the geographic distribution of housing density. Through the years the City has approved Comprehensive Plan Amendments that changed Residential to Industrial to enable the development of Canyon Creek Business Park – North, and changed Residential to Industrial on Mentor Graphics property south of SW Boeckman Road (formally part of the Ash Meadows Master Plan residential area). Those plan amendments reduced residential housing density in the City. Otherwise, residential projects that were approved within the City correspond with the Comprehensive Plan Map and with PDR minimum and maximum densities allowed by Land Use and Development Code.

B14. Pages 2 and 3 of the Comprehensive Plan: “Wilsonville’s planning programs are required to support Metro’s 2040 Regional Framework Plan, and any Functional Plans that are formally adopted by Metro Council. Such Metro plans are intended to direct the region’s urban growth and development.” “The residential designations include planned density ranges which have been changed to reflect Metro’s requirement that minimum densities be at least 80% of maximums. In order to meet that requirement, the lower end of the planned density range has been increased and the higher end left unchanged.” This in effect increases residential density with new development and is expected with the proposed project. Thus, the proposed Zone Map Amendment meets IM 4.1.4.d and 4.1.4.e.

B15. The proposed project offers 1.4 townhomes for market rate rent housing meeting IM 4.1.4.d. The March, 2012 City Housing Unit Summary indicates 9,060 dwelling units:

City Wide Housing Units

Type	New	YTD	Total
Apartment	324	376	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	10	77	3675
Totals	334	453	9060

On the basis of that inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with Policy 4.1.4 and its implementation measures that 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.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Woods 2 phases I and II (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total of 591 homes.

- B16.** 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. See findings A7 through A11 for the need demonstration for the proposed 15 townhome units. Thus the proposed Zone Map Amendment meets a public need that has been identified for rental housing.

Implementation Measure 4.1.4.v Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting specific needs (e.g., low/moderate income, elderly, or handicapped).

B17. On pages 19 and 20 of Exhibit B1 the Applicant has responded to IM 4.1.4.v but has misinterpreted how the PDR-5 maximum density limitation is determined at one unit per 3,000 SF under Subsection 4.124.5(.01). Per Subsection 4.124.5(.02) the maximum density is 49,658/2,500 SF/DU = 19.86 or 20 units. Per Subsection 4.124.5(.03) the minimum density is 49,658/4,000 SF = 12.4 or 12 units. Proposed are 15 dwelling units which are between 12 and 20. However, the proposed Comprehensive Plan designation of Residential 10 – 12 du/ac, allows 13.68 or 14 maximum units. The Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124WDC, so the actual maximum density allowed by the PDR-5 zone is 19.9 or 20 dwelling units.

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B18. In terms of the proposed Residential 10 – 12 dwelling units per acre Comprehensive Plan Map designation for the project is considered medium density. Though this density is higher than its parent Fox Chase subdivision at Residential 6 – 7 du/ac. The Comprehensive Plan on page D-19 identifies Residential 6 – 7 du/ac and 10 – 12 du/ac as “medium density housing areas.” It should also be noted that the adjacent Valley Christian Church property and the Autumn Park Apartments are designated 10 – 12 du/ac.

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Implementation Measure 4.1.4.q “The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.”

B19. The Applicant is not proposing to site mobile (manufactured) homes in this application so this criterion is not applicable.

Criterion ‘D’ – Public Facilities: “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

B20. The Deputy City Engineer’s recommended Public Facility (PF) conditions impose further performance upon the Stage II Final Plan application, which requires the Applicant to provide adequate water, drainage and sanitary sewer infrastructure to serve the proposed project. As currently configured, the project satisfies all design requirements regarding needed infrastructure improvements.

Criterion ‘E’ – Significant Resource Overlay Zone: “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone.”

B21. The subject property is not designated within the Significant Resource Overlay Zone (SROZ).

Criterion 'F' "That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

B22. The Applicant's submittal documents indicate the intent to develop 15 market rent townhomes after final approvals is obtained from the City within the next year meeting Code.

Criterion 'G' "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards."

B23. The Applicant's proposal, together with the Stage II Final Plan conditions of approval will bring it into compliance with all applicable development standards.

Subsection 4.197(.03) provides that "If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied."

B24. The Applicant has made affirmative findings in Exhibits B1 and B9 to Subsection 4.197.02(A)-(G) meeting Subsection 4.197(.03).

Subsection 4.197(.04) stipulates that the "City Council action approving a change in zoning shall be in the form of a Zoning Order."

B25. Staff recommends approval of the proposed Zone Map Amendment with no conditions of approval being proposed. A City Council Zoning Order and Ordinance regarding the proposed Zone Map Amendment is required subsequent to contingent approval of the requested companion applications.

Subsection 4.197(.05) provides "In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed."

B26. Staff recommends adoption of these findings to the Development Review Board in review of the application to modify the Zone Map designation from PDC to PDR-5. Upon recommendation of approval by the Board, these will be forwarded to the City Council for final action.

SUMMARY FINDING:

B27. The Applicant has demonstrated that the proposed Zone Map Amendment will meet all applicable requirements.

October 11, 2012

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Fox Center Townhomes

Case Files: Request A: DB12-0033 – Comp. Plan Map Amendment
Request B: DB12-0034 – Zone Map Amendment
Request C: DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
Request D: DB12-0036 – Stage II Final Plan
Request E: TR12-0067 – Type ‘C’ Tree Plan
Request F: DB12-0039 – Waiver to front yard setback

Applicant / Owner: Seema LLC

Property Description: Tax Lots 100, Section 22AC, T3S-R1W, Clackamas, County,
Wilsonville, Oregon

Location: 30625 SW Willamette Way East

On October 8, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request A and B: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, November 5, 2012 to hear these items.*

Requests C, D, E, and F: Approved with conditions of approval.
These approvals are contingent upon City Council's approval of Request A and B.

An appeal of Requests C, D, E, and F to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02)*. A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 11th day of October 2012 and is available for public inspection. The decision regarding Requests C, D, E, and F shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 234, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 234**

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL 10 – 12 DU/AC AND A ZONE MAP AMENDMENT FROM PLANNED DEVELOPMENT COMMERCIAL (PDC) TO PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5), AND ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY PLAN FOR FOX CHASE, A STAGE II FINAL PLAN, A TYPE ‘C’ TREE PLAN AND A WAIVER TO ENABLE DEVELOPMENT OF FIFTEEN (15) TOWNHOME UNITS FOR FOX CENTER TOWNHOMES. THE SUBJECT 1.14 ACRE PROPERTY IS LOCATED ON TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON. SEEMA, LLC, APPLICANT.

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, the Planning Staff has prepared staff reports on the above-captioned subject dated July 31, 2012 and September 19, 2012, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meetings conducted on August 13, 2012 and October 8, 2012, 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 application 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 Panel A of the City of Wilsonville recommends that the City Council approve a Comprehensive Plan Map Amendment a Zone Map Amendment (Case Files DB12-0033 and DB12-0034), approve a revised Stage I Preliminary Plan, Stage II Final Plan, Type ‘C’ Tree Plan and a waiver to a front yard setback, and does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

DB12-0033 Comprehensive Plan Map Amendment
DB12-0034 Zone Map Amendment
DB12-0035 Revised Fox Chase, Stage I Preliminary Plan
DB12-0036 Stage II Final Plan

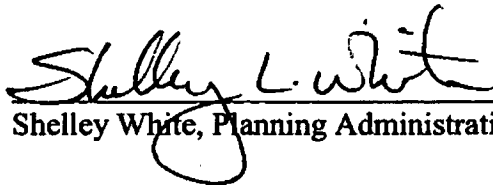
TR12-0067 Type 'C' Tree Plan
DB12-0039 Waiver to front yard setback

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of October 2012 and filed with the Planning Administrative Assistant on October 11, 2012. This resolution is final on the 15th 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)*.



Douglas King, Chair
Development Review Board, Panel A

Attest:



Shelley White, Planning Administrative Assistant

FOX CENTER TOWNHOMES

ZONE MAP AMENDMENT Zoning Order DB12-0034

INDEX of RECORD

1. City Council Ordinance No. 706 approving and adopting Zoning Order DB12-0034
2. City Council Meeting Staff Report, dated November 5, 2012
3. Council Exhibit A: Zoning Order DB12-0034
 - Attachment 1: Map depicting zone change
 - Attachment 2: Legal Description
4. Council Exhibit B: DRB Zone Change Adopted Findings, and Recommendation to City Council, Oct. 8th
5. Council Exhibit C: Development Review Board Panel A, Notice of Decision and Resolution No. 234.
6. Council Exhibit D: DRB adopted staff report (Exhibit A1) digital sent and on compact disk.
7. Exhibit E: Minutes from August 13, 2012 DRB Panel A meeting, approved by DRB October 8, 2012.
8. Exhibit F: Minutes from October 8, 2012 DRB Panel A meeting (*to be submitted later*)

Additional Items for Review (No need to reproduce in Council Packet)

9. Packet items for the October 8, 2012 DRB Panel A meeting, including staff report and exhibits.

10. New exhibits entered into the record at the August 13, 2012 DRB Panel A meeting:

Exhibit C6. Memorandum from Blaise Edmonds, Manager of Current Planning, dated August 9, 2012 revising Condition of Approval PW1 for DB12-0036m Stage II Final Plan.

Exhibit D1. Two-page written statement submitted by Robert Meyer dated August 13, 2012 that he read into the record.

Exhibit B8. Applicant's PowerPoint presentation

11. Packet items for the August 13, 2012 DRB Panel A meeting, including staff report and exhibits and Exhibit B1 – applicant's submittal documents dated July 31, 2012, digital sent and on compact disk.

**EXHIBIT A1
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION
DEVELOPMENT REVIEW BOARD PANEL 'A'
QUASI - JUDICIAL PUBLIC HEARING
Fox Center Townhomes
(Amended and Adopted)**

1st Public Hearing Date: August 13, 2012

2nd Public Hearing Date: October 8, 2012

Date of Revised Report: September 19, 2012

Application Numbers:

- Request A: DB12-0033 Comp. Plan Map Amendment**
- Request B: DB12-0034 Zone Map Amendment**
- Request C: DB12-0035 Revised Stage I Pre. Plan**
- Request D: DB12-0036 Stage II Final Plan**
- Request E: TR12-0067 Type 'C' Tree Plan**
- Request F: DB12-0039 Waiver to front yard setback**

Applications for Site Design and Signs will be submitted separately and are not part of this review.

bold/italic = new words

~~strike~~ = deleted words

Property Owner/Applicant: Seema, LLC

REQUEST: Mr. Lee Leighton, AICP, of Westlake Consultants Inc., acting as agent for Seema, LLC, Applicant, proposes a 15 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase subdivision.

The Applicant is proposing to modify the Fox Chase Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres in commercial into a multi-family residential use (townhomes, age restricted 55 and older rental units). In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing, but the Applicant has indicated that all 15 units being proposed will be age restricted housing. Proposed are Comprehensive Plan Map Amendment and a Zone Map Amendment which would enable development of the project. The Applicant's project introduction is found on pages 1 and 2 of Exhibit B1 and revised in Exhibit B9. Approvals of Requests C through F are contingent upon

City Council approval of the Comprehensive Plan Amendment and the Zone Map Amendment in case files DB12-0033 and DB12-0034 (Requests A and B).

Applicant: Let me call your attention to several important changes:

- *One unit was eliminated - the southwesterly building now contains only 3-units.*
- *All buildings were re-positioned to meet the 20-foot front yard setback requirement at all locations, eliminating the need for front setback waivers for any of the buildings (the arbor structure in the northern landscape area is now the only thing for which a setback waiver is requested).*
- *The south driveway has been eliminated, following consultation with TVF&R to ensure their access needs are satisfied.*
- *One of the community garden recreational use spaces has been moved to the southwest corner (which will have the best access to sunlight, much sought after by many gardeners).*
- *With a total of 44 off-street parking spaces for 15 dwelling units, the overall parking ratio is 2.93 spaces per unit – one space shy of two times the minimum requirement.*
- *The Site Plan drawing provides area calculations showing that the plan exceeds all applicable landscape/open space requirements.*
- *Similarly, the Tree Plan provides for new tree plantings in excess of the basic mitigation requirements for tree removal.*
- *Site Grading and Utilities Plans have been revised to be consistent with the 15-unit revised Site Plan.*

Current Comprehensive Plan Map Designation: Commercial

Proposed Comp. Plan Map Designation: Residential 10 – 12 units/acre

Zone Map Designation: Planned Development Commercial (PDC).

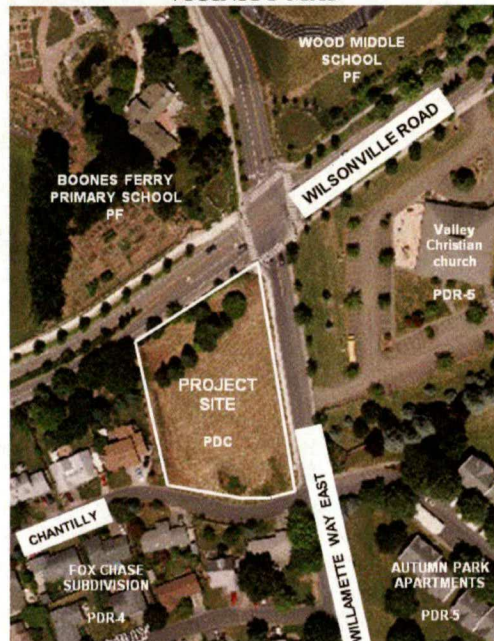
Proposed Zone: Planned Development Residential – 5 (PDR-5)

STAFF RECOMMENDATION: Approve the applications with conditions of approval beginning on page 8 9.

Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon.

The subject site has relatively level terrain with 11 deciduous and coniferous trees at the northerly part of the property.

VICINITY MAP



APPLICABLE REVIEW CRITERIA:

Wilsonville Code Section(s)	Description
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.113 (as applicable)	Standards for Residential Development in Any Zone
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Section 4.131	Planned Development Commercial (PDC) Zone
Section 4.124.5	Planned Development Residential – 5 (PDR-5) Zone
Section 4.140	Planned Development Regulations
Section 4.140.07	Stage I Preliminary Plan
Section 4.140.09	Stage II Final Plan
Section 4.155	Parking
Section 4.167	Access, Ingress and Egress
Section 4.175	Public Safety and Crime Prevention
.	
Section 4.177 (as applicable)	Street Improvement Standards
Section 4.178	Sidewalk and Pathway Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings
Section 4.197.02(A through G)	Zone Map Amendment
Section 4.198.01(A through D)	Comprehensive Plan Map Amendment
Section 4.199	Outdoor Lighting
Sections 4.300 – 4.320	Underground Utilities
Section 4.600 – 4.600.50	Tree Removal
Section 4.620.00 – 4.620.10	Mitigation, Tree Protection

Other Planning Documents:
Storm Water Master Plan
Transportation Systems Plan
Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x.
Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development, 10) Housing, 11) Public Facilities, and 12) Transportation.
Fox Chase Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning, Mike Ward, City Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

BACKGROUND:

The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City’s Comprehensive Plan had not yet been acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was kept in place.

In 1995 and 1996 under Resolutions No.’s 95PC21 and 96DB23 following a controversial process that involved citizen concerns about the proposed retail uses. The Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhouse residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

PROJECT SUMMARY AND RECOMMENDATIONS:

A detailed project introduction and compliance report in support of the application is provided by the Applicant found in Exhibits B1 and B9. The Applicant’s introduction on pages 1 and 2 of

Exhibit B1 adequately describes the project, the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, Staff has relied upon the Applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Request A – Comprehensive Plan Map Amendment

The proposal is to change the 'Commercial' designation on 1.14 acres to 'Residential 10 – 12 dwelling units/per acre'. The adjacent Fox Chase subdivision is designated 'Residential 6 – 7 dwelling units/per acre' and is a detached, single-family house subdivision.

As demonstrated in findings A1 through A27, the proposed Comprehensive Plan Map Amendment meets all applicable requirements on pages 8 and 9 of the Comprehensive Plan and in Section 4.198.01(A through D).

Request B – Zone Map Amendment

The proposal is to change the Planned Development Commercial (PDC) Zone on 1.14 acres to the Planned Development Residential - 5 (PDR-5) Zone. The proposed townhome - residential use is permitted under Wilsonville Code Section 4.124. The proposed Zone Map Amendment would enable the development permitting process.

As demonstrated in findings B1 through B27, the proposed Zone Map Amendment meets all applicable requirements in Section 4.197 subject to compliance with proposed conditions of approval.

Request C – Revised Stage I Preliminary Plan

The Code minimum and maximum densities can be achieved through the proposed Zone Map Amendment together with the proposed revised Stage I Preliminary Plan for the Fox Chase subdivision.

As demonstrated in findings C1 through C60, the proposed revised Stage I Preliminary Plan meets all applicable requirements in Section 4.140.01 through .07.

Request D – Stage II Final Plan

Section 4.140.09(J)(1) Land Use: The location, design, size of the townhome project, both separately and as a whole, are consistent with the proposed Comprehensive Plan designation, and with any other applicable plan, development map or Ordinance adopted by the City Council.

Section 4.140.09(J)(2) Traffic: The location, design, size of the townhome residential use is such that traffic generated by the townhomes can be accommodated safely for up to 13 (2 in 9 out) p.m. peak hour trips of which 7 p.m. peak hour trips through the and I-5/Wilsonville interchange area, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or

immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project and it will maintain LOS 'D', which complies with Subsection 4.140.09(J)(2). It is important to note that the proposed change from Commercial to Residential 10-12 du/ac will result in less traffic impacts to the surrounding areas.

According to the DKS Traffic Analysis in Exhibit B1: *"Because the proposed zone change is expected to result in significantly fewer trips being generated by the project (i.e., 16 p.m. peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under existing zoning), no additional Transportation Planning Rule (TPR) analysis needed since there would be no impacts from the proposed zone change."*

Section 4.140.09(J)(3) Public Facilities and Services: The location, design, size and uses of the proposed townhome project are such that the residents to be accommodated will be adequately served by existing or immediately planned facilities and services.

Emergency Access: Tualatin Valley Fire and Rescue and the Building Division have reviewed the proposed project and have concluded that adequate emergency service can be provided.

Recreational Amenities: The proposed project will provide the requisite 'usable' open space necessary to satisfy the minimum acreage requirement for a project of this size. Proposed are 24,551 sq. ft. (49%) of open space excluding private drives, which comprise of lawn, garden plots, landscaping and walkways for unstructured recreation. This is approximately 1,637 sq. ft. of outdoor area. 3,200 sq. ft. of recreational open space is provided for the 15 dwelling units - in excess of applicable Code minimum 200 sq. ft. per unit or 3,000 sq. ft. total requirement, and meets the minimum 25% of the net site area required in Subsection 4.113.02(A)WDC.

As demonstrated in findings D1 through D50, with conditions of approval referenced therein, the proposed Stage II Final Plan should be approved subject to compliance with proposed conditions of approval.

Request E – Type 'C' Tree Plan

The proposed Type 'C' Tree Maintenance and Protection Plan for the project is in compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00. The Applicant has provided a tree inventory in Exhibit I of Exhibit B1 and has evaluated the project's impact on tree removal and proposed tree mitigation. The Board may approve the Type 'C' Tree Removal Plan based upon this inventory, together with recommended conditions of approval.

The findings in Exhibit I of Exhibit B1 designated eleven (11) regulated trees for removal. Eleven (11) trees were inventoried including four tree species. Of the eleven trees, five are grand firs that have an untreatable insect infestation but the other trees are in good health. Five trees (three bigleaf maples, a red maple and a lodgepole pine) are proposed for protection and retention. Four grand firs and one lodgepole pine are proposed for removal due to poor health or conflicts with construction. One grand fir may survive for several more years but has insect infection.

As demonstrated in findings E1 through E6, with conditions of approval referenced therein, the proposed Type C Tree Plan can be approved subject to compliance with proposed conditions of approval.

Request F, Requested Waivers – Front Yard

The subject site is a corner lot with three front yards and one side yard. See Request F of this report for the detailed discussion of the proposed waiver to allow a trellis structures within the 20 foot front yard setbacks at Wilsonville Road and Willamette Way East. As demonstrated in findings DBF1 through DBF10, staff is recommending that the proposed waiver be approved.

DISCUSSION TOPICS

Housing Density: In this application age restricted rental housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, the City Council approved zone map amendment for Brenchley Estates – North. Council adopted as a finding that the “Applicant voluntarily reduced housing density and imposed age restriction on certain yet to be built and designed units.” For the proposed Fox Center Townhomes the Applicant is not proposing to build the project at the Comprehensive Plan Map density of 10 – 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units or 14 units). Instead the Applicant is seeking to obtain 16 15 dwelling units through Implementation Measure 4.1.4.v; *“Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).”* This would be a net increase of 1.32 dwelling units over the maximum Comprehensive Plan density or 10% of 14 units. However, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is: 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density.

Parking: The Development Code does not have a parking standard which directly addresses senior or age restricted apartments. Table 5: of Section 4.155 identifies 4 types of residential uses. Of the 4 options “Apartments of ten or more units” is most similar to Fox Center Townhomes. The DKS Traffic report in Exhibit B1 did not use “home for the aged” noted under institutional uses as a more applicable use than “Residential Condo/Townhouse” (ITE Code 230). Based on the original request of 16 units the DKS report indicates an average peak parking demand of 1.3 vehicles per dwelling unit, indication that an average demand of 21 parking spaces would be expected for the 16 townhomes. The DKS estimate for the peak parking demand would be slightly lower at 19.5 parking spaces for 15 units.

Based on Table 5 of Section 4.155, the Applicant is required to provide a minimum of 22.5 parking spaces at 1.5 parking spaces per dwelling unit (15 units all 2 bdrm). The Applicant is proposing to provide 44 spaces (29 surface parking spaces and 15 garage spaces), which is 21.5 spaces above the parking minimum. This is approximately 2.93 parking spaces per unit well in excess of the minimum parking requirement. But in order to assure adequate on-site parking the proposed single-car garages must be used for vehicle parking and not storage. See Condition of Approval PDD6. Furthermore, additional parking spaces are available along Willamette Way

East next to the subject property, but based on public testimony at the August 13th public hearing, staff is not recommending off-site street parking. The revised parking plan should satisfy any concern about guest parking demands during holidays or special events. Parking along the east side of Willamette Way East, Wilsonville Road and Chantilly is prohibited. The Valley Christian Church is located across the street to the east providing another possible option if an agreement can be reached.

Bicycle Parking: Based upon the requirement of this section, the Applicant is required to provide a minimum of 15 bicycle parking spaces, one per residential unit. It is not evident from the submittal plans that bicycle parking will be provided. The required 15 bicycle parking spaces must be dispersed throughout the project. This can be accomplished by providing racks for lockable space and/or bikes at a ratio of one bike parking space per garage with bicycles stored on wall mounted hangers. Freestanding bicycle racks shall be designed so that both wheels and bike frame can be secured, See condition PDD3.

Trees: A Tree Report has been prepared by Walter H. Knapp & Associates for trees impacted by the proposed project. Existing trees 6" DBH or larger must be preserved when healthy and compatible with the project design. The Tree Maintenance and Protection Plan in Exhibit I of Exhibit B1 designated eleven (11) regulated trees. Of the eleven trees inventoried it included four tree species (lodgepole pine, bigleaf maple, red maple and grand fir). Of the eleven trees, five are grand firs that have an untreatable insect infestation but the others trees are in good health. Five trees in the northern portion of the site (three bigleaf maples, a red maple and a lodgepole pine) are proposed for protection and retention. Four grand firs and one lodgepole pine are proposed for removal due to poor health or conflicts with construction. One grand fir may survive for several more years but has untreatable insect infection.

Waivers: See Request F of this report for the detailed discussion of the proposed waiver to front yards at Wilsonville Road and Willamette Way East from the PDR-5, 20' minimum setback standard to allow a trellis structure. Staff is recommending that the proposed waiver be approved.

Architecture: Subsection 4.140(.09)C.2.1 for Stage II application submittal requires preliminary building elevations. Exhibits B3, Plan Sheet A3.1 Preliminary Building Elevations and B4, Plan Sheet A3.2 Preliminary Building Elevations meets the standard but the Applicant has not submitted applications for Site Design Review and for signage. It appears that the shed roofs are designed to accommodate solar panels. The Board is not rendering a final decision on the townhome architecture but is encouraged to give design direction.

Sanitary Sewer: Proposed Public Works No. 1 states: *"The sanitary line at Autumn Park Apartment needs to be fixed before adding 16 more units to this line. Sanitary line is already surcharging when the force main kicks on."*

The Deputy City Engineer has indicated that the Autumn Park sanitary sewer project is approved; CIP #2091. It will be constructed this fall or next summer.

Rental/Leasing Office: The Applicant did not indicate a rental/leasing office. Outdoor advertising displays, advertising signs, or advertising structures are prohibited except as provided in Section 4.156WDC for temporary signs.

Safe Routes to Schools: *Steve Adams, Interim City Engineer has testified to the Development Review Board that the future extension of Tonquin Trail would occur on the project side of Willamette Road East as part of a safe route to schools which would be a 10' wide sidewalk improvement within the existing public right-of-way. The Applicant has indicated that they are agreeable to Mr. Adams proposal.*

PROPOSED ADOPTED CONDITIONS OF APPROVAL FOR REQUESTS ‘A’ – ‘F’

The applications and supporting documents are hereby adopted for approval with the following conditions:

PD = Planning Division conditions BD – Building Division Conditions PF = Engineering Conditions. NR = Natural Resources Conditions TR = SMART/Transit Conditions FD = Tualatin Valley Fire and Rescue Conditions PW = Public Works	Request A: DB12-0033 Comp. Plan Map Amendment Request B: DB12-0034 Zone Map Amendment Request C: DB12-0035 Revised Stage I Pre. Plan Request D: DB12-0036 Stage II Final Plan Request E: TR12-0067 Type ‘C’ Tree Plan Request F: DB12-0039 Waiver to front yard setback
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Request A: DB12-0033: Comprehensive Plan Map Amendment

On the basis of findings A1 through A27 this action approves the Comprehensive Plan Map Amendment from Commercial to Residential 10 – 12 du/ac, and forwards this recommendation to the City Council with no conditions of approval.

Request B: DB12-0034: Zone Map Amendment

On the basis of findings B1 through B27 this action approves the Zone Map Amendment from PDC to PDR-5, and forwards this recommendation to the City Council with no proposed conditions of approval.

Request C: DB12-0035: Revised Stage I Preliminary Plan

On the basis of findings C1 through C60. This action approves the revised Stage I Preliminary Plan submitted with this application labeled Exhibit B1, approved by the Development Review Board with one condition of approval, and stamped “Approved Planning Division.” Approval of the Stage I preliminary Plan is contingent on City Council approval of the requests for a Comprehensive Plan Map Amendment and a Zone Map Amendment.

PDC1. The Applicant/Owner shall provide a minimum of one (1) townhome unit for age restricted person(s) age 55 and over. At the time of any building occupancy the Applicant/Owner shall provide the Planning Division the townhome address that will be used for the resident(s) aged 55 and over.

Request D: DB12-0036: Stage II Final Plan

On the basis of findings D1 through D51 this action approves the Stage II Final Plan with this application, approved by the Development Review Board, and stamped “Approved Planning Division” unless altered by a subsequent Board approval, or with minor revisions approved by the Planning Director under a Class I administrative review process. Approval of the requested Stage II Final Plan is contingent upon City Council approval of the request for a Comprehensive Plan Map Amendment and a

Zone Map Amendment.

- PDD1.** Construction and site development shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved by the Board.
- PDD2.** The Applicant/Owner shall provide the general contractor for the project with a copy of the approved plans and conditions of approval adopted by the Development Review Board.
- PDD3.** The Applicant/Owner shall provide a minimum of 15 bicycle parking spaces to be dispersed throughout the project. This condition can be accomplished by providing racks for lockable space and/or bikes at a ratio of one bike parking space per garage with bicycles stored on wall mounted hangers. Freestanding bicycle racks shall be designed so that both wheels and bike frame can be secured. See Finding D23.
- PDD4.** Parking spaces along the boundaries of parking lots shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks. See Finding D20.
- PDD5.** The final design and number of ADA parking shall be reviewed by the Building Division at the time of building permit. This may cause a slight reduction in the number of parking spaces.
- PDD6.** The garages shall be used for vehicle parking and incidental storage. See Finding D22.

Exhibit C1, Engineering Division Conditions:

CONDITIONS OF APPROVAL:

The following conditions of approval are based on the material submitted by the applicant. Any subsequent revisions to the submitted plans may require conditions of approval to be modified by staff.

PFA 1.	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.
PFA 2.	Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:
PFA 3.	No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.

PFA 4. All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

PFA 5. Plans submitted for review shall meet the following general criteria:

- a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
- b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
- c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.

PFA 6. Submit plans in the following format and order for all public works construction to be maintained by the City:

- a. Cover sheet
- b. City of Wilsonville construction note sheet
- c. General construction note sheet
- d. Existing conditions plan.
- e. Erosion control and tree protection plan.
- f. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- g. Grading plan, with 1-foot contours.
- h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility

	<p>crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.</p> <ul style="list-style-type: none"> j. Street k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference l. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference. m. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set. n. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set. o. Composite franchise utility plan. p. City of Wilsonville detail drawings. q. Illumination plan. r. Striping and signage plan. s. Landscape plan.
PFA 7.	Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.
PFA 8.	The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
PFA 9.	of the site will be disturbed a 1200-CN permit from the City of Wilsonville is Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres required.
PFA 10.	To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from the site shall be detained and limited to the difference between a developed 25-year storm and an undeveloped 25-year storm. The detention and outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
PFA 11.	A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to address appropriate pipe and detention facility sizing.
PFA 12.	The applicant shall be in conformance with all water quality requirements for the

	proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
PFA 13.	The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall maintain all LID storm water components and private conventional storm water facilities located within medians and from the back of curb onto and including the project site.
PFA 14.	Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
PFA 15.	The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
PFA 16.	All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
PFA 17.	Sidewalks and pedestrian linkages shall be in compliance with the Department of Justice's ADA Standards for Accessible Design (2010).
PFA 18.	No surcharging of sanitary or storm water manholes is allowed.
PFA 19.	The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
PFA 20.	A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
PFA 21.	The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
PFA 22.	All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
PFA 23.	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with

	driveways on the opposite side of the proposed project site.				
PFA 24.	Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer.				
PFA 25.	Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.				
PFA 26.	Proposed water main into project shall be looped from Willamette Way East to Chantilly Street. Minimum size of Public water main shall be 6-inches in diameter and located within a 15-foot public water line easement which includes the water meters.				
PFA 27.	Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Minor and Major Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.				
PFA 28.	Applicant shall prepare an Ownership and Maintenance agreement between the City and the Owner.				
PFA 29.	<p>Mylar Record Drawings:</p> <p>At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version.</p>				
PFA 30.	<p>Subdivision Plat:</p> <p>Paper copies of all proposed subdivision plats shall be provided to the City for review. Once the subdivision plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision plat.</p>				
	Specific Comments:				
PFA 31.	<p>At the request of Staff, DKS Associates completed a Transportation Review dated May 22, 2012. The project is hereby limited to no more than the following impacts.</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Estimated New PM Peak Hour Trips</td> <td style="text-align: right;">16</td> </tr> <tr> <td>Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td style="text-align: right;">7</td> </tr> </table>	Estimated New PM Peak Hour Trips	16	Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7
Estimated New PM Peak Hour Trips	16				
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7				
PFA 32.	The applicant shall be allowed access to the public right-of-way as shown in the plans dated XXX as follows:				

Full access shall be allowed on Willamette Way East; driveway shall align with existing driveway on east side of roadway.

Access to Chantilly shall be limited to right-in access only, no exit allowed.

PFA 33. The applicant shall provide a \$250 easement fee to the City of Wilsonville for the recording of the required public waterline easement if not recorded on any plat or partition. The fee is to be collected at time of Engineering Permit issuance.

PFA 34. Willamette Way East is a 29-ft wide roadway, therefore by code is allowed to have on-street parking only on one side. The applicant will be allowed on street parallel parking along the west curb line of Willamette Way East in front of proposed development but shall not conflict with existing bus stop. In order to allow this on street parking, the applicant shall install "No Parking" signs along the east side of Willamette Way East directly opposite of the proposed development from Chantilly to Wilsonville Road, and along the west side of Willamette Way East from Wilsonville Road south 100 feet. The parking area will be clearly delineated with individual parking stalls striped on Willamette Way East and lane shift striping just north of the first parking area.

PFA 35. Applicant shall be required to upgrade the ADA ramps located on the southwest corner of Wilsonville Road and Willamette Way East, and the northwest corner of Chantilly and Willamette Way East to meet current ADA requirements.

PFA 36. Applicant shall be required to install a 5-foot sidewalk on property fronting Chantilly.

PFA 37. The applicant shall install "No Exit" signs at both sides of the "Right In" driveway located on Chantilly Street. Signs shall face north toward the parking area of the development.

Engineering Division Conditions:

PFB 1. The applicant has requested a Comprehensive Plan Map Amendment and Zone Change. The Engineering Division has reviewed the completed Transportation Analysis performed by DKS Associates dated May 22, 2012. The conclusion of this analysis is that the proposed zone change from Planned Development Commercial to Planned Development Residential would result in significantly fewer peak hour trips. The proposed project is not expected to impact safety or operations at the study intersection. Based on these findings, no public street mitigations are recommended.

Exhibit C2, Natural Resources Conditions:

The following conditions of approval are based on the material submitted by the applicant. Any subsequent revisions to the submitted plans may require conditions of approval to be modified by staff.

Stormwater Management

- NR1.** Pursuant to the policies and implementation measures of the 2012 Stormwater Master Plan, the applicant shall prioritize the use of Low Impact Development in the design and implementation of the stormwater management system.
- NR2.** Submit a drainage report and drainage plans. The report and plans shall demonstrate proposed stormwater facilities satisfy the policies and standards of the City of Wilsonville's Stormwater Master Plan and Public Works Standards.
- NR3.** Provide profiles, plan views and specifications for proposed stormwater facilities consistent with the requirements of the Public Works Standards.
- NR4.** Pursuant to the Public Works Standards, the applicant shall submit a maintenance plan (including the City's stormwater maintenance and access easement) for proposed stormwater facilities prior to approval for occupancy of the associated development.
- NR5.** Pursuant to the Public Works Standards, access shall be provided to all areas of proposed stormwater facilities. At a minimum, at least one access shall be provided for maintenance and inspection.

Other

- NR6.** Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant shall submit an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
 - a. Gravel construction entrance;
 - b. Stockpiles and plastic sheeting;
 - c. Sediment fence;
 - d. Inlet protection (Silt sacks are recommended);
 - e. Dust control;
 - f. Temporary/permanent seeding or wet weather measures (e.g. mulch);
 - g. Limits of construction; and
 - h. Other appropriate erosion and sedimentation control methods.
- NR7.** The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200-C permit).
- NR8.** Pursuant to the Wilsonville City Code, the applicant is required to provide covered waste and recycling enclosures. A drain is not allowed within the enclosure, and the floor in the enclosure shall be raised to prevent stormwater runoff from entering. The enclosure shall

contain adequate area for proper use of all receptacles. These measures minimize the risk of pollutants entering the public stormwater system.

Exhibit C3, Building Division Conditions and Advisories:

- | | |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BD 1. | FIRE REVIEW. This project was reviewed for compliance with the Fire Code by Deputy Fire Marshal Drew DeBois. That review, dated July 26, 2012, was submitted separately to Planning. No Fire Code issues will be addressed in the following project review. |
| BD 2. | CONDITION. SITE CONDITIONS. It is the responsibility of the applicant to insure that all existing underground utilities, piping, drain systems and easements of any kind are shown correctly on the site plan. |
| BD 3. | CONDITION. A GEOTECH REPORT will be required as part of the grading permit submittal. |
| BD 4. | ADVISORY. THE ACCESSIBLE PARKING SPOT is shown with the access aisle on the driver side of the parking space. The access aisle shall be on the passenger side. |

Exhibit C4, TVFR Conditions:

- FD1. SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1) *Applicable to the parking lot and circulation areas within the campus.*
- FD2. PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3) *Please provide curb striping and marking along the curbing at both the Willamette Way East and Chantilly entrances.*
- FD3. GATES:** Gates securing fire apparatus roads shall comply with all of the following: Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island. Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width. Gates shall be set back at minimum of 30 feet from the intersecting roadway. Gates shall be of the swinging or sliding type. Manual operation shall be capable by one person. Electric automatic gates shall be equipped with a means for operation by fire department personnel. Locking devices shall be approved. Electric automatic gates shall comply with ASTM 220-5 and UL 325. (OFC D103.6) A gate is not shown or otherwise approved.
- FD4. SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or

larger, the required fire flow shall be determined according to IFC Appendix B. (OFC B105.2) *Prior to issuance of a building permit, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure.*

- FD5. FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1) *Two public fire hydrants are located along Willamette Way East.*
- FD6. ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire-fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)
- FD7. PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1).

Exhibit C5, Public Works Department Conditions:

- PW1.** The sanitary line at Autumn Park Apartment needs to be fixed before adding 16 more units to this line. Sanitary line is already surcharging when the force main kicks on.

Request E: TR12-0067: Type ‘C’ Tree Removal Plan.

On the basis of findings E1 through E6, this action approves the Type ‘C’ tree Plan submitted with this application, approved by the Development Review Board, and stamped “Approved Planning Division” for Lot 1. Approval of the Type C Tree Plan is contingent on City Council approval of the request for a Comprehensive Plan Map Amendment and a Zone Map Amendment.

- PDE1.** The Applicant/Owner shall submit an application and fee for a Type ‘C’ tree removal permit, including a final tree removal plan prior to the issuance of a grading permit by the City’s Building Division.
- PDE2.** The Applicant/Owner shall implement the tree mitigation plan as recommended in the arborist report. The City requires mitigation planting when live trees are removed. Six trees measuring at least 2-inches in diameter (#101, 102, 103, 104, 106 and 108) must be planted as mitigation for tree removal at a ratio of at least one tree to be planted for mitigation for each tree to be removed. Table #2 of Exhibit I of Exhibit B1 five replacement trees intended to mitigate the loss of existing trees. Tree # 106 (grand fir) may also be removed over time because it is infested by *balsam woolly adelgid*

with no practical treatment options available.

PDE3. Trees to be planted will meet the requirements of the American Association of Nurseryman (AAN) American Standards for Nursery Stock (ANSI Z60.1) for Grade No. 1 or better.

PDE4. All retained trees from site development shall be protected with a 6' tall chain link fence with metal posts pounded into the ground at 6'-8' centers. Such fences shall be placed at or beyond the drip line of the trees to be protected and shall remain in place until such time as substantial construction is complete or City approval is obtained to remove the trees.

Request F: DB12-0039: Waiver – Front Yard

On the basis of findings F1 through F9, this action approves the waiver to front yards identified in Request F for a trellis structure with no conditions of approval being proposed.

MASTER EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.

Applicant's Written and Graphic Materials:

- B1. Land Use application in a binder notebook and on compact disk, date received July 13, 2012 including; Code compliance/findings. Application, mailing list, introduction/project narrative, Comprehensive Plan Map & Zoning Map Illustrations, neighborhood meeting documentation, compliance reports, Economic Opportunity Analysis Report, Table 1 – Modification of Fox Chase Final Plat/Planned Development Approval, application form, Fox Center Townhomes Tree Maintenance and Protection Plan, Correspondence with Allied Waste Management, legal description, DKS Traffic Report, site plan sheets, conceptual building elevations and arborist's report for requests A through F.

Full Size Drawings/Plan Sheets.

Sheet Number Sheet title

- B2. A1.1: Site Plan
- B3. A3.1 Preliminary Building Elevations
- B4. A3.2 Preliminary Building Elevations
- B5. C1.0 Preliminary Grading Plan
- B6. C2.0 Preliminary Utility Plan
- B7. New Entry Fencing Perspective Illustration
- B8. Applicant's powerpoint presentation at the 8.13.12 DRB meeting.
- B9. The Applicant submitted revised application materials replacing or modifying the items listed in Exhibit B1.
- B10. E-mail, tolling the 120-day review period, dated August 21, 2012.

Development Review Team

- C1. Engineering Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C2. Natural Resources Program Director Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C3. Building Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
- C4. TVFR Conditions, Dated July 26, 2012. Included in this staff report in the Conditions of Approval.
- C5. Public Works Department Condition, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.
SMART Transit, no conditions provided.
- C6. *Engineering Division memorandum regarding Condition PW, Dated August 9, 2012.*

Public Testimony:

Letters (neither for nor Against):
Letters (In Favor): None submitted

Letters (Opposed):

D1. Letter, Robert Meyer dated August 13, 2012.

FINDINGS OF FACT

1. **Existing Site Conditions:** The Applicant has provided a full project description in Exhibit B1. The subject property is currently zoned PDC.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Boones Ferry Primary and Wood Middle School – PF Zone
East	Valley Christian Church
South	Fox Chase Subdivision
West	Fox Chase Subdivision

Natural Characteristics: The relatively level property is 1.14 acres which includes a group of eleven conifer and deciduous trees.

Streets: The subject property is a corner lot with three side fronting Wilsonville Road at the north, Willamette Way East on the east and Chantilly at the south.

Previous Planning Applications Relevant to the subject property: See the background statement on page 3 of this staff report. Also;

83PC09: Fox Chase, Stage I Preliminary Plan (Master Plan)

95PC21: Stage II Final Plan for retail center.

96DB23: Site Design Review for retail center.

2. 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.
3. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
4. The statutory 120-day time limit applies to this application. The application was initially received on June 15, 2012. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the Applicant by letter on June 25, 2012, of missing items. On July 13, 2012, the Applicant submitted additional materials intended to complete the application. On July 16, 2012 the application was deemed complete. On August 13 the Board conducted a public hearing on the subject and continued the public hearing to October 8. The Applicant granted a 56 – day extension which moved the date for issuing the city decision from November 12, 2012 to January 8, 2013. Thus the City must render a final decision for the request, including any appeals, by January 8, 2013.

CONCLUSIONARY FINDINGS

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

REQUEST (A): COMPREHENSIVE PLAN MAP AMENDMENT

Section 4.009: Who May Initiate Applications

- A1.** The property owner through his authorized planning consultant (Lee Leighton) has made application to modify the Comprehensive Plan Map for his property designated "Commercial" to become "Residential 10 – 12 dwelling units/acre."
- A2.** The Applicant has met all applicable filing requirements for a Comprehensive Plan Map Amendment. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to amend the Comprehensive Plan Map will be forwarded as a recommendation to the City Council.
- A3.** Last fall the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to the Applicant there was a favorable reaction to the proposed project. See Exhibit ~~B1~~ of Exhibit ~~B1~~ for the Neighborhood Meeting Documentation.

Standards for Development Review Board and City Council Approval of Plan Amendments. Criteria a through e are found on pages 8 and 9 of the Comprehensive Plan and listed below.

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.**
- A4.** The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.
 - b. The granting of the amendment is in the public interest.**
- A5.** Implementation Measures 4.1.4.b, d, and o speak to the City's desire to see a diversity of housing types and affordability. The Applicant's proposal would add to the diversity of 16 multiple-family townhomes (market rate rent) for persons 55 and over. The project site is currently a vacant parcel with eleven trees which is Lot 1, Block 1 of the Fox Chase residential subdivision, and is presently master planned for a retail commercial use. The property has remained vacant, and since 1983 no viable commercial development has been able to materialize. It has remained off the Clackamas County tax roll for building assessment. The subject property being located at the Willamette Way East entrance to the Fox Chase and Rivergreen subdivisions has a highly visible location. In the professional opinion of staff, the proposed project would enhance the easterly gateway entrance to the Fox Chase and Rivergreen subdivisions.

A6. Policy 4.1.4 and Implementation Measures 4.1.4.f, 4.1.4.l, and 4.1.4.p of the Comprehensive Plan speak to the City's desire to see the development of housing that is affordable to and serves employees working in the City. The proposed 15 townhome project would only slightly increase housing units within the City and it would attract employed or retired persons.

c. The public interest is best served by granting the amendment at this time.

A7. Because of the staggering economy and the national home mortgage crisis, there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. This provides circumstantial evidence that the public interest would be best served by granting the amendment at this time because there is a high demand for multi-family housing. (See finding A8). The proposed Comprehensive Plan Map Amendment is intended to implement the residential objectives of the Comprehensive Plan by providing ~~16~~ 15 new housing units that were not previously available under the "Commercial" designation, thereby creating at a small degree, more diversity in a townhome housing type.

A8. 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. Again, the national trend is to provide multi-family housing which according to the U.S. Commerce Department; *"fewer people bought new homes in December, 2011. The decline made 2011 the worst year for new - homes sales on records dating back nearly half a century to 1963. New-home sales fell 2.2 percent last December to a seasonally adjusted annual pace of 307,000. The pace is less than half the 700,000 that economists say must be sold in a healthy economy. The median sales prices for new homes dropped in December to \$210,300. Builders continued to slash price to stay competitive in the depressed market. A key reason for the dismal 2011 sales is that builders must compete with foreclosures and short sales, when lenders accept less for a house than what is owed on the mortgage. Furthermore, the wave of foreclosures is pushing many families out of their homes and into the rental market. For those increasing numbers of residents and employees that do not qualify to purchase a house, multi-family housing helps fill their housing need."*

Furthermore, the need for more multi-family housing at this time is further demonstrated by a recent article by Elliot Njus, of The Oregonian, dated, April 18, 2012. *"According to the Metro Multifamily Housing Association, which released its latest survey of apartment managers and owners Wednesday, vacancy across the metro area grew to 3.72 percent from 3.34 percent late last year. Rents, meanwhile, climbed 3 percent in the same period, reaching \$1 a square foot per month across the metro area. An average two-bedroom unit now rents for \$771 a month, an increase of \$28 a month compared with six months earlier. The Portland area has one of the lowest rental vacancy rates in the country. Last year, the U.S. Census Bureau and the National Association of Realtors both ranked Portland the second-tightest rental market among the largest metro areas. That's good news for owners of apartment buildings, who can push rents higher without risking empty units. "If you want to live in the moment, the moment is fantastic," Portland economist Jerry Johnson told an audience of housing professionals at the report's release. But the clock is running. High demand for apartments has drawn interest from developers, and*

Johnson said some 6,100 units are in the works. "New product must be rented, and there will be fierce competition," said Maureen MacNabb, the president of Capital Property Management Services Inc. of Portland."

"The bulk of those new apartments are still months or years away. Only 1,700 units will come to market this year, with another 2,700 on track to open in 2013. That lags the region's 15-year historical average of 4,000 new units a year."

Tight rental market

	Average rent per square foot	Average market vacancy rate
Inner and central S.E. Portland	\$1.21	1.4%
Inner and central N.E. Portland	1.13	1.8
S.W. Portland	0.99	2.7
Clackamas	0.93	3.1
Wilsonville / Canby	0.95	3.2
Beaverton	0.95	3.4
Milwaukie	0.94	3.4
Outer S.E. Portland	0.88	3.5
West Vancouver	0.85	3.5
Aloha	0.92	3.7
Tigard / Tualatin / Sherwood	0.92	3.7
N. Portland / St. Johns	1.17	3.8
N.W. Portland	1.44	3.8
Troutdale / Fairview / Wood Village / Gresham	0.90	4.2
East Vancouver	0.87	4.7
Downtown Portland	1.66	5.1
Hillsboro/ North of 26	0.98	5.2
Lake Oswego / West Linn	1.07	5.3
Oregon City / Gladstone	0.85	5.3
Outer N.E. Portland	1.02	6.0

Source: Metro Multifamily Housing Association DAVID BADDERS/ THE OREGONIAN

d. The following factors have been adequately addressed in the proposed amendment: Suitability of the various areas for particular land uses and improvements;

In 2000, the City was at a 9.5% vacancy rate but according to a Metro Multifamily Housing Association report released in April, 2012, the metro area grew to 3.72% vacancy rate from 3.34% from late last year. The report further indicates that Wilsonville had 3.2 percent vacancy rate. Unfortunately, because of the rental housing shortage rent levels are increasing making housing less affordable.

Land uses and improvements in the area;

- A9. The Applicant has satisfied the requirements of the Comprehensive Plan relative to and proposed residential planning density and community design that specifically address the impacts of the proposed development on the provision of franchise and emergency services, and pedestrian and vehicular connectivity.

Trends in land improvement;

- A10.** In Resolution No. 96DB23 the Board approved site development plans for a child day care and retail commercial center. However, those land use approvals ultimately expired. Subsequent developments of Old Town Square (Fred Meyer and retail buildings) together with Lowries MarketPlace have left no real market demand for retail development on the subject site. Thus, in the professional opinion of staff, the highest and best use of the subject property is for a residential use.

Density of development;

- A11.** The adjoining Fox Center subdivision is designated on the Comprehensive Plan as Residential 6 – 7 dwelling units per acre which is medium residential density. Near to the southeast is Autumn Park Apartments with a Residential 10 - 12 dwelling units per acre designation. Adjacent to the east is Valley Christian Church zoned PDR-5 also with a Comprehensive Plan designation of 10-12 du/ac. 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. The March 2012 Development Summary completed by the City indicates that approximately 23% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR).

City Wide Housing Units

Type	New	YTD	Total
Apartment	0	0	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	21	21	3696
Totals	21	21	9081

On the basis of the above inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with

Policy 4.1.4 and its implementation measures that 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.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Tonquin Woods 2 (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total 591 homes.

Property values;

- A12.** As stated in findings A7 through A10 the nationwide recession has caused more foreclosures in home ownership and has resulted in lower property values. The proposed project is located on the last remaining and undeveloped lot (Lot 1) of the Fox Chase subdivision and if this project is approved it will become the last development in Fox Chase to occur since the 1980’s. In the professional opinion of staff, the project having attractive design will increase property values over time.

Needs of economic enterprises in the future development of the area;

- A13.** The subject site is not within an area identified by the City of economic enterprises for future development. The subject site is a remnant lot of the Fox Chase subdivision of only 1.14 acres and is only infill development.

Transportation access;

- A14.** The Traffic Impact Study completed for this project (Exhibit B1), prepared by DKS Associates indicates that the Willamette Way East and Chantilly provides sufficient access for the future residents, emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions.

- A15.** The subject property does not have protected natural resources.
- e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.**

- A16.** The proposal is for a small project comprising 15 townhome units that would not have any apparent conflicts with the applicable Metro requirements. To a lesser degree the proposed project will offset the employment and housing imbalance within the City by rezoning land from commercial to residential. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. In conjunction with the proposed Comprehensive Plan Map Amendment the Applicant in Request B is requesting a Zone Map Amendment from Planned Development

Commercial (PDC) to Planned Development Residential (PDR-5) which corresponds to the proposed Comprehensive Plan Map density of 10 - 12 dwelling units per acre.

Wilsonville Development Code – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:”

Criterion A: “That the proposed amendment meets a public need that has been identified;”

A17. Finding A5 addresses Criterion A. Through the Stage II Final Plan conditions of approval proposed by staff, the project can be adequately served with urban services and would minimize off-site impacts.

The traffic study completed for this project (Exhibit B1), prepared by DKS Associates indicate that the Willamette Way East and Chantilly provides sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Criterion B: That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made.

A18. See Findings A7 through A10. The current Comprehensive Plan designation for the subject property is Commercial. The Zoning Map identifies the subject property as Planned Development Commercial (PDC). The Planned Development Regulations of the Development Code require that properties over two acres result in a Planned Development community. Though the subject property is 1.14 acres less than 2 acres a prior condition of approval for Fox Chase (Resolution 83PC09) requires a Stage II Final Plan for commercial or multi-family residential development on this site. Proposed project has 13.16 dwelling units per gross acre which would be slightly more than the adjacent properties at the west, south, and east that are designated Residential 6 – 7 and 10 – 12 du/ac on the Comprehensive Plan Map.

Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

A19. The Applicable Statewide Planning Goals are;

Goal 1 - Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

A20. In the fall of 2011, the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to Exhibit B of Exhibit B1 (Neighborhood meeting Documentation Notes) there was a favorable reaction to the proposed project.

A21. 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.

A22. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.

Goal 10 - Housing: *To provide for the housing needs of citizens of the state.*

A23. The City of Wilsonville Comprehensive Plan has been acknowledged by the State of Oregon Land Conservation and Development Commission and the Plan is consistent with Title 1 of Metro's Urban Growth Management Functional Plan,

Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

A24. The City of Wilsonville Comprehensive Plan includes a Stormwater Master Plan, Water Master Plan and Wastewater Master Plan all of which have been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

A25. The City of Wilsonville Comprehensive Plan includes a Transportation Systems Plan of which has been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

A26. The project supports the applicable Statewide Planning Goals.

Criterion D: **“That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”**

A27. The Applicant is requesting an amendment of the Comprehensive Plan Map for the subject property. The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.

SUMMARY FINDING FOR REQUEST A:

A28. The Applicant's proposed Comprehensive Plan Map Amendment meets all applicable Comprehensive Plan and Planning and Land Development Ordinance requirements and its approval may be recommended to the City Council.

REQUEST B
DB12-0034: ZONE MAP AMENDMENT

This request is for approval of a Zone Map Amendment from the Planned Development Commercial Zone to the Planned Development Residential – 5 (PDR-5) Zone for 1.14 acres involving Tax Lot 100. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance.

As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Board must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion ‘A’

“That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140.”

B1. The Applicant has provided findings in Exhibits B1 and B9 addressing the Zone Map Amendment criteria, which are included in this staff report as findings for approval. Approval of the proposed Zoning Map Amendment is contingent on approval by the City Council by a City Ordinance.

Criterion ‘B’

“That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text.”

Proposed Comprehensive Plan Designation: Residential 10 - 12 dwelling units per acre.

B2. The subject site is currently zoned Planned Development Commercial (PDC). The Applicant proposes to change the PDC Zone to the Planned Development Residential - 5 (PDR-5) Zone on 1.14 acres to enable development of 15 townhomes for rent. On the basis of Section 4.124.05 (Table 1) the Applicant is seeking the appropriate PDR-5 zone based on the 10 - 12 d.u. per acre Comprehensive Plan Density.

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

B3. The proposed Comprehensive Plan Map designation is Residential 10 – 12 dwelling units per acre. The gross site area of the subject property is 1.14 acres so the maximum Comprehensive Plan density is 13.68 dwelling units. However, the Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124, so the actual maximum density allowed by the PDR-5 zone at 19.9 or 20 dwelling units. An approval of the proposed revised Stage I Preliminary Development Plan is reviewed in Request C of this staff report.

B4. Housing Density: In this application age restricted housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, it involved City Council approval of a zone map amendment for Brenchley Estates – North. Council adopted as a finding that the *“Applicant voluntary reduced housing density and imposed age restriction on certain yet to be built and designed units.”* In this subject application the Applicant is not proposing to build the project at the maximum Comprehensive Plan Map density of 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units). Instead the Applicant is seeking approval for 15 dwelling units through Implementation Measure 4.1.4.v; *“Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).”* This would be a net increase of 1.32 dwelling units over the maximum plan density. In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing, but the Applicant has indicated that all 15 units being proposed will be age restricted housing. Furthermore, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density. See the following table:

Allowed Housing Units under Section 4.124.5:

Table 1: Fox Center Townhouses -Proposed PDR-5 Zone 15 Apartments Units			
Size (Gross Acres)	Net Acres	Total Housing 15 Units	<u>PDR-5</u> 2,500 SF, Maximum Units 4,000 SF, Minimum Units
1.14 acres (49,658 SF), gross site area	1.14 net acres		49,658 SF/2500 = 19.86 units 49,658 SF/4000 = 12.4 units 15 – 12.4 = 2.6 units above minimum zoning density and 4.86 units below maximum zoning density.

Variety/Diversity of Housing

Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City’s desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.

B5. The Applicant’s zone change proposal seeks to enable 15 townhome/apartment units dispersed in 4 buildings. The Applicant’s response findings in Exhibits B1 and B9 to Section 4.198.01(A) speak to the providing for additional multi-family housing in the City, meeting these measures.

Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City’s desire to approve new residential development concurrent with the availability of public facilities.

B6. Water, sanitary sewer, and storm sewer are either available to the proposed site (with appropriate connections) or can be supplied to the project. The Applicant will be constructing a private drive system internal to the site to serve the proposed townhomes.

Implementation Measure 4.1.4.h: “Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.”

B7. The Applicant will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.

Area of Special Concern

B8. The subject property is not located in an area of special concern by the Comprehensive Plan.

Implementation Measure 4.1.4.b – Variety in Housing Type “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.”

- B9.** Implementation Measures 4.1.4.b, d, and o declares the City’s desire to seek a diversity of housing types and affordability. The Applicant’s proposal would add 15 townhomes to the City’s housing diversity. With regard to traffic, through the conditions of approval recommended by staff, the project can be adequately served with urban services designed to minimize off-site impacts the project.
- B10.** Because of the staggering economy and the national home mortgage crisis there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. See findings A9 through A11. This provides circumstantial evidence that there is a demand for more multi-family housing in proposed Fox Center Townhomes. The proposed Zone Map Amendment is to implement the residential objectives of the Comprehensive Plan by providing diversity in housing types. Changing the PDC Zone to the proposed PDR-5 Zone meets IM 4.1.4.b. Adequate public services can be made available to the site. Thus, the Zone Map Amendment together with the proposed Fox Center Townhomes project meets IM 4.1.4.b.
- B11.** Metro’s Urban Growth Management Functional Plan Title 1 of the Urban Growth Management Functional Plan (UGMFP) and the Comprehensive Plan requires 80% maximum density at build-out of any particular parcel. With the revision of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The Applicant is requesting a Zone Map Amendment to Planned Development Residential - 5 (PDR-5) which corresponds to a Comprehensive Plan Map density of Residential 10 - 12 dwelling units per acre. Furthermore, the Applicant’s proposal will fully achieve compliance with the minimum density required at build-out. Metro’s Functional Plan provides that this deficiency is justified, in order to approximate the density of adjacent, surrounding neighborhoods. See the Applicants’ response findings found on pages 17 through 22 of Exhibit B1, and Exhibit B9.
- B12. Section 4.140.09(J)(2) Traffic:** The DKS Associates traffic study completed for the project found in Exhibit B1 indicates existing streets will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan. The proposed zone change is expected to result in significantly fewer trips being generated by (i.e., 16 peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under the existing zoning) the project. The location, design, size and the proposed residential apartments are such that traffic generated by the development can be accommodated safely for up to 13 (9 in 4 out) p.m. peak hour trips of which 7 p.m. peak hour trips through the and I-5/Wilsonville interchange area, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate

traffic capacity to serve the project and it will maintain LOS 'D', which complies with Subsection 4.140.09(J)(2).

According to the DKS Traffic Analysis in Exhibit B1: *“Because the proposed zone change is expected to result in significantly fewer trips being generated by the project (i.e., 16 p.m. peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under existing zoning), no additional Transportation Planning Rule (TPR) analysis needed since there would be no impacts from the proposed zone change.”*

Implementation Measure 4.1.4.d – Diversity of Housing Types “Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms,” and;

Implementation Measure 4.1.4.e “Targets are to be set in order to meet the City’s Goals for housing and to assure compliance with State and regional standards.”

B13. The original, adopted City of Wilsonville Comprehensive Plan Map in 1980, geographically distributed housing density for the purpose of maintaining the balance of housing types and to not concentrate higher density for multi-family housing in a few areas of the City. Historically, with the exception of adding Villebois Village, there have been a few amendments to the Comprehensive Plan Map relative to the geographic distribution of housing density. Through the years the City has approved Comprehensive Plan Amendments that changed Residential to Industrial to enable the development of Canyon Creek Business Park – North, and changed Residential to Industrial on Mentor Graphics property south of SW Boeckman Road (formally part of the Ash Meadows Master Plan residential area). Those plan amendments reduced residential housing density in the City. Otherwise, residential projects that were approved within the City correspond with the Comprehensive Plan Map and with PDR minimum and maximum densities allowed by Land Use and Development Code.

B14. Pages 2 and 3 of the Comprehensive Plan: *“Wilsonville’s planning programs are required to support Metro’s 2040 Regional Framework Plan, and any Functional Plans that are formally adopted by Metro Council. Such Metro plans are intended to direct the region’s urban growth and development.”* *“The residential designations include planned density ranges which have been changed to reflect Metro’s requirement that minimum densities be at least 80% of maximums. In order to meet that requirement, the lower end of the planned density range has been increased and the higher end left unchanged.”* This in effect increases residential density with new development and is expected with the proposed project. Thus, the proposed Zone Map Amendment meets IM 4.1.4.d and 4.1.4.e.

B15. The proposed project offers 15 townhomes for market rate rent housing meeting IM 4.1.4.d. The March, 2012 City Housing Unit Summary indicates 9,060 dwelling units:

City Wide Housing Units

Type	New	YTD	Total
Apartment	324	376	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	10	77	3675
Totals	334	453	9060

On the basis of that inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with Policy 4.1.4 and its implementation measures that 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.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Woods 2 phases I and II (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total of 591 homes.

- B16.** 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. See findings A7 through A11 for the need demonstration for the proposed 15 townhome units. Thus the proposed Zone Map Amendment meets a public need that has been identified for rental housing.

Implementation Measure 4.1.4.v Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting specific needs (e.g., low/moderate income, elderly, or handicapped).

B17. On pages 19 and 20 of Exhibit B1 the Applicant has responded to IM 4.1.4.v but has misinterpreted how the PDR-5 maximum density limitation is determined at one unit per 3,000 SF under Subsection 4.124.5(.01). Per Subsection 4.124.5(.02) the maximum density is $49,658/2,500 \text{ SF/DU} = 19.86$ or 20 units. Per Subsection 4.124.5(.03) the minimum density is $49,658/4,000 \text{ SF} = 12.4$ or 12 units. Proposed are 15 dwelling units which are between 12 and 20. However, the proposed Comprehensive Plan designation of Residential 10 – 12 du/ac, allows 13.68 or 14 maximum units. The Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124WDC, so the actual maximum density allowed by the PDR-5 zone is 19.9 or 20 dwelling units.

B18. In terms of the proposed Residential 10 – 12 dwelling units per acre Comprehensive Plan Map designation for the project is considered medium density. Though this density is higher than its parent Fox Chase subdivision at Residential 6 – 7 du/ac. The Comprehensive Plan on page D-19 identifies Residential 6 – 7 du/ac and 10 – 12 du/ac as “medium density housing areas.” It should also be noted that the adjacent Valley Christian Church property and the Autumn Park Apartments are designated 10 – 12 du/ac.

Implementation Measure 4.1.4.q “The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.”

B19. The Applicant is not proposing to site mobile (manufactured) homes in this application so this criterion is not applicable.

Criterion ‘D’ – Public Facilities: “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

B20. The Deputy City Engineer’s recommended Public Facility (PF) conditions impose further performance upon the Stage II Final Plan application, which requires the Applicant to provide adequate water, drainage and sanitary sewer infrastructure to serve the proposed project. As currently configured, the project satisfies all design requirements regarding needed infrastructure improvements.

Criterion ‘E’ – Significant Resource Overlay Zone: “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abuts the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone.”

B21. The subject property is not designated within the Significant Resource Overlay Zone (SROZ).

Criterion ‘F’ “That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

B22. The Applicant’s submittal documents indicate the intent to develop 15 market rent townhomes after final approvals is obtained from the City within the next year meeting Code.

Criterion ‘G’ “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.”

B23. The Applicant’s proposal, together with the Stage II Final Plan conditions of approval will bring it into compliance with all applicable development standards.

Subsection 4.197(.03) provides that “If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.”

B24. The Applicant has made affirmative findings in Exhibits B1 and B9 to Subsection 4.197.02(A)-(G) meeting Subsection 4.197(.03).

Subsection 4.197(.04) stipulates that the “City Council action approving a change in zoning shall be in the form of a Zoning Order.”

B25. Staff recommends approval of the proposed Zone Map Amendment with no conditions of approval being proposed. A City Council Zoning Order and Ordinance regarding the proposed Zone Map Amendment is required subsequent to contingent approval of the requested companion applications.

Subsection 4.197(.05) provides “In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.”

B26. Staff recommends adoption of these findings to the Development Review Board in review of the application to modify the Zone Map designation from PDC to PDR-5. Upon recommendation of approval by the Board, these will be forwarded to the City Council for final action.

SUMMARY FINDINGS FOR REQUEST B:

B27. The Applicant has demonstrated that the proposed Zone Map Amendment will meet all applicable requirements. Its approval may be recommended to the City Council.

REQUEST C
DB12-0035: PROPOSED REVISED STAGE 1 PRELIMINARY PLAN

The Applicant has provided compliance findings to the applicable criteria (See Exhibit B1). Staff concurs with these findings except where otherwise noted.

C1. The Applicant is requesting approval of a revised Stage I Preliminary Plan (Master Plan for Fox Chase subdivision) depicted in the application notebook (Exhibits B1 and B9). The Fox Chase master planned area comprises 59 residential lots with Lot 1 of Block 1 being the subject property proposed for 15 townhome rental units. Lot 1 abuts Willamette Way East, Wilsonville Road and Chantilly. (See the Vicinity Map in the introductory section of this staff report). The subject property was master planned for future commercial development. This request is being submitted concurrently with applications for a Stage II Final Plan, Site Design Review, Type C Tree Plan and new signage. In particular, see the Stage II compliance, Type 'C' Tree Plan of Exhibits B1 and B9. The elements of the proposed revised Stage I Preliminary Plan can be made to meet all applicable development standards through required conditions of approval.

C2. The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City's Comprehensive Plan had not yet been acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was retained.

In 1995 and 1996 under Resolutions No.'s 95PC21 and 96DB23 the Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhome residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

C3. The proposed project is intended to maximize multi-family density for market rate rental housing. The Applicant's submittal document indicates intent to the construct the project

shortly after final land use approvals are obtained from the City. The Applicant indicates that construction is planned in 2013.

Section 4.140. Planned Development Regulations.

(.01) Purpose.

- A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.**
- C4. Staff finds the proposed revised Stage I Preliminary Plan is consistent with the stated purpose in this section of the Planned Development Regulations.**
- B. It is the further purpose of the following Section:**
- 1. To take advantage of advances in technology, architectural design, and functional land use design:**
- C5. The Applicant's compliance findings in Exhibits B1 and B9 of the Compliance Reports more than adequately addresses this criterion. The project is not designed to be LEED certified but will meet the energy code for building construction.**
- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;**
- C6. The Applicant's compliance finding in Exhibit B1 and B9 of the Compliance Reports more than adequately addresses this criterion.**
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.**
- C7. The integrated design and recreational amenities for the Stage I master plan assures an overall cohesive character and will result in a comprehensive development that is equal to or better than that resulting from individual lot land use development.**
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;**

C8. The proposed revised Stage I Preliminary Plan is responsive to site characteristics such as topography, access and visibility and natural resources. Problems of flood hazard, severe soil limitations, or other hazards are not characteristics of the property.

5. **To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.**

C9. The Applicant is seeking a waiver to the minimum 20 foot front yard Willamette Way East and Wilsonville Road to the development standards of the code for a trellis structure. For the detailed analysis of the waiver request see Request F of this staff report.

6. **To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.**

C10. The development will place low demands on public water, sanitary sewer, storm sewer facilities and streets. All public facilities and services are either available to the site or will be extended in compliance with City of Wilsonville standards. The City Civil Engineer has reviewed the revised Stage I Preliminary Plan and has determined that adequate services and facilities are available or will become available with scheduled City facilities development projects.

7. **To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.**

C11. The project does not comprise of mixed uses so criterion 7 is not applicable.

8. **To allow flexibility and innovation in adapting to changes in the economic and technological climate.**

C12. The Applicant's compliance findings found in Exhibit B1 more than adequately addresses this criterion. The proposed revised Stage I Preliminary Plan responds to the economic changes by creating multi-family units in the City for a growing and aging population.

(.02) Lot Qualification.

- A. **Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.**
- B. **Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned "PD." All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code.**

C13. The Applicant has demonstrated consistency with the purposes and objectives of Section 4.140. The proposed revised Stage I Preliminary Plan comprises 1.14 acres and is proposed to be designated Residential 10 – 12 d.u./ac on the Comprehensive Plan Map and is proposed to be zoned PDR-5.

(.03) Ownership.

A. The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase, with written authorization by the owner to make applications, shall be deemed the owner of such land for the purposes of Section 4.140.

B. Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.

C14. The subject property is currently one tax lot owned by Seema LLC., has authority to make land use and development applications meeting code. The land is not proposed to be divided.

(.04) Professional Design.

A. The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development.

B. Appropriate professionals shall include, but not be limited to the following to provide the elements of the planning process set out in Section 4.139:

- 1. An architect licensed by the State of Oregon;**
- 2. A landscape architect registered by the State of Oregon;**
- 3. An urban planner holding full membership in the American Institute of Certified Planners, or a professional planner with prior experience representing clients before the Development Review Board, Planning Commission, or City Council; or**
- 4. A registered engineer or a land surveyor licensed by the State of Oregon.**

C. One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.

D. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff.

C15. All of the professional disciplines as required by (.04) above were used to prepare the plans and narrative for the consolidated land use applications. Individual firms are listed on the inside cover of the application and represent the following disciplines:

- Licensed architect (Mildren Design Group, P.C.)

- Land use planner with AICP certification (Lee Leighton, AICP of Westlake Consultants Inc.)
- Registered engineer AAI Engineering
- Arborist, Walter H. Knapp & Associates, LLC

Westlake Consultants, Inc. has taken a lead role in conferring with staff with respect to the concept and details of the plans.

(.05) Planned Development Permit Process.

A. All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of any building permit:

- 1. Be zoned for planned development;**
- 2. Obtain a planned development permit; and**
- 3. Obtain Development Review Board, or, on appeal, City Council approval.**

C16. The subject property encompasses 1.14 acres in area. The property within the Fox Chase Stage I and Stage II boundaries is designated 'Commercial' on the Wilsonville Comprehensive Plan Map and is proposed to be amended to the Residential 10 - 12 du/ac. Though the subject property is less than 2 acres a prior condition of approval for Fox Chase requires a Stage II Final Plan for commercial or multi-family residential development. Stage I and Stage II approvals as well as Site Design Review are also being sought in the Applicant's consolidated application.

D. All planned developments require a planned development permit. The planned development permit review and approval process consists of the following multiple stages, the last two or three of which can be combined at the request of the applicant:

- 1. Pre-application conference with Planning Department;**
- 2. Preliminary (Stage I) review by the Development Review Board. When a zone change is necessary, application for such change shall be made simultaneously with an application for preliminary approval to the Board; and**
- 3. Final (Stage II) review by the Development Review Board**
- 4. In the case of a zone change and zone boundary amendment, City Council approval is required to authorize a Stage I preliminary plan.**

C17. A formal pre-application conference was held on October 10, 2011. Additionally, the Applicant's project team has met with staff on a regular basis to refine components of the overall design. The Applicant has elected to combine numerous separate land use applications as allowed by the Wilsonville Code.

C18. The Stage II Final Plan application outlines the improvements included in the more detailed Site Design plans addressed in Exhibit B1 of the consolidated application.

(.06)(B) The applicant may proceed to apply for Stage I – Preliminary Approval – upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.

C19. The proposed townhome residential use contemplated with this request is consistent with the proposed PDR-5 zoning and with the proposed Comprehensive Plan Map designation of Residential 10 – 12 du/ac.

(.07) Preliminary Approval (Stage One):

A. Applications for preliminary approval for planned developments shall:

- 1. Be made by the owner of all affected property or the owner's authorized agent; and**

C20. As described in the findings addressing (.03) Ownership, the Stage I application was authorized by the property owner meeting code.

- 2. Be filed on a form prescribed by the City Planning Department and filed with said Department.**

C21. On June 15, 2012, the Applicant submitted the required application forms and the required fees were received by the City meeting code.

- 3. Set forth the professional coordinator and professional design team as provided in subsection (.04), above.**

C22. The professional design team is described in Finding C15 addressing (.04) above.

- 4. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.**

C23. The application introduction and the Stage I Preliminary Plan application describe and illustrate the land use (townhomes), the amount of land area devoted to the proposed residential use, and their location. See Exhibits B1 *and* B9 of the submittal notebooks for the complete site analysis.

B. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:

C24. A checklist that provides cross-references to the information required by Section 4.035 (Site Development Permits) is included in Exhibits B1 and B9 and is included by reference herein. Staff has reviewed the application and has determined that it includes conceptual and quantitatively accurate representations of the entire Stage I Preliminary Plan sufficient to judge the scope, size, and impact of the development on the community.

- 1. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor.**

C25. The Applicant has provided a boundary survey representing the subject property within the Stage I Preliminary Plan area. This requirement is met.

2. Topographic information as set forth in Section 4.035

C26. Topographic information is shown on the Preliminary Grading Plan, Plan Sheet C1.0 of Exhibit B1 of the consolidated application. One (1)-foot contours are shown as required for sites with slopes up to 5%. This requirement is met.

3. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.

C27. The Comprehensive Plan and Development Code work together to encourage flexibility in the application of regulations to planned Developments. For example, Implementation Measure 4.1.4.v of the Comprehensive Plan notes that densities may be increased through the Planned Development process, and the Planned Development regulations permit the waiver of development standards such as minimum lot area, lot width and frontage; waivers that result in increased density. (Section 4.118(.03)(.4))

C28. The current Comprehensive Plan designation of 'Commercial' and the 'PDC' zoning on the subject property happened in 1980 with the adoption of the City Comprehensive Plan.

In Exhibit B9 the Applicant has provided *a revised* detailed analysis for housing density. The following tables prepared by staff were based upon the Applicant's analysis but is an abbreviated version. The allowable housing density is based upon the PDR-5 Zone:

Table 1: Proposed 15 Townhomes - Zoned PDR-5			
Size (Gross Acres) 1.14 acres (49,654 SF) gross site area.	Total Housing 15 Units	Comprehensive Plan @ 10 – 12 units per acre = 13.68 <i>or</i> 14 units	PDR-5 2,500 SF, maximum units = 19.86 units 4,000 SF, minimum units = 12.4 units

C29. Townhome/apartment residential development is proposed. The "Parking Summary" on the Site Plan provides a detailed analysis.

4. A stage development schedule demonstrating that the developer intends to receive Stage II approval within two (2) years of receiving Stage I approval, and to commence construction within two (2) years after the approval of the final development plan, and will proceed diligently to completion; unless a phased development schedule has been approved; in which case adherence to that schedule shall be considered to constitute diligent pursuit of project completion.

C30. In Request D, the Applicant is seeking approval of a Stage II Final Plan for ~~16~~15 townhomes concurrently with the request for a proposed revised Stage I Preliminary Plan. The Exhibit B1 project introduction of the consolidated application indicates construction of the townhomes in 2013. The Applicant intends to proceed diligently to

completion of the improvements identified in the Stage II Final Plan and Site Design Plans for the project.

5. **A commitment by the applicant to provide in the Final Approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.**

C31. Capital improvements are not anticipated along Willamette Way East, Wilsonville Road and Chantilly.

6. **If it is proposed that the final development plan will be executed in stages, a schedule thereof shall be provided.**

C32. Final development plans will be executed in one stage for the proposed project meeting code.

7. **Statement of anticipated waivers from any of the applicable site development standards.**

C33. The Applicant is requesting one waiver to the 20 foot front yard setback along Wilsonville Road and Willamette Way East for a trellis structure. See Request F for the detailed analysis of the waiver request.

4. Land area within the Significant Resource Overlay Zone may be used to satisfy the requirements for outdoor recreation/open space area consistent with the provisions found in Section 4.113 of the Planning and Land Development Ordinance.

C34. The Applicant is proposing useable outdoor living space that exceeds the minimum 200 sq. ft. per dwelling unit requirement and exceeding the 15% minimum landscape coverage. In the professional opinion of staff the Applicant's evidence meets Subsection 4.139.10(A). See Finding C36.

C35. The project site is outside the Boeckman Creek corridor - SROZ area and it is not within an identified natural hazard, or on an identified geologic hazard. The proposed project will not impact the SROZ.

Section 4.113. Standards Applying To residential developments in any zone.

(.01) Outdoor Recreational Area in Residential Developments.

A. Purpose. The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development. Outdoor recreational area shall be:

1. **Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas. Such outdoor recreational area shall be provided consistent with the requirements of this Section.**
2. **Recreational areas shall be provided in keeping with the needs of the prospective tenants and shall not be located in required yards, parking, or maneuvering areas, or areas that are inaccessible. Standards for outdoor recreational areas may be waived by the Development Review Board upon**

finding that the recreational needs of the residents will be adequately met through the use of other recreational facilities that are available in the area.

3. In mixed-use developments containing residential uses, the Development Review Board shall establish appropriate requirements for outdoor recreational area, consistent with this Section.
4. The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development. Multi-family developments shall provide at least the following minimum recreational area:
 - a. For ten (10) or fewer dwelling units, 1000 square feet of usable recreation area;
 - b. For eleven (11) through nineteen (19) units, 200 square feet per unit;
 - c. For twenty (20) or more units, 300 square feet per unit.
5. Outdoor recreational area shall be considered to be part of the open space required in the following subsection.

C36. The proposed project will provide the requisite 'usable' open space necessary to satisfy the minimum acreage requirement for a project of this size. Proposed are 24,551 sq. ft. (49%) of open space excluding private drives, which comprise of lawn, garden plots, landscaping and walkways for unstructured recreation. This is approximately 1,637 sq. ft. of outdoor area. 3,200 sq. ft. of recreational open space is provided for the 15 dwelling units - in excess of applicable Code minimum 200 sq. ft. per unit or 3,000 sq. ft. total requirement, and meets the minimum 25% of the net site area required in Subsection 4.113.02(A)WDC.

(.02) Open Space Area shall be provided in the following manner:

- A. In all residential subdivisions including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots, ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space.

Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.

Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1) through (5). [Amended by Ord. 589 8/15/05]

C37. The current Stage I Preliminary Plan for Fox Chase was approved for 59 single-family detached houses. A private park (Tract F) of approximately 2 acres was developed for Fox Chase in accordance with the requirements of a previous zoning code. Opposite the site to the north are large areas of public open space and recreational fields associated with the Metro Grahams Oak Nature Park, Boones Ferry Primary School and Inza Wood Middle School recreation fields.

B. **Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.**

C38. The open space provided for the proposed 15 townhomes is intended to be owned and maintained by the property owner.

C. **The Development Review Board may specify the method of assuring the long term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance is the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.**

C39. The open space provided for all of the residential units is intended to be owned and maintained by the owner and does not need review by the City Attorney prior to recordation.

(.03) Building Setbacks (for Fence Setbacks, see subsection .08)

C40. See the response findings in Request F and the Applicant's *revised* findings in Exhibit ~~B1~~ **B9**. The minimum front yard setback of the proposed PDR-5 zone is 20 feet, 10 feet side and 20 feet rear measured from property line for lots greater than 10,000 square feet which is the case here. In order to fit the townhomes within the site with no waivers to minimum building setbacks the revised buildings were shifted west closer to the ten (10) foot side yard setback. In a separate application for Site Design the Applicant has indicated that they will plant trees to help buffer the project from the adjacent single-family residential house.

(.04) Height Guidelines: The Development Review Board may regulate heights as follows:

- A. **Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.**
- B. **To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.**
- C. **To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.**

C41. TVFR has reviewed the proposed plans and can provide fire protection and emergency services to the project. The project has been designed to comply with these criteria. The proposed 2-story townhomes are designed to be generously set back from SW Wilsonville Road with intervening landscaping or existing trees and open space to buffer the buildings meeting code. Development in the PDR – 5 Zone is subject to a maximum 35 foot height limit. Proposed is 21.5’ maximum building height for the townhomes meeting code.

(.05) Residential uses for treatment or training.

C42. Residential treatment facility or residential home, as defined in Section 4.001.238 of the Wilsonville Development Code, is not proposed as a part of this master plan. This section is not applicable.

(.06) Off Street Parking: Off-street parking shall be provided as specified in Section 4.155.

C43. Surface and garage parking is provided at grade next to all of the proposed townhomes. (See Request D for the detailed parking analysis).

(.07) Signs: Signs shall be governed by the provisions of Section 4.156.

C44. The Applicant will be submitting a separate application for signs, which is not part of this review.

(.08) Fences:

C45. The existing wood fence along SW Wilsonville Road was installed as part of the Fox Chase subdivision. Attached to it are two wood signs identifying the Fox Chase and Rivergreen subdivisions. The Applicant has indicated that the existing Fox Chase and Rivergreen signs that are mounted on the fence at the corner of Wilsonville Road and Willamette Way East will be removed. The wood fence along Wilsonville Road will be partially removed and replaced with new entry fencing. See Exhibit B7. The Applicant has indicated to staff that they could not find any agreements obligating him to preserving the fence and signs. Existing is an older wood fence along the west side of the subject property that was installed by the adjacent homeowner and will remain in place. The Applicant proposes to replace a segment of the fence with a trellis and is seeking a waiver from the 20’ front yard setback.

(.09) Corner Vision: Vision clearance shall be provided as specified in Section 4.177, or such additional requirements as specified by the City Engineer.

C46. The proposed townhomes are sufficiently set back from public streets to allow appropriate vision clearance at the existing driveways meeting code.

(.10) Prohibited Uses:

C47. No prohibited uses are proposed.

(.11) Accessory Dwelling Units.

C48. Accessory dwelling units are not proposed.

(.12) Reduced Setback Agreements.

C49. Subsection .09 provides an allowance for zero setbacks at the discretion of the neighboring landowner which is not being requested with this application.

(.13) Bed and Breakfasts.

C50. A Bed and Breakfast is not proposed as a part of this development.

(.14) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used 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. However, consideration of these factors shall not prevent the Board or Planning Director from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.

C51. This section provides procedural guidance to the Planning Director and Development Review Board, for which no finding of compliance is necessary at this time.

Subsection 4.140 (.07)B.: The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:

C52. The Applicant has submitted a boundary survey including topographic information completed by a licensed surveyor meeting code. See Exhibit B1.

C53. The Applicant has submitted a tabulation of the proposed land use (Exhibit B1). A more detailed analysis of the proposed development will occur as a part of the Stage II Final Plan (Request D) application. The Applicant is proposing multi-family residential use (townhomes) which is allowed in the PDR – 5 Zone.

C54. The Applicant is seeking Stage II Final Plan approval for the project concurrent with the

request for a Stage I Preliminary Plan meeting code meeting code.

Section 4.118. Standards applying to all Planned Development Zones:

(.01) Height Guidelines: In “S” overlay zones...

The project site is not within an “S” overlay zone; therefore, this provision does not apply.

(.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

C55. Public Utilities were installed as part of SW Wilsonville Road and Willamette Way East improvements. Thus, the Applicant proposes to utilize existing utilities within those streets. None of the proposed utilities will be located above ground.

(.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140 and based on findings of fact supported by the record may:

A. Waive the following typical development standards:

3. Height and yard requirements;

C56. The proposal does not include a request for a waiver to the building height requirement.

Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and

C57. The site has been designed to comply with the regulations of Section 4.140. Open space and landscaping and screening are designed to respect lot lines.

Section 4.167. General Regulations - Access, Ingress and Egress.

C58. Proposed is one vehicular access driveway at Willamette Way East.

Section 4.171. General Regulations – Protection of Natural Features and Other Resources.

C59. All grading, filling and excavating on the project site will be done in accordance with the Uniform Building Code. See Plan Sheet C1.0.

C60. A Tree Report has been prepared by Walter H. Knapp & Associates, LLC for impacted by development, addressing existing trees within the proposed project site. Existing trees 6” DBH or larger must be preserved when healthy and compatible with the project design. The Preliminary Tree Removal/Preservation Plan in Exhibit B1 for the proposed development designates eleven regulated trees for removal. Five of those trees are proposed for protection and retention. Tree mitigation is proposed in the form Table 2 of Exhibit I of Exhibit B1.

REQUEST D
DB12-0036: STAGE II FINAL PLAN

D1. The Applicant has provided compliance findings to the applicable criteria (in Exhibit B1). Staff concurs with these findings except where otherwise noted.

Proposed Fox Chase Townhomes, Stage II Final Plan – 15 Apartment Units			
Area	Size (Sq. Ft.)	Size (Acres)	% of Total Site
Building Footprints	11,420 SF		23%
Paving Coverage, Drives	25,125 SF		28%
Open Space, Landscape Sidewalks	24,551 SF		49%
		1.14 AC	100%

The relevant Stage II Final Plan review standards are the following:

ZONING, Sections 4.100-4.141

Subsection 4.140.09(J): A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the planned development regulations in Section 4.140.

Subsection 4.140.09(J) – Stage II Final Plan approval

Subsection 4.140.09(J)(1-3) stipulates the following criteria for Final Plan approval:

- 1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.**
- 2. That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.**
- 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.**

Additionally, Subsection 4.140.09(J)(1) states: The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

Subsections 4.140.09(C-F): Stage II Final Plan

D2. The Applicant's submittal documents provide sufficient detail to satisfy the requirements of Section 4.140.09(C) & (D). These criteria are met.

Comprehensive Plan and Zoning: Planned Development Residential zone

D3. With an approval of the proposed Zone Map Amendment the subject property will have the PDR-5 zone. The proposed Comprehensive Plan designation discussed in request a of this staff report to become 'Residential 10 - 12 dwelling units per acre'.

Subsection 4.118.03(B): Waivers.

D4. The Applicant is seeking a waiver to the front yard setback for a trellis structures at Wilsonville Road and Willamette Way East. See Request F for the detailed analysis of the proposed waiver.

Subsection 4.113: Standards Applying to Residential Developments in any Zone:

Subsection 4.113 provides for the required open space in new residential developments. In addition, Implementation Measures 4.1.5.d, 4.1.5.j, and 4.1.5.k speak to the Comprehensive Plan's desire to create and conserve open space in the City for specified objectives.

Subsection 4.113.02(A) – Outdoor Recreational Area - Standards Applying To Residential Developments In Any Zone.

(.01) Outdoor Recreational Area in Residential Developments.

A. Purpose. The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development. Outdoor recreational area shall be:

- 1. Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas. Such outdoor recreational area shall be provided consistent with the requirements of this Section.**
- 2. Recreational areas shall be provided in keeping with the needs of the prospective tenants and shall not be located in required yards, parking, or maneuvering areas, or areas that are inaccessible. Standards for outdoor recreational areas may be waived by the Development Review Board upon finding that the recreational needs of the residents will be adequately met through the use of other recreational facilities that are available in the area.**
- 3. In mixed-use developments containing residential uses, the Development Review Board shall establish appropriate requirements for outdoor recreational area, consistent with this Section.**
- 4. The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development. Multi-family developments shall provide at least the following minimum recreational area:**
 - a. For ten (10) or fewer dwelling units, 1000 square feet of usable recreation area;**
 - b. For eleven (11) through nineteen (19) units, 200 square feet per unit;**
 - c. For twenty (20) or more units, 300 square feet per unit.**
- 5. Outdoor recreational area shall be considered to be part of the open space required in the following subsection.**

(02) Open Space Area shall be provided in the following manner:

A. In all residential subdivisions including subdivision portions of mixed use Development where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space. For subdivisions with less than 25% SROZ lands and those with no SROZ lands, the minimum requirement shall be ¼ acre of usable park area for 50 or less lots ½ acre of usable park area for 51 to 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. Front, side and rear yards of individual residential lots shall not be counted towards the 25% open space.

Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots. The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways. Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.

Multi-family developments shall provide a minimum of 25% open space excluding streets. Open space must include, as a minimum natural areas that are preserved under the City's SROZ regulations, and outdoor recreational area as provided in 4.113(.01)(A)(1) through (5) [Amended by Ord. 589 8/15/05]

- B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.**
- C. The Development Review Board may specify the method of assuring the long term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.**

D5. See findings C36 – C39 of this staff report. The Stage II Final Plan will provide the requisite 'usable' open space necessary to satisfy the minimum acreage requirement for a project of this size.

D6. The subject property is in a single fee simple ownership. Thus, site and building protection or maintenance is the responsibility of the property owner.

Subsection 4.113(.07) – Fences

D7. See finding C45.

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

(.02) General Provisions:

- G.** The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.
- D8.** The proposed parking areas are located within one hundred (100) from each townhome unit, thus this code criterion is satisfied.
- J.** Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- D9.** The submitted plans indicate that concrete curbing will be provided, however the Applicant must install bumper guards to prevent any portion of a vehicle within a parking lot from extending over sidewalks. With proposed condition PDD4 this can be accomplished.
- K.** All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as "grasscrete" in lightly-used areas, that is found by the City Engineer to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City Engineer, shall be provided.
- D10.** Asphalt/concrete surface is proposed for parking and drives. This code criterion is satisfied.
- L.** Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- D11.** The City recently passed an outdoor lighting ordinance (Dark Sky), Ordinance #649, which implemented Section 4.199.50 into the Development Code. A more in depth discussion regarding Section 4.199.50 will be reviewed in a separate application for Site Design which is not part of this staff report.
- N.** Compact car spaces.
- D12.** Ten compact spaces are proposed with this project, eleven compact spaces are allowed.
- O.** Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planting areas adjacent to said curbs shall be increased to a minimum of seven

(7) feet in depth. This standard shall apply to a double row of parking, the net effect of which shall be to create a planted area that is a minimum of seven (7) feet in depth.

D13. The Site Plan shows conceptually the proposed planting areas are at least seven (7) feet in depth. This provision is therefore satisfied. In addition, consistent with Section 4.155(.02)J., the Applicant must provide wheel stops in those areas that don't. With proposed condition PDD4 bumper guards must be provided.

(.03) Minimum and Maximum Off-Street Parking Requirements:

A. Parking and loading or delivery areas shall be designed with access and maneuvering area adequate to serve the functional needs of the site and shall:

D14. The main and only vehicle access points to the site ~~are~~ *is* at Willamette Way East. On-site Circulation within the site was reviewed by the City's Traffic Consultant, DKS & Associates and there were no significant concerns. Staff further finds the site plan is designed with access and maneuvering areas adequate to serve the functional needs of the site.

D15. Pedestrian access to the site will be taken from the sidewalk on Willamette Way East and via internal walkways meeting code.

B. Parking and loading or delivery areas landscaping requirements

D16. Parking Lot Landscaping as a Percentage: Proposed is 10% of the parking lot will be landscaped meeting code.

D17. Parking Areas Visible from the Right-of-Way: The proposed landscape treatment must provide adequate screening of parking areas at Wilsonville Road, Willamette Way East and Chantilly. This will be reviewed in a separate application for Site Design.

D18. Parking Areas Visible from Adjacent Properties: The proposed parking areas will be partially visible to SW Wilsonville Road, SW Willamette Way East and Chantilly. The Applicant must provide a Landscape Plan to demonstrate landscaping will be provided around the perimeter of the project site with low to medium shrubs consistent with that standard. This will be reviewed in a separate application for Site Design.

D19. Landscape Tree Planting Areas: The Applicant must provide a Landscape Plan to demonstrate that most of the proposed planting areas are a minimum of eight (8) feet in width. The code further requires that the Applicant provide one (1) tree per (8) parking spaces. The Applicant is proposing 29 surface parking spaces, which at one tree per eight spaces would require 3 to 4 trees. This will be reviewed in a separate application for Site Design.

Subsection 4.155(.03)B.4: Parking for ADA

D20. Based on the requirement of one ADA-accessible parking space for every fifty (50) standard spaces, the Applicant is required to provide minimum one (1) ADA compliant

parking space. However, since this project is proposed for persons 55 years and over the proposed single ADA parking space may be inadequate from a practical point of view. The Building Division has also indicated that Section 502.8 Relationship to Accessible Routes of ANSI A117.1 – 2003 Accessibility Code indicates parking spaces and access aisles must be designed so that cars and vans, when parked, cannot obstruct the required clear width of adjacent accessible routes. Proposed are seven foot wide sidewalks at the main pathways. Final design of ADA parking is reviewed by the Building Division. See condition PDD4.

Subsection 4.155(03)B.5.: Connection of Parking Areas

D21. The subject site not part of complex of buildings envisioned for shared parking with adjacent properties. Thus, the Applicant is providing all of the needed parking on-site. This provision will be satisfied subject to the DRB approving the proposed parking plan.

Subsection 4.155(03)B.6-8 and Table 5: Parking Standards.

D22. Plan Sheet A1.1 provides a table for parking provisions. Proposed are age-restricted townhome apartments. The Development Code does not have a parking standard which directly addresses senior or age restricted apartments. Table 5: of Section 4.155 identifies 4 types of residential uses. Of the 4 options “Apartments of ten or more units” is most similar to Fox Center Townhomes. The DKS Traffic report in Exhibit B1 did not use “home for the aged” noted under institutional uses as a more applicable use than “Residential Condo/Townhouse” (ITE Code 230). Based on 16 units the DKS report indicates an average peak parking demand of 1.3 vehicles per dwelling unit, indication that an average demand of 21 parking spaces would be expected for the 16 townhomes. Adjusted for 15 units the average demand is 19.5 spaces. Based on Table 5 of this Section 4.155, the Applicant is required to provide a minimum of 22.5 parking spaces at 1.5 parking spaces per dwelling unit (15 – 2 bdrm units). The Applicant is proposing to provide 44 spaces (29 surface parking spaces and 15 garage spaces), which is 21.5 spaces above the parking minimum. This is approximately 2.93 parking spaces per unit. But in order to assure adequate on-site parking the proposed garages must be used for vehicle parking. See Condition of Approval PDD6. Additional parking spaces are available along Willamette Way East next to the subject property, however, public testimony at the August 13th public hearing discouraged parking for traffic safety concerns. Parking along the east side of Willamette Way East, Wilsonville Road and Chantilly is prohibited.

Proposed Bedrooms Count:

15 two bedroom units

Subsection 4.155(03)B.6-8 and Table 5: Parking Standards.	OFF –STREET PARKING REQUIREMENT	Code minimum: Apartments of ten (10) or more units.
Parking Required Per MF Unit	# of units	Parking Spaces Required
1.25 spaces/1 BDR MF Unit	0	0
1.5 spaces/2 BDR MF Unit	15	22.5
1.75 spaces/3 BDR MF Unit	0	0
TOTAL		22.5

Parking Maximum: No limit

OFF - STREET PARKING PROPOSED:	
SURFACE STANDARD	18
SURFACE COMPACT	10
SURFACE ADA	1
GARAGE STANDARD	15
TOTAL	44

D23. Bicycle Parking: Based upon the requirement of this section, the Applicant is required to provide a minimum of 15 bicycle parking spaces, one per residential unit. It is not evident from the submittal plans that bicycle parking will be provided. The required 15 bicycle parking spaces must be dispersed throughout the project. This can be accomplished by providing racks for lockable space and/or bikes at a ratio of one bike parking space per garage with bicycles stored on wall mounted hangers. Freestanding bicycle racks shall be designed so that both wheels and bike frame can be secured, See condition PDD3.

Subsection 4.171. General Regulations – Protection of Natural Features and Other Resources

(.02) General Terrain Preparation:

D24. There are no environmental features on the subject property to protect (natural forest or SROZ).

(.03) Hillsides:

D25. The project-development site is relatively level and does not contain slopes greater than 25%; therefore, this code criterion is not applicable.

(.04) Trees and Wooded Areas.

D26. The proposed Type ‘C’ Tree Removal Plan is in compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00. The Applicant has provided a tree inventory in Exhibit B1 and has evaluated the project’s impact upon tree removal, and proposed tree mitigation. The Board may approve the Type ‘C’ Tree Removal Plan based upon this inventory, together with recommended conditions of approval.

(.05) High Voltage Power Line Easements and Rights of Way and Petroleum Pipeline Easements:

D27. The subject site is not encumbered by high voltage power line easements and right-of-way or petroleum pipeline easement; therefore, this provision is not applicable.

(.06) Hazards to Safety:

D28. The project site is not located within a soil or geological hazard area. Review of the building plans and public works permit will ensure that best engineering practices are maintained.

Subsection 4.177(.01)A-B. Street Improvement Standards.

D29. The project site will have private drives and not involve on-site public street improvements. The project site fronts SW Wilsonville Road which is a Minor Arterial. Subsection (.01) C. 3, require a special setback for properties adjacent to all arterial streets. A minimum setback of 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater is required to allow for future widening. The current street section for SW Wilsonville Road meets Figure 4.20 of the 2003 Transportation System Plan provides a street section depicting two (2), 12 foot thru lanes, a 14 foot turn lane/median, 6 foot bike lanes, and 8.5 foot planter strip and 5 foot sidewalks.

D30. The required Right of Way is 71 to 77 feet. The proposed townhomes are more than 55 feet from the centerline and are not closer than 25 feet from the right-of-way meeting code. The City Engineer's Public Facilities conditions require that all right-of-way dedications, easements and street improvements are to be completed to the requirements of the City's 2003 Transportation System Plan but no improvements are expected.

D31. The subject site also fronts on Willamette Way East, which is identified in the Transportation System Plan (TSP) as a Residential Street with on-street parking within a required Right of Way of 47 to 51 feet.

D32. Bicycle Network: Regarding the bicycle network, due to its projects frontage with SW Willamette Way East it currently provides east-west bicycle lanes along its frontage.

Subsection 4.177.01(E): Access drives and lanes.

D33. Proposed are a full turning movement driveway at Willamette Way East and a right-in driveway at Chantilly because Chantilly is a one-way road.

Subsection 4.177.03(.01)I: Corner or clear vision area.

D34. This site plan is acceptable but must maintain a minimum 250 feet sight distance based on SW Willamette Way East 25-mph speed limit. The final clear vision areas and vertical clearance will be reviewed by the City Engineering Division to assure compliance with the Section 4.177.

Section 4.175: Public Safety and Crime Prevention

D35. The Clackamas County Sheriff Department and Tualatin Valley Fire and Rescue provide emergency services for the City. Proposed townhomes are positioned for easy on-site surveillance and next to SW Willamette Way East providing opportunity for clear on/off-site security views. Proposed parking lots can be easily viewed by the City Police

Department. Curbs must be painted and/or signs installed for no parking near the hydrants. This provision is satisfied.

TRAFFIC

Subsection 4.140(.09)(J)(2): Traffic Concurrency. “That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.”

Additionally, Subsection 4.140(.09)(J)(2)(a)(ii) requires that the traffic study performed to determine whether a proposed project will generate traffic in excess of Level of Service D (LOS D) look at “what impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic.”

D36. The DKS traffic report estimated that the PM peak hour trips to and from this project would use the I-5/Wilsonville Road interchange (Wilsonville Road between SW Boones Ferry Road and Town Center Loop West).

D37. At the request of Staff, DKS Associates completed a Transportation Impact Study dated May 22, 2012 that is included in Exhibit B1. The project is hereby limited to no more than the following impacts.

Estimated PM Peak Hour Trips:	13
Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	7

D38. The location, design, size and residential use are such that traffic generated by the proposed project can be accommodated safely for up to 7 p.m. peak hour trips through the I-5/Wilsonville interchange area and without congestion in excess of level service "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project and it will maintain LOS ‘D’, which complies with Subsection 4.140.09(J)(2).

D39. Proposed are private drives and pedestrian ways to access the townhomes.

Subsection 4.177.01(B): Sidewalk Requirements

D40. The proposed pedestrian circulation plan is found on the Preliminary Site Plan Sheet A1.1 in Exhibit B1 meeting this criterion.

D41. Except for Chantilly of which a five wide sidewalk is proposed, sidewalks adjacent to the site and linkage are consistent with the Transportation Systems Plan. The current constructed section of Wilsonville Road includes 5' wide sidewalks, curbing and 5' bike lanes. *Steve Adams, Interim City Engineer has testified that the future extension of Tonquin Trail would occur on the project side of Willamette Road East as part of a safe route to schools which would be a 10' wide sidewalk improvement within the existing public right-of-way. The Applicant has indicated that they are agreeable to Mr. Adams proposal.*

Subsection 4.140.09(J)(3) Public Facilities stipulates, "That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

D42. The proposed project has available to it, or will be required to make available to it, adequate facilities to serve the project.

Sanitary Sewer

D43. The existing site is served by an 8" public system in Chantilly. All sanitary sewer and storm sewer pipelines and appurtenances located within City ROW, including laterals and service lines to the edge of the ROW, should be owned and maintained by the City. Ownership transfer shall be in a form acceptable to the City and must be concurrent with final release of warranty on the improvements. All laterals and service lines beyond the ROW line must remain the ownership and maintenance responsibility of the development.

Proposed Public Works No. 1 states: *"The sanitary line at Autumn Park Apartment needs to be fixed before adding 16 more units to this line. Sanitary line is already surcharging when the force main kicks on."*

The Deputy City Engineer has indicated that the Autumn Park sanitary sewer project is approved; CIP #2091. It will be constructed this fall or next summer.

Water

D44. The subject site is connected to 6" public system in SW Willamette Way East.

Storm Sewer

D45. The subject site is served by a private storm water system connected to the 8" and 10" public system in Chantilly and Willamette Way East. The Applicant has the responsibility to fund and install all necessary storm water facilities to meet the requirements of the City's Storm Water Master Plan. The final design and installation of

storm water facilities will require a public works permit from the City's Engineering Division.

Public Services

D46. Staff has requested comment with public service providers (e.g., Sheriff, Tualatin Valley Fire & Rescue, South Metro Area Rapid Transit (SMART), etc.) within the City about the potential of providing service to the subject project. Any comments received from those agencies will be embodied in the conditions of approval.

Semi-Public Utilities

D47. The Applicant will need to consult with the private utility providers (e.g., gas, electric, cable, waste collection, etc.) within the City about the potential of providing service to the subject project.

D48. Schools: Within Wilsonville, the West Linn/Wilsonville School District there has two primary schools; Boones Ferry and Boeckman Primary; Inza Wood Middle school and Wilsonville High School. The new Lowrie Primary School in Villebois will be open for the 2012 school year. The proposed age restricted project will likely not have children attending schools.

D49. Prior to the issuance of building permits by the City, the Applicant shall be responsible for paying all applicable systems development charges (SDCs) for the proposed project including supplemental street SDCs for future improvements to Wilsonville Road/I-5 interchange.

Subsection 4.140(.09)(I): Duration of Stage II Approval

D50. Approval of the Stage II Final Plan will expire two years after the approval date, if substantial development has not occurred on the property in that time. The DRB may grant three (3) one-year extensions to this approval upon findings of good faith efforts to develop the property per this code criterion.

D51. Transit: The subject property is close to stop C on the *SMART* Wilsonville Road transit line.

REQUEST E
TR12-0067: TYPE 'C' TREE PLAN

- E1.** The Applicant has provided compliance findings to the applicable criteria (Exhibit B1). Staff concurs with these findings except where otherwise noted.

Section 4.600 – Tree Preservation and Protection

(.50) Application for Tree Removal Permit

- (.02) Time of Application: Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in WC 4.600.40 (1)(B) above. Where the site is proposed for development necessitating site plan or plat review, application for a Tree Removal Permit shall be made as part of the site development application as specified in this subchapter,**

Also Subsection 4.610.40: Type C Permit

- E2.** The tree compliance findings and report are found on page 26 and Exhibit I of Exhibit B1. The Tree Report/Survey was provided by Walter Knapp, ISA Cert #PN-0497A and Morgan Holen, ISA Cert #PN-6145A. The Tree Report documents the condition, viability, and which trees will be retained on the site and which will be removed because of construction or condition on the project site. The survey that was provided by the arborist lists tree species, size, condition and recommended treatment. The recommended treatments were based on tree characteristics as well as location within the site. The report divides the inventoried trees into three categories: 1) those to be removed, 2) those to be preserved, and 3) those trees as situational but disposition is uncertain pending further assessment.
- E3.** The Applicant's tree report all of the existing trees within the construction impact areas on the entire project site but the Applicant intends to develop the site comprising 16 apartment units,
- E4.** Existing trees 6" DBH or more must be preserved when healthy and compatible with the project design. Native species of trees and trees with historical importance shall be given special consideration for retention of which no Oregon white oaks, native yews, or any other significant species are present on the site. The Tree Maintenance and Protection Plan in Exhibit I of Exhibit B1 designated eleven (11) regulated trees. Of the trees inventoried it includes four tree species (lodgepole pine, bigleaf maple, red maple and grand fir). Of the eleven trees, five are grand firs that have an untreatable insect infestation but the others trees are in good health. Five trees in the northern portion of the site (three bigleaf maples, a red maple and a lodgepole pine) are proposed for protection and retention. Four grand firs and one lodgepole pine are proposed for removal due to poor health or conflicts with construction. One grand fir may survive for several more years but has untreatable insect infection.

Subsection 4.620.00: Tree Relocation, Mitigation, or Replacement

E5. The City requires mitigation planting when live trees are removed. Five to six trees measuring at least 2-inches in diameter must be planted as mitigation for tree removal. Tree mitigation is proposed in Table 2 of the arborist report, Exhibit I of Exhibit B showing twelve (12) total trees to be planted at 2" caliper d.b.h. or larger exceeding code by six trees.

Applicant: *"The preliminary tree protection and planting plan in Exhibit I illustrates tree protection fencing locations as well as typical proposed locations for the following specified trees:*

- *Two Hogan cedars (Thuja plicata 'Hogan') along the north property boundary;*
- *Two Katsuras (Cercidiphyllum japonicum) at the east and west ends of the northern open space area;*
- *Six Katsuras in parking lot landscape islands;*
- *Two Tricolor Beeches (Fagus sylvatica 'roseomarginata') adjacent to Chantilly Loop; and*
- *Eight Bowhall Red Maples along the west property boundary.*

"This represents a total of twenty trees to be planted within the site, all of which will be nursery stock specimens meeting the City's replacement planting specifications. The planting plan therefore exceeds by fourteen specimens the number of trees to be removed (five immediately and one in the foreseeable future). As a result, no replacement planting should be required in the future when situational tree #106 needs to be removed. The cost of this planting plan will be approximately \$4,800, based on a typical installed unit cost of \$400.00 per tree."

E6. Tree Protection During Construction: Tree protection specifications are proposed and are included in the Tree Report meeting code. Except for the proposed smaller trees for mitigation the proposed Type C Tree Plan is in substantial compliance with the applicable provisions of Subsection 4.610.40 and 4.620.00 subject to compliance with the attached conditions of approval.

REQUEST F
DB12-0036: WAIVER

The Applicant has provided compliance findings to the applicable criteria (Exhibit B1). Staff concurs with these findings except where otherwise noted.

Section 4.118.03 - The Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may approve waivers. The code requires that all waivers be specified at the time of Stage 1 Master Plan and Preliminary Plat approval.

Waivers - Subsection 4.118.03(B) as applicable to the proposed project: (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:

A. Waive the following typical development standards:

3. height and yard requirements.

Section 4.140. Planned Development Regulations.

(.01) Purpose.

A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

B. It is the further purpose of the following Section:

- 1. To take advantage of advances in technology, architectural design, and functional land use design;**
- 2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;**
- 3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.**
- 4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;**
- 5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.**

Section 4.140. Planned Development Regulations.

- 6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- 7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- 8. To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Standards for Residential Development In Any Zone. According to Section 4.113.03 the front and rear yard setback limitation are:

- A.1. Minimum front yard setback: Twenty (20) feet.
- A.6. Minimum rear yard setback: Twenty (20) feet.

Section 4.116.10(E). Standards Applying to Commercial Development, Commercial Developments Generally “Maximum Building Height: Thirty-five (35) feet, unless taller building are specifically allowed in the zone.”

F1. Requested Waiver – Front Yard Setback

Proposed Waiver: A waiver to the 20-foot front yard setback for structures on lots larger than 10,000 square feet to allow ~~the proposed southwesterly building to be located as close as 12 feet from the front property line at Chantilly, to allow balcony projections along Willamette way East and to allow an arbor~~ *trellis* structure along Wilsonville Road. Regarding the proposed waiver the Applicant has met Section 4.118.03 by listing a waiver to front yards at Wilsonville Road, *and* Willamette Way East. ~~and Chantilly:~~

Applicant: *“Anticipating approval of the proposed Zone Change, the Subject Property will be in the PDR-5 Zone, in which the minimum front yard setback requirement is 20-feet. The Applicant/Owner has been advised by Wilsonville Planning staff that, based on the definitions in the Wilsonville Planning and Land Development Ordinance, the Subject Property is considered to have “front” yards on all three of its public street frontages. As a result, the minimum building setback is 20 feet along the Wilsonville Road/north property line, the Willamette Way East/east property line, and the Chantilly Loop/south property line. (The west property line is considered a side lot line and is subject to a 10-foot minimum setback standard.) “*

North/Wilsonville Road Frontage

The proposed trellis structure near the northeast corner of the Subject Property [See Keynote 7 of the Site Plan drawing] is located partially within the 20-foot minimum setback perimeter. (Although this is not a “building,” the Applicant/Owner is unsure of its status with regard to the minimum setback provisions, so it is included here in an abundance of caution.) Because of the acute angle at the southwest corner of the intersection, the location of the trellis will not interfere with intersection sight distances. Its form and position are designed to create an appealing visual impression from Wilsonville Road, framing a view into the open space area in the northern part of the site. [See perspective drawing in Exhibit C.]” (Exhibit B1)

F2. The subject property has three front yards facing public streets; Wilsonville Road, Willamette Way East and Chantilly. Subsection 4.113.03(A)(1) sets the minimum front yard setback at Twenty (20) feet. Per Section/definitions 4.001(146) Lot, Front: *“The*

boundary line of a lot abutting a street, other than a boundary line along a side or rear yard. If the lot does not abut a street, the narrowest boundary line shall be considered to be the front.” Subsection 4.001(149): Lot Line Rear: *“Any boundary line opposite and most distant from a front line and not intersecting a front line, except in the case of a corner lot”* Unfortunately, the Code does not define corner lot so its absence the more restrictive lot definition applies. Finally, Subsection 4.001(151): Lot Line Side: *“Any boundary not a front or rear lot line.”* So on the basis of the definitions the project site has three front yards and one side yard (westerly property line). The code path for the review of a waiver is found in criterion 4.118.03(A)(3)... *“the DRB, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may: Section 4.118.03(A)(3) Height and yard requirements.”*

Section 4.140.05(C) states: Development Review Board approval is governed by Sections 4.400 to 4.450. Particularly Section 4.400.02 (A through J). In this case as it relates to the decision criteria for reviewing waivers.

Section 4.140(04) B. It is the further purpose of the following Section:

1. To take advantage of advances in technology, architectural design, and functional land use design:

F3. The scarcity of land for development has necessitated the intensification of the use of available land to accommodate future housing needs. Compact development has become an attractive approach, especially in cities where services and transportation are most available. While the Applicant has sought to take advantage of advances in functional land use design, the Applicant must balance the requirements of the Development Code, e.g. yard setback requirements and building height. In order to provide a residential component that is ~~both walk-able and~~ functional, the Applicant has sought to reduce the front yard setback of a proposed ~~apartment~~ **trellis structure building**. This request is in order to accommodate ~~the southwest apartment building, open space, parking and drives~~ thereby necessitating the request for the waiver.

2. To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;

F4. The Applicant is seeking to develop townhome/apartment buildings. In supplying townhomes the Applicant must not exceed the minimum yard setbacks for residential development in the PDR-5 zone. The Applicant is not requesting relief to provide a greater density of such townhome housing on the property.

3. To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

F5. The subject site is within the PDR-5 Zone. Planned developments allow for non-traditional land use development. Planned developments also allow for traditional zoning rules to be waived in order to promote innovation and coordinated development. Rather

than approaching development on a lot-by-lot basis, as typically occurs under traditional zoning, the entire parcel is planned in a comprehensive and integrated fashion. In this case it is being developed for townhomes.

4. To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;

F6. The very purpose of the Planned Development Regulations is to permit flexibility of site design. Staff finds that the proposed waiver for the trellis structure would allow the Applicant the flexibility to utilize the open space more efficiently meeting code.

5. To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.

F7. Reducing the front yard setback for the proposed trellis enables the Applicant to integrate open space at the north side of site. Staff concurs with the Applicant's findings that a waiver to the 20 foot front yard setback requirement permits flexibility to construct the trellis structure.

6. To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.

F8. Adequate facilities exist; therefore, this provision is satisfied regardless of building setbacks.

7. To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.

F9. Residential development has not been an integral part of the land use for the subject property since the City's first Comprehensive Plan was adopted in 1971, so the Applicant is requesting a plan amendment to Residential 10 – 12 d.u./acre.

Standards for Residential Development In Any Zone. According to Section 4.113.04 the building height limitation is:

“Height Guidelines: The Development Review Board may regulate heights as follows:

- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.**
- B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.”**

F10. TVFR has indicated that building designs for the townhomes are consistent with adequate provision of fire protection and fire-fighting apparatus height limitations meeting this criterion.

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

Approved
October 8, 2012

**Development Review Board – Panel A
Minutes–August 13, 2012 6:30 PM**

I. Call to Order

Chair Douglas King called the meeting to order at 6:30 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Douglas King, Bob Alexander, John Schenk, Mary Fierros Bower, and Lenka Keith. Councilor Liaison Scott Starr was absent.

Staff present: Chris Neamtzu, Blaise Edmonds, Barbara Jacobson, Dan Pauly and Mark Ward

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board (DRB) on items not on the agenda. There were no comments.

V. City Council Liaison Report

No report was given due to Councilor Starr’s absence.

VI. Consent Agenda:

A. Approval of minutes of July 9, 2012 meeting

John Schenk moved to approve the July 9, 2012 DRB Panel B meeting minutes as presented. Lenka Keith seconded the motion, which passed unanimously.

VII. Public Hearings:

A. Resolution No. 233. SSI Shredding Systems: Lans Stout, T.M. Rippey Consulting Engineers– Representative for Jerry Dettwiler, Our Associates LLC – Applicant and Owner. The Applicant is requesting approval of a Stage I Master Plan Revision, Stage II Master Plan, Site Design Review, Preliminary Partition Plat, Type C Tree Plan, Master Sign Plan and Wavier for SSI Shredding Systems. The site is located on Tax Lot 1300, Section 11A and Tax Lot 1800, Section 11, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

- Case Files:
- DB12-0026 – Stage I Master Plan Revision
 - DB12-0027 – Stage II Master Plan
 - DB12-0028 – Site Design Review
 - DB12-0029 – Preliminary Partition Plat
 - DB12-0030 – Type ‘C’ Tree Plan
 - DB12-0031 – Master Sign Plan
 - DB12-0037 – Class 3 Waiver to Setback

Chair King called the public hearing to order at 6:33 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member,

however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

No substantial approval criteria noted.

Daniel Pauly, Associate Planner, presented the Staff report via PowerPoint presentation for several component applications for new storage area, new buildings and the expansion of an existing building for SSI Shredding Systems with these comments:

- Request A: Stage I Master Plan Revision. The majority of the site is part of the Wilsonville Business Center Master Plan. The current proposal would establish new building locations on the subject property, identify planned and potential uses, and incorporate an area not previously in the master plan area. The area to be incorporated was along the western edge of the site and included outdoor storage area, parking, and natural area. The purpose of the revision was to make clean lines with no affect to the commercial or other allowances based on acreage for the master plan.
 - He noted the Wilsonville Business Center Master Plan approval allowed 20 percent of the acreage within the master plan area to be commercial, much of which has been used by commercial uses such as car dealerships. The Applicant proposed using approximately one acre of the 2.337 acres that remained of the original commercial allowance to incorporate the building area, parking, related drive aisles, parking islands, walks, and landscaping. The 15,000 sq ft of commercial requested was within the 20,000 sq ft of commercial allowed in a multi-building development under the current zoning.
- Request B: Stage II Final Plan. He reviewed the current site, noting the approximately 68,000 sq ft existing building, its associated parking, storage and landscaping. The Applicant proposed a number of phases to develop the remainder of the site. He noted the site and landscape data in the proposal did not include Tract A, which was a natural area.
 - Phase 1 on the west side of the site would include parking, paved outdoor storage area, a storm water facility on the southwest part of the site and a canopy to cover a paint booth.
 - As required by Code, the outdoor storage would be screened from the north and south by a combination of plantings and a slatted fence. The view from the west was screened by existing vegetation within the natural area. The east side of the storage would be screened by the existing building.
 - Because parking would be adjacent to storage, a condition of approval required the Applicant to demarcate the limits of the storage area and keep the drive aisles and parking spaces clear. An exception would be allowed until all the parking is required, however.
 - Phase 2 would include a 31,576 sq ft industrial building, known as proposed Building 3, and its associated parking along much of the southern property line. Building 3 would front 95th Ave and was proposed as a single-story, 37-ft high building that is architecturally designed to look like a two-story building.
 - Phase 3 included a mixed-use building that had 15,000 sq ft commercial and almost 7,500 sq ft industrial. The building may not have any commercial use, but the Applicant requested that use to have that flexibility available over time. The single-story building would be located at the Freeman Dr/95th Ave intersection and both façades would have a two-story appearance. The building would be well situated with commercial storefronts, parking and landscaping facing the streets and internal delivery loading docks located toward the center of the site.
 - Phase 4 involved an addition on the south end of the existing building and a canopy over a loading dock on the east side of the existing building.
 - The minimum parking requirement of 249 spaces was met; 252 spaces were being provided, which included the existing spaces.
 - If the 15,000 sq ft of potential commercial use remained industrial, 38 fewer spaces would be required. The proposed site plan showed shared parking for all three parcels to accommodate maximum parking demand based on a commercial use in Building 2. With regard to the

condition requiring the demarcation of the storage area, the Applicant proposed, and Staff agreed, that parking adjacent to storage could be used for storage until commercial tenant improvements trigger the need for those parking spaces. Those parking spaces that could be used for storage were indicated in yellow on Slide 16.

- There were no apparent traffic capacity issues with the proposed project.
- The Applicant has proposed and brought in covered trash enclosures as required by Chapter 8 of the Development Code. The enclosures are situated on the side of the buildings with concrete walls matching the buildings' architecture that provide screening from 95th Ave.
- All applicable the Codes have been met with the proposed landscaping. Low plant screening was being provided for parking and storage, and a wide variety of appropriate plants, shrubs, and trees was proposed in professional design proposed in the Landscape Plan.
- Substantial grading would be required on the site's western edge to create the flat storage area and to construct the stormwater facility. The only work in the resource area was stormwater outfall, indicated with a circle on Slide 20, and which was exempt from SROZ regulations.
- Request C: Site Design Review. The color and materials boards were circulated.
 - Building 2 had elevations facing 95th Ave and Freeman Dr that would have a variety of articulation, blue-tinted glazing, and natural tones with blue highlights on doors. The back of the building would not have as much architectural detail but would be appropriate. The west elevation was well screened by mature trees.
 - Building 3 had one elevation facing 95th Ave. Staff's professional opinion was that the architecture was functional for the design uses while providing an appropriate amount of design elements, including glazing and articulation of the façade with a parapet and coloring on different portions of the building. The building's design was compatible with many designs in the 95th industrial corridor.
 - The addition on Building 1 would match the existing building with blue metal roofs over the proposed canopies.
 - Applicant was utilizing the performance method to comply with the outdoor lighting ordinance and had achieved the required lighting levels at all measurement points.
- Request D: Preliminary Partition Plat. The plats proposed would result in each building, as well as the tract preserving the natural area, being on separate parcels, which would allow flexibility for the property owner. A waiver was requested for the location of the western property line between Parcels 1 and 2.
- Request E: Type C Tree Plan. The Applicant proposed removing 86 trees, 23 evergreen and 63 deciduous trees, from the development site and planting 92 trees, 26 evergreen and 66 deciduous trees, as mitigation. In addition, 31 one-inch caliper red alder trees would be planted as part of the stormwater facility. Some trees being removed were in proposed parking areas and some street trees would be removed due to grading or other issues.
 - The stand of trees west of Building 2, the trees being preserved along the southern property line, and those around Building 1 were mature trees. The greatest number of trees being removed was due to the design of the stormwater facilities. Most tree plantings would occur along the street, in parking islands, and along the southern property line.
- Request F: Master Sign Plan. All proposed signage was within Code allowances. The Applicant proposed a small directional sign for the existing building on Parcel 1, a monument sign on the corner of 95th Ave and Freeman Dr on Parcel 2, and a directional sign on Parcel 3. Appropriate signage was also proposed on the building elevations facing 95th Ave and Freeman Dr. The locations of the monument and directional signs were displayed. The Applicant provided signage placement options based on the tenant configurations for Building 2 and Building 3, which were also displayed.
- Request G: Waiver to Setback. Applicant requested a waiver to reduce the setback for proposed Building 2 from 30 ft to 20 ft to allow all the parking spaces to be on one parcel. Reducing the setback would still maintain the spacing required by the Building Code. Staff believed this was a logical use of a waiver.

Chair King questioned how the development would look from 95th Ave and asked if any part of the storage would be visible from the main road. The development should be attractive and functional. He was concerned about the leeway where the storage could move into parking.

Mr. Pauly explained the storage area was proposed for the first phase of the project, which would move the storage into the screened area between the building, and natural area, and new landscaping and fencing would screen the storage better than what currently existed. He displayed the Parking Plan, noting the existing screening, screened gates and proposed landscaping and fencing. No storage was planned for the east portions of the two proposed plats. There would be typical truck parking, circulation, and loading docks, but all storage would be south and west of the existing Building 1.

Chair King explained he wanted to clarify how far the storage area could potentially move. Seeing no further questions, he called for the Applicant's presentation.

Jerry Dettwiler, Our Associates, LLC, and SSI Shredding Systems, 9760 SW Freeman Dr, Wilsonville, OR, thanked the DRB and several members of City's Staff for guidance and assistance in putting the plans together. He agreed with the findings in the reports generated by Dan Pauly and Blaise Edmonds and expressed his gratitude for being able to move forward.

Lans Stout, T.M. Rippey Consulting Engineers, introduced the Applicant's team of consultants, stating that they preferred to address any questions the Board might have rather than reiterate the points already made by Mr. Pauly.

Mary Fierros Bower noted the architectural, two-story appearance and asked if there was a loft or some other functional purpose for the taller interior.

Mr. Dettwiler responded that about 40 percent of the equipment manufactured by SSI Shredding Systems is shipped internationally. Much of the equipment was too tall to fully assemble and test in the current building, which had 24-ft clearance. The new buildings were designed to allow full assembly and testing of the equipment.

Chair King called for public testimony in favor of, neutral and opposed to the application. Seeing none, he confirmed the Applicant had no rebuttal.

John Schenk believed the application was thoroughly worked out and he was content with the project.

Chair King closed the public hearing at 7:01 p.m.

Lenka Keith moved to approve Resolution No. 223 with the conditions recommended by Staff. **John Schenk** seconded the motion, which passed unanimously.

No rules of appeal read into the record.

- B. Resolution No. 234. Fox Center Townhomes: Seema, LLC – Applicant.** The Applicant is requesting approval of a Comprehensive Plan Map Amendment from Commercial to Residential 10-12 du/ac, Zone Map Amendment from PDC to PDR-5, Revised Stage I Preliminary Development Plan for Fox Chase, Stage II Final Plan, Type 'C' Tree Plan and waivers to front yards to enable development of sixteen (16) townhome units for Fox Center Townhomes. The subject 1.14-acre property is located Tax Lot 100 of Section 22AC, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds.

The DRB action on the Comp. Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.

Case Files: DB12-0033 – Comp. Plan Map Amendment
DB12-0034 – Zone Map Amendment
DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
DB12-0036 – Stage II Final Plan
DB12-0039 – Waiver to front yard setback
TR12-0067 – Type ‘C’ Tree Plan

Chair King called the public hearing to order at 7:03 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Blaise Edmonds, Manager of Current Planning, announced that the criteria applicable to the application were stated on pages 2 and 3 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Edmonds presented the Staff report via PowerPoint, reviewing the project site and requested applications with these key comments:

- He noted the Board had received via email new Exhibit C6 regarding revised Condition PW1 that was reviewed by Interim City Engineer, Steve Adams. Staff proposed deleting and replacing the condition with the following language, “The sanitary line in Autumn Park Apartments has been identified by the City as needing repairs and upgrading. The line is surcharging when the force main kicks on. The work has been funded through Capital Improvements Project #2091 with the work scheduled for completion by summer 2013.” He explained the completion timeline would coincide with the development of this project and before Fox Center was granted occupancy.
- The Comprehensive Plan Map Amendment proposed rezoning the commercial property to residential with a 10-12 units per acre, which required a Zone Map amendment from PDC to PDR- 5. Staff advised that the DRB forward a recommendation to Council to approve these requests. Exhaustive findings related to the Comprehensive Plan, goal policies, and implementation measures were included in the Staff report addressing the logic of approving the Comprehensive Map and Zone Map amendments.
 - The Applicant was requesting approval of 16 townhome rental units in four buildings intended for occupants age 55 and older.
 - Comparisons of the Zoning Map were displayed, showing the 1.4-acre subject property currently zoned commercial and the surrounding adjacent residential uses zoned PDR-4 and PDR-5. The Applicant believed the proposed residential zone change was appropriate.
 - The Applicant complied with Table 1 of the Zoning Code (Slide 9); however, a discrepancy existed between Comprehensive Plan and Zone Map densities (Slide 10).
 - Using the Comprehensive Plan density allowed the Applicant 13.7 maximum units, however the Comprehensive Plan directed applicants to apply the PDR-5 zone density to achieve the maximum density, resulting in 20 units on the site.
 - The Applicant sought to exercise Comprehensive Plan Measure 4.1.4v, which stated, “Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped)” to achieve the desired 16 units they proposed and help address the discrepancy.
- Revise Fox Chase Stage 1 Preliminary Plan. He reviewed the history of the subject property’s zoning and how economic fluctuations affected the area’s original master plan and subsequent platting of the

subdivision, reducing the size of commercial zoning to the 1.4-acre site. The site had been vacant for many years, as it seemed that a commercial use was not popular with the neighborhood, especially in light of a controversial hearing in 1995-1996.

- The current Applicant was proposing senior residential. He reviewed a number of reasonable situations in which senior citizens choose to be or must become a renter (Slide 13). The material was taken from the Internet. He clarified that not all occupants would necessarily be age 55 and older, as younger adults or children could possibly share the residence. Those with young or young adult children would not be precluded from living in the development.
- The planned development was reasonably well received at the neighborhood meeting held in September 2011 by the Applicant, who could provide more details about the meeting.
- Stage II Final Plan. He reviewed the proposed site plan, noting the considerable open space, landscape and sidewalks well in excess of the 15 percent required by the Development Code. Also noted were a gazebo and community gardens at the north end of the site, and tracts between two of the buildings. The west side would be buffered with additional trees, and each unit would have a private courtyard at its entry, providing a semi-private space from the public realm. The garages were tucked away from Willamette Way East and Wilsonville Rd and accessed from an internal corridor.
- An additional parking space was provided in front of each garage for units along Willamette Way East and given the other parking provided on site, the proposed project far exceeded the Parking Code requirement compared to other rental properties in the city as shown on Slide 17.
 - Creekside Woods, which became controversial due to the lack of parking, was granted a substantial waiver and allowed only .5 spaces per unit. The City had wanted to find new housing for the displaced residents of the former Thunderbird Mobile Club and the site was encumbered with difficult slopes. That applicant had also testified that their projects in the Portland metro region did not require as many parking spaces.
 - Jory Trail, a 324-unit complex, was approved for 1.6 spaces per unit.
 - Fox Center Townhomes proposed 2.6 spaces per unit on site with the potential for striping at least five additional spaces on Willamette Way East for overflow parking. No parking was allowed on Wilsonville Rd due to the bike lane, or on Chantilly, which was a one-way street.
- The DRB was not reviewing the site design review, which was unusual. The Applicant did provide conceptual drawings of the building elevations, primarily to show conformity with building height. He noted the Applicant would not necessarily be building the elevations presented, however, the DRB could provide some direction to the Applicant. He added the design had potential for roof-mounted solar panels that would face south.
- Willamette Way East was only 29-ft wide and parking was only allowed on the west side of the street. The Engineering Division advised that on street parking must be 100 ft from the Wilsonville Rd/Willamette Way East intersection.
- Waivers to front yard setbacks. By Code definition, the proposed site was essentially a corner lot with three front yards requiring 20-ft setbacks, and one side yard requiring a 10-ft setback.
 - The first waiver would allow one building a 19-ft setback, and the corner of another building a 12-ft setback along Chantilly at the south end of the property.
 - A second waiver would allow buildings at the east side of the property along Willamette Way East to have a 14-ft setback rather than the required 20 ft setback, which would accommodate the balconies that project about 2-ft, 4-in from the building. The Applicant presented a good discussion in the project narrative regarding the architecture and design, and why the waivers were justified.
 - The waiver for the northeast corner of the site would accommodate the trellis, which would likely infringe the 20-ft setback due to its acute angle. Existing fencing would remain in addition to some replacement and new fencing.
- The Applicant's report indicated they had no legal obligation to keep the two existing wooden signs reading "RiverGreen" and "Fox Chase" on property. The Board could probe the issue further with the Applicant.

- Type 'C' Tree Removal and Preservation Plan. The City required five to six trees to be planted for mitigation when live trees are removed. Most existing trees were at the north end of the site and five trees would be removed due to construction or the poor condition of the trees. He did not believe the trees being removed were significant or very old, perhaps only 30 or 40 years old. The Applicant was making a solid effort to preserve as many trees at the north site of the site as possible.
- He concluded the Staff report stating Staff recommended approval of all applications.

Mr. Schenk stated that he lived close enough to the site to appreciate the issues and he had concerns. Willamette Way East was a significant route for children going to school. The proposed street-side parking was already a de facto bike lane. He preferred seeing formal bike lanes and no parking because the street was only wide enough to support half a space for bicycles and pedestrians.

- He doubted that the projected parking would be adequate as garages were more likely to be used for storage in small condo and townhome settings, so he believed the Board should discount about two-thirds of the designated parking spaces, leaving inadequate parking spaces for the proposed units. The City could only cite people who parked on the streets. He strongly encouraged that no parking be allowed on Willamette Way East.

Chair King confirmed Willamette Way East was 29 ft wide curb-to-curb. He did not believe adequate room would exist for a school bus and car to pass safely at the same time with cars parked on the street. Willamette Way East was highly traveled by children as they funneled in from Morey's Landing, RiverGreen and Fox Chase five days a week, which posed definite safety concerns. He noted installing the sidewalk had been helpful to get kids off the street and the dirt path.

Mike Ward, City Engineering, agreed the concerns expressed were valid. DKS & Associates had reviewed the situation and assured the site distance would work. The intersection was three lanes wide with fairly parallel road curbs, so the road south of the intersection should comfortably accommodate a school bus, car, and a parked car.

Mr. Schenk disagreed and reiterated his concerns pertaining to the safety of children traveling by bicycle or on foot who would be hit beyond the 100-ft site distance requirement.

Mr. Ward reminded that the conditions stated that parking was not allowed to block the bus stop. He noted that public works standards did not necessarily provide a mechanism to prevent parking on the street.

Mr. Schenk asked if public works was unable to prevent on street parking, could the DRB simply not approve it.

Mr. Edmonds explained the parking on the street was included to address concerns that apartment projects typically have inadequate parking and noted that the on street parking was optional. He proposed adding a condition of approval that parking garages not be allowed solely for storage. The Applicant was prepared to discuss inclusion of those terms in their rental agreements. With the eight additional parking spaces behind the garages, the Applicant exceeded the minimum required by the Code, which the Board needed to consider when making a decision. The DRB could review other issues, such as parking in garages. He believed the Applicant had met the test to safeguard against that concern.

Bob Alexander confirmed that the eight additional spaces behind the townhomes could only be used by the owner of the townhome.

Ms. Fierros Bower confirmed that the vacant land between the two westerly buildings adjacent to the four parking spaces was open space. She asked if the parking spaces could be rotated 90 degrees and

expanded into the open area to create a single-loaded parking area for additional spaces and negating any need for on street parking on Willamette Way East.

Mr. Edmonds replied that only about one parking space would be gained at the expense of sacrificing the green space.

Mr. Schenk asked about the setback requested on the west side adjacent to Fox Chase.

Mr. Edmonds stated that Code was being met on the west side; the setback was greater than the 10-ft minimum side yard setback required. The Applicant was asking for a setback waiver on Willamette Way East for both the units and balcony projections. The first plan proposed by the Applicant had eight fewer parking spaces. Staff expressed concern parking was inadequate, even though the minimum parking code was met, and worked with the Applicant to revise the plans. The units were spaced farther apart to provide eight additional on site parking spaces behind the garages, causing more of an encroachment along Willamette Way East.

Mr. Schenk inquired if parking could be added at the north end of the site in place of some of the green space, making the parking accessible from within the development, not Wilsonville Rd.

Mr. Edmonds deferred to the Applicant. He noted that when reviewing site plans, he looked for a balance of parking with livability of the space. The Applicant was trying to create livability for the tenants with open space. The DRB needed to consider whether additional parking should be created for maximum parking needs at certain times of the year at the expense of livability for tenants the rest of the year.

Chair King understood the desire was to consider options to get parking off Willamette Way East to improve livability for three or four different subdivisions near the site.

Mr. Schenk added, even to the extent of removing one unit off each building at the north end to get the needed space.

Chair King asked whether the requested setback waiver from Willamette Way East was to fit the building in there.

Mr. Edmonds answered yes; the buildings had been spaced wider to accommodate eight more parking spaces to be responsive in anticipation of concerns about parking.

Chair King asked if the Fox Chase and RiverGreen signs were placed on the site because there was no active property owner.

Mr. Edmonds said he was unsure of the signs' history or why they were placed. His indication in the record was that those signs would be removed. The Applicant would return at the site design review for this project to have a monument sign placed that identified the project. He confirmed that the two demarcation signs for other subdivisions would be removed

Chair King called for the Applicant's presentation.

Lee Leighton, AICP, Westlake Consultants Inc, 15115 SW Sequoia Pkwy, Suite 150, Tigard, OR, 97220, invited questions about the approach to the design, rather than reiterate the material covered so well by Mr. Edmonds. He thanked City Staff, including the engineers, for their suggestions and support. The project had evolved quite a bit over the past year and the current proposal was superior to the original the project, even the one presented at the neighborhood meeting because the Applicant had listened to

their suggestions. He addressed key issues regarding the proposed development via PowerPoint with these key comments:

- He acknowledged concerns about inadequate parking were a key discussion item. He discussed the design strategies used make the project beautiful as well as functional that would have all the parking it needed.
 - A Google Earth aerial photo was displayed of the subject site and key surrounding transportation features including I-5, approximately 1.5 miles from the site, the Smart terminal station to the north, and the Smart bus stop at the corner, making transit very accessible to people living in the area.
 - The Autumn Park Apartments located across Willamette Way East featured a long serpentine driveway through their site with a series of four-unit apartment buildings along that drive. Autumn Park 144 unit complex had nearly two parking spaces per unit. Staff had no record of any parking complaints at Autumn Park, and that information helped inform what parking demand could be at the proposed Fox Center project.
- He described the experience of arriving at the intersection of Wilsonville Rd and Willamette Way East. Three of the four corners were occupied by large institutional buildings with a park to the west. The fourth corner, which was the subject site, had been vacant for decades and did not seem to be a viable use for its commercial zoning.
 - The natural inclination of people parking along Wilsonville Rd or in the church parking lot would be to step out and assess their surroundings. People respond well to seeing similar types of uses. Any changes in density were best made on the rear property line. For example, houses adjacent to the school bordered the school off their back yards rather than the front, so the use was similar when looking out one's front door.
 - It was appropriate to bring up the scale of building on the subject site to dialogue with the scale of the uses surrounding the intersection, which was why the Comprehensive Plan and Zone Map boundaries should tie the site in with the zoning across the street to emphasize the importance of the intersection as a place.
 - Past the intersection and onto Chantilly, the homes match one another again. If the proposed project were required to match its surroundings, one concern was that the driveway would still need to align with the church's driveway. Lots on Chantilly were about 9,000 sq ft and currently no zone supported that type of development for the existing site. The current PDR-4 zone would reduce the lots to approximately half the size of the neighboring homes. The site would be awkward to design with its irregular shape and dimensions. The proposed project emphasized the significance of the corner as a place and did a good job of meeting the neighbors on both sides.
 - A perspective of the northeast corner of the proposed development as seen from the intersection was displayed. The trellis structure would draw attention to the large open space and the trees being conserved within it. The buildings were set back considerably from Wilsonville Rd, and the curbside sidewalk was already in place.
- He displayed a site plan and noted the line indicating the 20-ft setback from the right-of-way edge, which was not on the sidewalk. The sidewalk was on curbside so about five feet existed between the sidewalk and property line.
 - He described the structure of spaces in the front yards, including the balcony overhanging the front by a couple feet, which helped create open space for sitting. The positive and negative elements of the front wall created a visual dialogue and interplay rather than having a broad, flat wall.
 - The foreground of each unit had a low fence and gateway that provided a transition from a public to a semi-public area. The semi-private entryway then transitioned into the interior private space. This series of transitions provided structure between the sidewalks and front of the building to articulate the space and make it meaningful even though the sidewalk was not

very deep. This design was implemented when the buildings were set at a 20-ft setback and the eight additional parking spaces were not included in the center alley.

- The Applicant wanted to make sure to have more than the minimum parking. Preliminary sketches were done with additional parking at the north end of the project; however, the existing parking proposed between the west side buildings was determined to be the most efficient design.
 - Adding parking on the northern portion required a 24-ft drive aisle that would access only about five, 18-ft deep parking spaces due to the restraints of the wall and tree root zones. The two-way circulation of the 24-ft drive aisle in the alleyway was needed to provide access to the garages.
 - The double-loaded parking area between the buildings had 18 ft to 20 ft for the parking spaces on each side, and 24 ft clear was needed in the middle for two-way circulation, backing movements, etc. Adding parking between the two buildings would be highly inefficient due to all the additional space required for the drive aisles.
 - He noted the four, dark shaded areas on the site plan were designated as gardening plots as part as the recreational open space. The concept for the age 55 and over target group was recreational activity they would likely want was more along the lines of a community garden. The dense landscaping around the perimeter would soften the appearance of the site and be professionally maintained by the management company. The gardening plots were spaces were for the residents to do their own gardening and were important for recreation.
 - The Applicant held a design work session to explore further parking options. Project Architect Dan Vasquez had obediently held to the 20-ft setback on the east property line with a 10 ft setback for the westerly buildings. However, the westerly buildings were now set back 22 ft to provide a pedestrian sidewalk and planting strip along that property line to afford a privacy screening between the units and the neighbors' yards. Buildings on the west side faced the garden path and their garages were internalized.
 - He noted the narrative had described the walkway as meandering, which should be struck from the finding because the landscape architect recommended a straight walkway. He did not believe "meandering" was mentioned in the Staff report's findings.
 - He credited Mr. Vasquez for proposing to separate the buildings a bit and restructure the internal paved areas to allow 20 ft behind the garages on one side, thereby accommodating the eight additional spaces added in tandem behind garages on the east units, which were chosen due to their proximity to the original parking area. Surveillance of the shared parking area was better for the western units, so those residents and guests could park extra cars there.
- Although the front yard setback waiver was requested for the east side of the property, the perceptual distance of the front yard was largely based on the distance between the curb and sidewalk. The building was 19 ft from the inside edge of the sidewalk. The series of transitions would make the front yard feel deeper and create a strong streetscape along Willamette Way East.
- Because of the curbing alignment of Chantilly, the buildings would not be squared up with street, which would instead create a dynamic flow on the one-way street. He noted the one-foot encroachment of the southwest building into the 20 ft setback, as well as the landscape bed and tree on its southern elevation. Considering the context of the landscaping, the southwest corner of the development would not be uncomfortably crowded.
- A driveway was planned between the two south buildings and a condition required that No Exit signing be posted at the key decision point for drivers within the property. The additional drive would also provide easier access for emergency vehicles to loop through the site, in addition to the hammerhead turnaround structure in the middle.

Greg Close, Wise Investment Services Company, 1501 SW Taylor, Suite 100, Portland, OR 97239, stated he was the property owner's representative, as well as the financing and development consultant that had been working with the property owner since acquiring the property in 1999 or 2000. He explained his client had loaned money to the property owner involved in the prior application described by Staff. After that property owner died, his client took a deed in lieu of foreclosure. Since then, the

property had been marketed by different commercial real estate agents have tried to market the property for various commercial uses but were unsuccessful. While daycare tenants were attracted to the property, none could pay the market rent rate necessary to earn any return on the investment needed for a daycare facility. The Applicant had been considering the current concept for a while and initiated the plan within the last year.

- Regarding the parking issues, he assured there would be no problem implementing a condition that required no storage in garages, other than shelving storage, and enforcing parking in the garages. A 15-unit townhome development in Portland under their management with no street parking had the same stipulation and it worked well. The company had a good property manager who enforced those regulations and actually visited units from time to time, so it was a workable concept.
- He did not believe the street parking was not vital to the application, whatsoever, so any stipulation prohibiting on street parking would not impact the owner's perspective to develop the site.
- He explained that his participation with the project related more to economics than anything else. He was responsible for helping arrange the loan many years ago and was doing the residential market analysis and cost benefit analysis of the presentation currently before the DRB. The estimated cost of the proposed project was between \$2.5 million and \$3 million to complete.
 - Based on the market analysis, rent was projected to be \$1,100 to \$1,300 per month. The program for this development was to build quality, not luxury, to provide good, reliable, affordable housing for age 55 and over that would last a long time.
 - The loss of two units would be a major adverse economic impact to the pro-forma. Doing so would make a significant impact on the ability of the property owner to execute and develop the plan based on the projected return on investment, which he offered to certify. Anything less than 16 units could result in the property sitting undeveloped or eventually sold to someone for a single-family development. However, if the Applicant were allowed to move forward with the proposed plan, they would be a long-term investor. He had managed assets for the property owner for a long time and they typically held their investments for a long time.

Lenka Keith asked if the clause about no storage in garages would be enforced for tenants who did not own a vehicle.

Mr. Close answered no; an exception would be made in that case.

Chair King asked there would still be ample parking per unit if the five street parking spaces were removed from the plan.

Mr. Leighton referred to the Parking Comparables slide prepared by Staff (Slide 17). The minimum parking requirement for the 16 units was 24 spaces. The Applicant proposed 43 onsite spaces, resulting in 2.6 onsite parking spaces per unit, which was more than the two examples provided. The five additional on street spaces on Willamette Way East were not essential to the project.

Mr. Close disclosed that discussions with parking experts concerning the difference between standard apartments and 55 and over apartments yielded mixed opinions. He noted the project was not being designed necessarily for retired people or as a retirement facility. Active tenants were expected who would most likely have jobs and visitors, so adequate parking was necessary. Rules and regulations would be in place, and tenants would be screened appropriately by management to avoid having tenants who plan a large numbers of visitors, multiple live-in children, or households with an abundance of vehicles.

Mr. Schenk commented that a tenant could be approved and then purchase another vehicle. He inquired about the feasibility of cutting one unit from the buildings to the west to make room for the same parking egress as located between the east buildings.

Mr. Close replied that could be an option, but he deferred to Mr. Leighton about the feasibility of actually getting more efficient parking where one of the units was located. He did not personally believe the loss of one unit would be fatal to the project's progress, but two would be. He noted he would have to confirm such a change with the owner. He admitted the Applicant was not positive at this time that 16 units were fully feasible. The costs were only projections until a full design was in place and bids were received. A general contractor had been assisting with budgeting for the past year to keep the project within reason, so they were pretty confident in their numbers.

Mr. Schenk indicated on the map how removing one unit from the western row of units near Chantilly and pushing the remaining units toward Wilsonville Road would allow for additional parking between the two westerly buildings. He would be much more comfortable with that design.

Mr. Close mentioned some economies existed when constructing the four units per building, but he was uncertain whether removing a unit would be fatal. The Applicant preferred building the 16 units, but again that was up to the property owner.

Mr. Leighton noted that 3,200 sq ft of open space was required, which was based on 200 sq ft per unit. The communal gardens provide about 3,373 sq ft in the existing plan. He agreed pushing the footprint back to provide more parking was efficient. However, conversion of that entire area between the two westerly buildings to parking area would require accommodating all the community garden space into the open space at the north end of the property, which would take away much of the passive use, shady open space area. The City could grant a waiver from that requirement given the circumstances. Part of the site's attraction was the variety of ways to use, occupy, and live in it. He reiterated the current plan proposed 2.6 parking spaces per unit which was more than adequate compared to nearby developments.

Ms. Keith asked why the Applicant chose to place a 55-plus community across from two schools. She also questioned the logistics of having two-story structures for an age 55 and older renter group, and inquired if any studies have been completed in that regard.

Mr. Close replied that no formal studies were completed. Summit Real Estate was the housing consultant on this project and had developed many apartment properties with various shapes, sizes and age criteria. Summit was responsible for more than 3,000 units throughout the Metro area. In Summit's experience, as well as that of his firm, one-level living was not a challenge for 55 and over partly for reasons mentioned earlier. [The expected residents], often well into their 60s and even 70s were very active. As mobility became limited, tenants would transition to other housing. He anticipated short-term leases and turnover.

- Proximity to the schools had not been considered when the site was selected, partly due to the constraints of the site. The Applicant was seeking a noncontroversial approach given the neighbors' contention regarding commercial use. The project promoted a simple approach to living and noise constraints, due to the tight site and neighborhood. The plans were developed with impacts in mind, not the schools. At the neighborhood meeting, there was not a lot of concern that the proposed project would be inconsistent with the neighborhood or the schools. Concerns were expressed about the possibility of loitering in the gazebo by children after school. However, that type of activity was likely to occur no matter what was put on the property, and would be a management issue to address.

Chair King noted the existing signs for Fox Chase and RiverGreen, the two neighborhoods located behind the proposed project, would be removed with no plans for replacement. That corner was the first corner people came to from I-5. He questioned the Applicant fitting in and being a good neighbor when the indicator signs for the existing neighbors were being removed. He asked how that might be better managed.

Mr. Close agreed that was a good question, adding that the removal of the signs had not been significantly considered by the owner or design team. His firm's position regarding that signage was neutral. The last meeting the Applicant's team had about signage and the identity of the proposed facility and its context with the neighborhood centered on the name of the project. One suggestion was Fox Chase Apartment Facility. If there was any concern about signage or connection to the community, the signs could be retained or new indicators created.

Mr. Leighton added the signs could simply be remounted on the realigned fence to be visible from the intersection. He confirmed the signage was not an objectionable issue.

Chair King called for public testimony in favor of, opposed and neutral to the application.

Michael Cook, 11299 SW Chantilly, Wilsonville, OR, stated he has been a resident of the Fox Chase neighborhood since 1990. He thanked the Board for their efforts and stated that he supported the proposed project or nearly any project to put something on the empty corner lot, which the City had to maintain. He believed this was a good project with some caveats.

- Parking was an issue for everyone. He was pleased to see there would be no exit onto Chantilly, which has no sidewalks and where children played in the street.
- He agreed parking on Willamette Way East was not a good option. The community mailboxes were on the east side of Willamette Way East, and when a TriMet bus stop had been located on the street, the road was blocked when the bus stopped at the same time people were stopped to pick up mail.
- Many kids traveled back and forth on Willamette Way East during school time. He appreciated that a sidewalk was installed but kids were kids and he preferred having no on street parking there due to safety issues.
- As a real estate salesman, he agreed with Ms. Keith that most seniors were not seeking two-story housing, but master-on-the-main living. The proposed housing was close to the freeway, Fred Meyer and in a great neighborhood and the Applicant might want to reconsider the two-story option, which he was surprised to see. He agreed it would be transitional housing.
- He noted the parking layout seemed strange getting in and out, but he guessed that was how it had to be.
- He clarified that the SMART bus stop was not on corner, but half a block down the street, and the busses also park at the school, so the transportation issue was a pretty good one. He understood the on street parking was not required to meet Code, but he preferred no parking be allowed on Willamette Way East.

Robert Meyer, 11307 SW Chantilly, Wilsonville, Oregon, stated he has been a homeowner in the Fox Chase neighborhood for 11 years. He pointed out that Fox Chase was one of the oldest neighborhoods in the Wilsonville. Many of the residents have lived there for more than 20 years. He opposed the project and read his statement into the record. (Exhibit D.1)

Mr. Edmonds entered the following exhibits into the record:

- Exhibit D.1: Two-page written statement submitted by Robert Meyer dated August 13, 2012 that he read into the record.
- Exhibit B.8: Applicant's PowerPoint presentation.

Mary Hines, 11299 SW Chantilly, Wilsonville, OR 97070, a 22-year resident of Fox Chase, spoke neutral to the application. She would be happy to see the lot occupied because of the fire risk it posed during the summer. She agreed the sidewalk should not dead-end into her neighbor's property. The sidewalk should turn and continue as a walking path as intended. She expressed concern that the project would not fit Fox Chase; she did not oppose the project, but was not thrilled about it.

- She questioned why the parking on each side faced each other, leaving the front of the westerly units to face her neighbor's house. The two-story units would likely overlook their yard. She suggested turning the units so that the garages face the neighbors.
- She believed that the development could be named Fox Chase Townhouses and then one big sign could read Fox Chase.

Chair King called for the Applicant's rebuttal.

Mr. Leighton appreciated the comments received thus far, adding the Applicant did not want to seem disagreeable. Many very helpful comments had been received during this process, which was not yet complete as the design review would return with greater detail in another forum. The current proceeding was to determine if the type of development proposed was suitable for the location in the totality of circumstances. He responded to comments made during public testimony as follows:

- Fox Chase Townhouses could be a good name, and would be considered.
- Regarding the comment made about the project not fitting in, he disagreed with the notion that everything should be the same. People did not expect to see nothing but single-family homes along Wilsonville Rd simply because a single-family home was their destination. A transition was to be expected as one moved through a high-traffic arterial road to a high order intersection and then to a smaller, more residential area. Things were different at the corners along collector and arterial roads. Going by something else en route to one's destination was quite common.
- There had been nothing on the site for a very long time. He understood the immediate reaction of residents might be to see more of what they were used to, which in this case was single-family residences. However, the corner site was not like the quiet loop streets of Fox Chase. It was not a sequestered site suited for cul-de-sac development. Doing so was not good urban design.
 - The frontages organized on Willamette Way East contributed to the sense of arriving somewhere and going by something en route to an ultimate destination. It was his experience that such transitions could be managed very well and be very comfortable for the neighborhood.
- He noted some congestion on Willamette Way East could be avoided by residents pulling around to Chantilly to enter the development. The entrance was not essential, but would certainly facilitate easier access for emergency vehicles. If eliminated, the turning radii might need to be increased within the lot, resulting in the possible loss of a landscape island.
- Travel impact and vehicle trips associated with the driveway off Chantilly would be very minimal, as few residents were likely to use that entrance.
- In the context of the overall City goal for 50 percent single-family, it applies to the scale of the entire city. It was not possible to meet that ratio in every area. Variety actually contributes to a viable, vital city, which holds true for different densities and types of ownership versus rental housing.
- This site was a relatively small piece of the mix at 16 units and was a niche environment targeted for a niche market. The project should not be ruled out because it was not exactly in line with where City policy was now. Planning for long-term trends was not accomplished by having everything approved today pointing the City in the right direction. Staying with that trend followed a fuzzy line. The proposed 16-unit project would not take the Comprehensive Plan out of compliance.
- Comments about the mailbox and issues with the bus stop were fair. He apologized for the discrepancy regarding the SMART bus stop location, which he got online. With the bus stop located farther up the block, the conclusion was that people renting two-story units would not mind walking half a block to a bus. The key was that good transportation was available to the location as part of the existing environment.
- Regarding the west-end terminus of the sidewalk on Chantilly, he reminded everyone that the site plan was conceptual, although the dimensions were pretty precise. The sidewalk could terminate with the transition to the walkway and a ramp provided down to match the street paving. The Applicant was happy to work that out in the final design to the comfort of the neighbors.

- As far as the size of the buildings and their massing in relation to the western neighbor, the waiver was requested for in part to allow for a setback of 10-12 ft in excess of the required 10-ft setback. The site plan included a planters' strip behind the walkway and trees whose specific purpose was to provide a canopy to block the lines of sight between the house on Chantilly and the proposed buildings. The concept had been to have it be a bit more open for afternoon light on the gardens. However, additional trees could be planted if some sight lines needed to be more opaque. The overall goal of the planting plan was to protect the privacy of the neighbors. Those neighbors were at the neighborhood meeting, and the Applicant's team had quite a discussion about their desires.
- In terms of missing items related to Tonquin Trail in the Bicycle and Pedestrian Master Plan, he advised that no notification had come from Staff of a mandate requiring a 10-ft wide sidewalk along Willamette Way East as a function of that Master Plan. The Applicant was willing to widen the sidewalk at the entry gates to the transitional garden in front from 6 ft to 10 ft wide. The wider sidewalk was a valid point that could be addressed within the available right-of-way at Site Design review. Similarly, for Safe Routes to School, the sidewalks to the signalized intersection could be widened as well to address safety concerns for children traveling to the school. This widening was a construction detail.
- He suggested that all the comments made could be taken in stride in the next phase of approval for the project's design. The Applicant hoped the Board would send a recommendation of approval to City Council.

Chair King called for Board member discussion.

Mr. Schenk stated he had a great deal of sympathy for Mr. Meyer who believed the DRB might be approving too much density to be congruent with the neighborhood. He agreed it was strange to have tenants over 55 years old climbing stairs. It was also pointed out that it was unusual to make the approval without a firm site plan. For all these reasons, he was very leery of moving forward.

Chair King reiterated his concerns about parking on Willamette Way East. The mailbox issue and the observation of larger vehicles blocking the roadway when cars were parked on the side was a good one. His main concern was that on street parking was a hazard. He was not concerned with the two-story units as there were only 16 units. The lack of a formal site plan and construction details was a small concern, but the larger concern was the Board approving a legacy left to the City that could be a potential hazard on the street.

Ms. Fierros Bower said her concern was for the children and the safety along the sidewalk at Willamette Way East as well. Her biggest request was to delete the on-street parking and widen the sidewalks to 10 ft on Willamette Way East.

Mr. Alexander stated the parking on Willamette Way East could be changed as only 5 spots were being removed. Parking within the complex was adequate for the apartments. Having tenants age 55 and over was not a decision for the DRB to make. He also believed the sidewalk on Chantilly was easily corrected. He suggested focusing on the five items requested in the application and approving it with the minor conditions.

Mr. Edmonds clarified that the proposal was a Stage II Final Plan. The Applicant needed to be aware that this was more of a site-specific plan, and they seemed to have diminished that. The Stage II Final Plan was pretty definite, not so conceptual and gray. The Applicant would return with a site design plan at a later review that was more landscape and architecturally specific. The site plan before the DRB was more of a definitive plan. Based on his experience, it might be appropriate to allow the Applicant an opportunity to absorb all the statements made during the hearing and attempt to incorporate the issues

discussed by continuing the item to a later date. He believed trying to design the plan and vote was inappropriate, because that was not what was submitted.

Chair King asked Mr. Edmonds to speak to the issue raised about difference in the PDR-4 and PDR-5 zoning.

Mr. Edmonds referred to the slide showing that Fox Chase is zoned PDR-4 and the other side of Willamette Way East is zoned PDR-5. The church was a conditional use, which was subject to change in the future. The Autumn Park Apartments are zoned PDR-5. The proposed site was in a part of Wilsonville that had two zones, PDR-4 and PDR-5. Becoming PDR-5 was not an anomaly because PDR-5 was located across the street.

Chair King asked if the Board wanted to consider any new conditions reflecting the discussion thus far.

Mr. Alexander proposed one condition would be to prohibit on street parking on Willamette Way East.

Barbara Jacobson, Assistant City Attorney, noted that the DRB was voting on a site-specific plan. It would be very difficult to address all of the nuances the Board wanted to address. She advised taking the testimony given in opposition into consideration and allowing the Applicant further time to consider that testimony and respond. The DRB could either make a motion to vote on the plan, or move to continue the hearing and keep the record open to allow time for the Applicant or the opposition to submit additional information. The Applicant could return with a site-specific plan that addressed some of the concerns expressed tonight.

Chair King stated that knowing this was a Final Phase II Site Plan, and that some definite concerns and questions existed, along with some lack of specificity on certain items, he was also leery. He favored a continuance to allow the Applicant an opportunity to digest the comments and suggestions and return with some refinements and perhaps more specificity.

Mr. Edmonds suggested offering specific direction to the Applicant regarding items the DRB would like to see in the revisions. Parking along Willamette Way East had been mentioned, as well as retaining or eliminating the driveway off Chantilly, the sidewalk widening and the sidewalk transition along Chantilly.

Chair King recounted the concerns discussed and advised that the Applicant address the parking spaces with regard to concerns about pedestrian traffic on Willamette Way East, especially with young school-age community members traveling Willamette Way East twice a day, five days a week. There were also concerns about the potential increase in traffic at the southern entrance on Chantilly and the sidewalk terminus. Staff had also noted concerns about having a final plan and not a conceptual design.

Mr. Leighton clarified that the Applicant understood this was a final, definitive site plan, which was provided with precise dimensions. The setbacks were called out to the inch. The plan was not conceptual and could be built as is. He admitted that he misspoke when he used that word. To demonstrate his point, he noted the illustration of an ADA ramp at Wilsonville Rd and Willamette Way East and explained where additional ADA ramps and driveway drops should be located. His intent when referring to the plan as conceptual was that some of the missing components would be detailed in construction plan drawings, not in a planned development plan. As the project proceeded to bring the site plan back for more precise review, the architectural details, materials, and finishes would be further detailed on that forum and ultimately in the construction plans. It would not be difficult to respond to the comments heard this evening. The buildings, paths, garden spaces, and trees to be planted were not fuzzy, but were finalized on the subject plan.

Mr. Ward commented with regard to the sidewalk width. Tonquin Trail would travel northwest to southeast. Engineering would prefer that the 10-ft wide sidewalk be on the east side of Willamette Way East along the Autumn Park Apartments and the church where sufficient space existed. Engineering preferred not to have people see a 10-ft wide sidewalk on the west side of the street, follow it, and come to a place where they would have to do a mid-block crossing. The City preferred that pedestrians cross at the intersection with an existing signalized crosswalk, and have them proceed down the east side of Willamette Way East to where the Tonquin Trail would catch up and head through the visible field area.

Mr. Schenk noted the existence of a wide bike trail running under the power lines that curved back into Morey's Landing but should be brought straight out to the east side of Willamette Way East as noted.

Mr. Ward confirmed that was the final intent.

Mr. Leighton stated he was not certain that any discussion from the Board warranted the need for the Applicant to do more work as opposed to taking direction from the DRB for specific items to be resolved as the Applicant followed through on the well-defined site plan.

Mr. Alexander believed the Board had enough information to vote on the six applications presented. The DRB was not addressing a final construction plan, which would come later.

Ms. Jacobson reminded the Board of the discussion raised by Mr. Schenk about removing a unit or two. If the vote were to continue, it would be to approve all 16 units. If the Board wanted to explore removing one or two units, Staff would need to continue working with the Applicant for an alternate plan. Other items that would be approved included the parking as well as the secondary driveway on Chantilly. The ADA ramp locations were not part of the approval. She advised the DRB to vote only if they were comfortable with the proposed plan as well as the waivers, and seek continuance if further questions exist.

Mr. Schenk stated he could not approve 16 units.

Chair King stated that he would require a condition for the parking.

Ms. Jacobson advised that the public hearing be concluded if discussions were complete.

Chair King closed the public hearing closed at 9:06 p.m.

Chair King moved to continue Resolution No. 234 to the DRB Panel A October 8, 2012 meeting date certain. John Schenk seconded the motion, which passed 5 to 0 to 0.

Mr. Edmonds noted the Board needed to specify a time and date certain for the continuance. If the Applicant was unavailable to attend, the DRB could ask if the Applicant was willing to toll the 120-day period mandated by the State to review the application.

Chair King asked if the Applicant was willing to toll the 120-day period until the next review.

Mr. Leighton requested a brief recess to discuss the schedule.

Chair King recessed the DRB meeting which was reconvened at 9:15 pm.

Mr. Leighton expressed the Applicant's desire to continue working with Staff to address the issues of concern. He was available for the October 8, 2012 DRB Panel A meeting, noting that under those

circumstances, an extension of the 120-day period was needed and he agreed to follow through with the appropriate paperwork and add it to the file.

- He stated he was uncertain about what the Applicant's assignment was for the next meeting. The DRB seemed to be concerned about parking on Willamette Way East, which the Applicant was willing to drop right now. He requested further direction from the Board about the issues needing to be addressed for the October 8th meeting.

Chair King stated the concerns he had heard regarded the parking, as mentioned, and that several Board members expressed concern about the density and having 16 units at that location. The south side entrance was also a concern due housing on Chantilly and the congestion issues that might cause.

Mr. Schenk added he would like to see the center widened and the units reduced to 14 or 15 units in order to fit the Comprehensive Plan density requirement. He also wanted the driveway removed from Chantilly. He noted with two fewer units, the parking needs could be better addressed.

Chair King clarified for the record that the continuance was scheduled for October 8, 2012 DRB Panel A meeting date certain.

IX. Board Member Communications

A. Results of the July 23, 2012 DRB Panel B meeting

There were none.

X. Staff Communications

There were none.

XI. Adjournment

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant

**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: November 5, 2012	Subject: Resolution No. 2382; Addendum No. 5, Matrix Development Agreement, a Previous Agreement Between Multiple Parties for a Portion of Villebois Village Staff Member: Nancy Kraushaar, PE Department: Community Development
Action Required	Advisory Board/Commission Recommendation
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" 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 Comments:
Staff Recommendation: Staff recommends the City Council adopt Resolution No. 2382.	
Recommended Language for Motion: Move to adopt Resolution No. 2382.	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>	
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Parks Master Plan
<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL: The subject Addendum No. 5 amends the Matrix Development Agreement (for portions of Villebois Village) which was originally between Matrix Development Corporation, several property owners, and both the City of Wilsonville (City) and the City of Wilsonville Urban Renewal Agency (URA).

Council action by resolution is needed to approve Addendum No. 5 for the City.

Addendum No. 5 documents the responsibilities to be undertaken by a new party (Polygon Northwest Company, LLC) when they acquire property that is subject to the existing development agreement. It also clarifies pertinent City and URA obligations. See attached Location Map that shows the property in Villebois Village.

EXECUTIVE SUMMARY:

In 2004, the City and the URA entered into the Matrix Development Agreement with Matrix Development Corporation and several property owners. The agreement addresses the subject parties' obligations regarding the development of portions of the Villebois Village Master Plan.

That agreement was since amended by Addenda Nos. 1, 2, 3, and 4 as approved by the City Council and Urban Renewal Agency. These addenda were needed to address refinements to financial, construction, and maintenance roles and responsibilities for infrastructure and parks. The addenda also added new parties to the agreement.

Addendum No. 5 has now been prepared to address the responsibilities of Polygon Northwest, LLC (Polygon) in anticipation of their potential purchase of a property (the Fasano/DeArmond property) that is subject to the Matrix Development Agreement. Addendum No. 5 applies to the City, the URA, and Polygon and clarifies their respective obligations if Polygon acquires the property and receives approvals for the portion of the Villebois Village Master Plan referred to as Special Area Plan East, Preliminary Development Plan 4 (SAP-E, PDP-4). This area is contemplated to include approximately 93 lots. Addendum No. 5 addresses the parties' obligations for financing, reimbursement, and construction for parks, roads, sewer, and water improvements.

EXPECTED RESULTS:

The Addendum No. 5 agreement prepares the parties for further development of the Villebois Village Master Plan and assures that Polygon, the City, and the URA have agreed and committed to their obligations when Polygon purchases the Fasano/DeArmond property.

TIMELINE:

The Addendum No. 5 agreement could result in further development in this area of the Villebois Village Master Plan within the next 2 to 5 years.

CURRENT YEAR BUDGET IMPACTS:

There are no expected FY 2012-13 budget impacts.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO Date: 10-18-12

This amendment to the development agreement documents a change in responsible parties, and there are no anticipated financial impacts due to this change.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 8/22/2012

The Resolution is approved as to form. Addendum 5 to the Matrix Development Agreement is similar to Addendum 4 previously approved by the City Council. However, it shifts the burden back to the developer to develop and to maintain Neighborhood Park 6, but provides the developer with Park SDC credits. Due the Matrix bankruptcy, the City had agreed to design and build the park looking to the SDC fees generated to do so. However, the costs are capped for designing and constructing Neighborhood Park 6, with excess being the developer's responsibility and any savings to the City Park SDC fund. The surcharged Park SDC for completing the design of Regional Park 8 is retained. The developer of a different subdivision, Retherford Meadows, will be providing Park SDC's for the completion of RP 8. The total per lot Park SDC's for both subdivisions will be equal in compliance with the purchase agreement with REDUS OR Lands, Inc., the owner of the Retherford subdivision, for a part of the Lowrie Primary School site.

COMMUNITY INVOLVEMENT PROCESS:

Public outreach specific to the Addendum No. 5 agreement was not undertaken. However, the outcomes of the documented obligations are consistent with the adopted Villebois Village Master Plan.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The Addendum No. 5 agreement allows for continuation of public and private partnering for the financing and construction of public improvements in Villebois that are consistent with the adopted master plan and will benefit existing and future Villebois residents as well as the Wilsonville community (residents, visitors, students, and the business community) who use the park, road, water, and sewer improvements in the area.

ALTERNATIVES:

Not applicable.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Location Map
- B. Resolution No. 2382
- C. Addendum No. 5 to the Development Agreement.

Location Map Villebois Phases

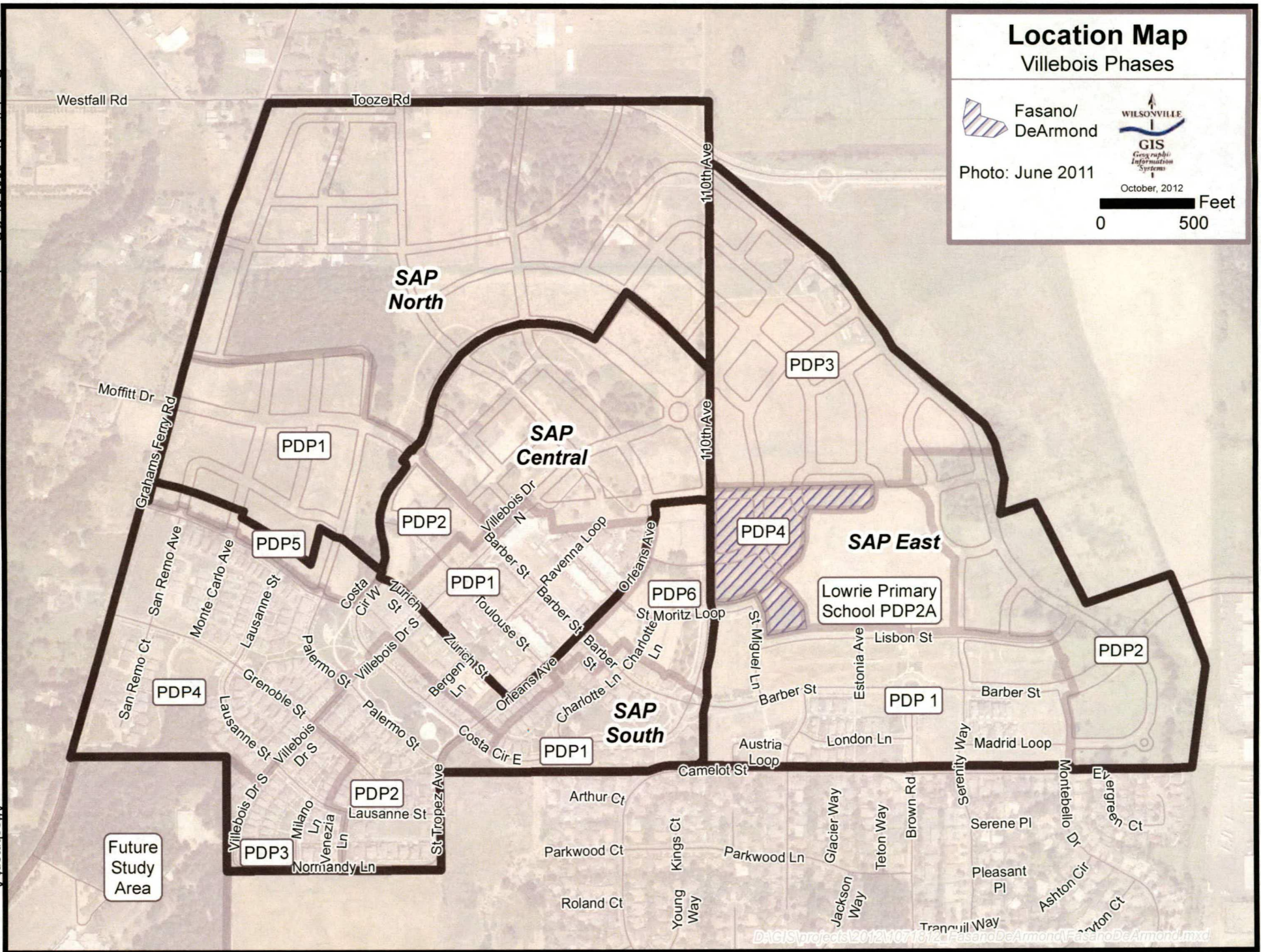
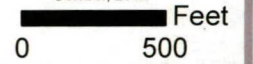


Fasano/
DeArmond



October, 2012

Photo: June 2011



RESOLUTION NO. 2382

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ADDENDUM NO. 5 TO THE DEVELOPMENT AGREEMENT OF JUNE 14, 2004 BY AND BETWEEN THE CITY OF WILSONVILLE, THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE, MATRIX DEVELOPMENT CORPORATION, PROPERTY OWNERS DONALD E. BISCHOF & SHARON L. LUND, ARTHUR C. & DEE W. PICULELL, THE DeARMOND FAMILY LLC, LOUIS J. & MARGARET P. FASANO, AND VALERIE & MATTHEW KIRKENDALL

WHEREAS, Polygon Northwest Company, LLC (Polygon) is purchasing a certain parcel of land from the Fasano Family LLC and the DeArmond Family LLC (together referred to as Fasano/DeArmond); and

WHEREAS, this land was originally optioned by Matrix Development Corporation (Matrix) along with other land purchased and optioned by Matrix, all of which was subject to the Matrix Development Agreement for the development of all the property acquired and optioned. Due to a bankruptcy reorganization, the optioned land went back to the owners, including Fasano/DeArmond; and

WHEREAS, the City of Wilsonville (City), the Urban Renewal Agency of the City of Wilsonville (URA), and Polygon desire to enter into Addendum No. 5 to the Matrix Development Agreement to provide for the infrastructure for the proposed subdivision development by Polygon of the Fasano/DeArmond property into a 93 lot subdivision known as Special Area Plan East, Preliminary Development Plan 4 (SAP-E, PDP-4) of the amended Villebois Village Master Plan; and

WHEREAS, Polygon has applied for subdivision development approval, in keeping with the amended Villebois Village Master Plan, and entry into this Addendum 5 will assist in developing the subdivision in an efficient and timely manner;

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

1. The recitals above are incorporated by reference as if fully set forth herein.
2. The City Manager is authorized to execute Addendum 5 to the Matrix Development Agreement on behalf of the City, a copy of which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. This resolution becomes effective upon the date of adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof
this ____ day of _____, 2012, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Núñez

Councilor Goddard

Councilor Starr

Attachments:

Exhibit A – Addendum No. 5

**ADDENDUM NO. 5
TO THE DEVELOPMENT AGREEMENT OF JUNE 14, 2004
BY AND BETWEEN THE CITY OF WILSONVILLE (CITY) AND
THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE (URA)
AND MATRIX DEVELOPMENT CORPORATION (DEVELOPER)
AND PROPERTY OWNERS DONALD E. BISCHOF / SHARON L. LUND,
ARTHUR C. / DEE W. PICULELL,
THE DeARMOND FAMILY LLC / LOUIS J. / MARGARET P. FASANO (OWNERS)
AND VALERIE AND MATTHEW KIRKENDALL (KIRKENDALL)**

THIS ADDENDUM NO. 5 (“Addendum 5”) to the above captioned Development Agreement (hereinafter referred to as the “Matrix Development Agreement”) is entered into this 5th day of November, 2012, by and between the City of Wilsonville (“City”), a municipal corporation of the State of Oregon, the Urban Renewal Agency of the City of Wilsonville (“URA”), a municipal corporation of the State of Oregon, Polygon Northwest Company, L.L.C. (“Polygon”), a Washington limited liability company. This Addendum 5 only applies to the City, the URA, and Polygon, and does not apply to the other parties to the Matrix Development Agreement. This Addendum 5 pertains to property referenced on the attached **Exhibit 1**, which is part of Special Area Plan East, Preliminary Development Plan 4 (hereinafter referred to as “SAP-E, PDP-4”) and is currently owned by Fasano Family LLC, as successors to Louis J. and Margaret P. Fasano, and DeArmond Family LLC (together referred to herein as “Fasano/DeArmond”).

RECITALS:

1. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of 2,600 residential uses, with trails, parks, and open spaces, supported by \$140 million in infrastructure. In approximately June 2004, for the purposes of developing 655 home sites within the Villebois Master Plan area, Matrix Development Co. (“Matrix”) acquired certain land interests in approximately 150 acres of land east of 110th Street, known under the Villebois Master Plan as SAP-E, and entered into the 2004 Development Agreement set forth in the title above (known as the “Matrix Development Agreement”). However, due to a bankruptcy reorganization, Matrix now only retains a portion of the property known as SAP-E, PDP-1. Matrix has transferred its interest in the remainder of the SAP-E property to the respective owners, namely: to Wachovia Financial (“Wachovia”) and Redus OR Lands, Inc. (“Redus”), that portion of the property which is known as SAP-E, PDP-2; to Donald E. Bischof and Sharon L. Lund (“Bischof/Lund”), that portion of the property which Polygon has an option agreement to purchase and subsequently intends to develop, known as SAP-E, PDP-3; and to Fasano/DeArmond, that portion of the property known as SAP-E, PDP-4.

2. Redus is an entity formed to hold Oregon lands which Wachovia had financed, had security interests in to secure the repayment of its financing, and had received the land either by foreclosure or in lieu of foreclosure. Subsequently, Wachovia and its interests have been acquired by Wells Fargo, a national banking institution.

3. Polygon has entered into a purchase and sale agreement to purchase a portion of the property affected by and included in the Matrix Development Agreement, which is currently owned by Fasano Family LLC and DeArmond Family LLC and is known as SAP-E, PDP-4 (the "Fasano/DeArmond Property"). The Fasano/DeArmond property is described on the attached **Exhibit 1**. The City, the URA, and Polygon wish to clarify certain respective obligations under the Matrix Development Agreement that pertain to the Fasano/DeArmond property if Polygon acquires the Fasano/DeArmond property and Polygon receives its requested approvals for the development of SAP-E, PDP-4, as generally shown on the attached **Exhibit 2** (the "Site Plan"). The Site Plan contemplates 93 lots being developed on the Fasano/DeArmond property by Polygon.

4. Terms not specifically defined herein shall be as defined in the Development Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City, the URA, and Polygon agree as follows:

TERMS AND CONDITIONS:

1. **Condition Precedent.** Polygon hopes to acquire the Fasano/DeArmond Property much earlier than December 31, 2014. However, as a condition precedent to the implementation of this Addendum 5, Polygon must purchase the Fasano/DeArmond Property on or before December 31, 2014. In the event Polygon does not purchase the Fasano/DeArmond Property by December 31, 2014, this Addendum 5 shall become null and void unless the parties otherwise mutually agree, in writing.

2. **Supplemental I-5/Wilsonville Street Fee.** Polygon, as the developer of PDP-4, shall pay a supplemental I-5/Wilsonville Road street SDC of \$690 per DU at issuance of the building permit for each lot within PDP-3E. This supplemental street SDC is separate and apart from the basic street SDC and is not intended by the parties hereto to be a part of any street SDC credit or street SDC credit calculation that is set forth in this Agreement. The total supplemental street SDC to be paid by Polygon for the proposed 93 lots at \$690/DU is \$64,170.

3. **South Portion of Regional Park 8 and Neighborhood Park 6.** Polygon desires to have Neighborhood Park 6 constructed in its initial development phase of the Fasano/DeArmond property, and Polygon is willing to design and construct Neighborhood Park 6 for an estimated \$427,986 (the current basic rate of \$4,602 times 93 lots). Therefore, for designing and constructing Neighborhood Park 6, Polygon shall receive a credit against the basic fee in the amount of final actual costs, which shall be capped at \$427,986 in total. If the final actual amount is less \$427,986, then the remaining park fee amount shall be paid to the City. If the amount is greater than \$427,986, it shall be at Polygon's expense. Additionally, Polygon shall pay a \$1,071 per lot park fee as and for contribution to design and construction of the remainder of Regional Park 8 on the Redus property. The maintenance of Neighborhood Park 6 shall be the responsibility of Polygon or such successor Homeowners Association as Polygon shall provide. In the event Polygon should acquire the Redus property for development and

design and construct the remainder of Regional Park 8, then the City would be willing to renegotiate the \$1,071 per lot park SDC charge.

4. **Miscellaneous Parks: Linear Greens (LG) 11 &12, and Pocket Park (PP) 11.** These green spaces and park are on the Fasano/DeArmond property. The new greens and the park are located and described on the Revised Villebois Master Parks Plan, which Polygon has a copy of. Polygon will design and construct Linear Greens (LG) 11 & 12 and Pocket Park (PP 11) at its sole expense.

5. **Reimbursement District for the Coffee Lake Drive Sewer Line.** In constructing the grade school and associated fields, the City constructed a 15-inch sewer trunk line within the future right of way of Coffee Lake Drive between slightly south of Barber Street north to the Bischof/Lund southern property line. While this sewer line segment is needed to serve the school site, it is being sized for additional future residential development and with the understanding that a Coffee Lake Sewer Utility Reimbursement District would be formed and that benefited parties will be subject to reimbursement of proportionate costs upon development. The estimate of costs subject to reimbursement is \$22,199.67, together with such interest as may be established with the adoption of the Reimbursement District, and is also identified in **Exhibit 3** to this Agreement, which cost Polygon shall pay on or before the issuance of any public works or building permit.

6. **Reimbursement District for Local Roads, Waterline, Storm Lines, and Sewer Line Laterals To Be Constructed as a Part of the School Site Development.** The school site development included the construction of local roads, water lines, storm lines and sewer line laterals, some of which were oversized and benefit future development on the remaining Fasano/DeArmond property. This project is just completing and the School District will be applying to form a Reimbursement District. The City entered into a Development Agreement with the West Linn-Wilsonville School District to apportion these costs, based initially on estimates that were described in Exhibit E to the Purchase and Sale Agreement between the Urban Renewal Agency and Fasano/DeArmond, subject to a true-up with final, actual costs. To fairly apportion the final costs, the Development Agreement provides for the formation of a Road and Utility Reimbursement District wherein each benefited property pays its proportionate cost of the development. The proportionate costs to the Fasano/DeArmond property shall equal \$291,657.25, together with such interest as may be established with the adoption of the Reimbursement District. The Reimbursement District will be adopted at a public hearing and Polygon, by executing this Addendum 5 and, if Polygon purchases the Fasano/DeArmond Property from Fasano/DeArmond, is agreeing to be responsible for paying such final amount and the interest thereon on a per-lot basis at time of building permit issuance.

7. **Master Planning Fee.** The Matrix Development Agreement for SAP-E provides that the developer will pay a master planning fee of \$900 per lot, \$690 to the master planner, Costa Pacific Communities, and \$210 to the City, subject to an annual increase made per the Seattle Construction Cost Index. Polygon is subject to paying the master planning fee, which is currently, for fiscal year 2012-13, a total of \$1,027, with \$787 to Costa and \$240 to the City. The total current estimate for the 93 lots is \$95,511.

8. **SDC Credit Calculations.**

8.1. Included Costs. The standards for calculating the costs of constructing infrastructure, including both soft and hard construction costs, are standards known to the City and Polygon, and have been used for the calculations herein and against which SDC credits are calculated. The Matrix Development Agreement addresses the respective SDC and SDC credit calculations and is to be followed, except as may otherwise be specifically set forth in this Addendum 5. A series of tables of SDCs, as currently calculated but subject to future annual adjustment, are provided in **Exhibit 3**.

8.2 Excluded Costs. The parties to this Addendum 5 agree that the various infrastructure costs and SDC credit calculations shall not include the cost of any property or any easement, right of entry, or license for any property necessary to be dedicated to or otherwise transferred by any of the respective parties to this Addendum 5 to the City for the infrastructure improvements, including parks, provided for in this Addendum 5 and which shall be provided to the City without cost to the City.

8.3. Final Estimates and True Up. In order to secure a public works permit for the infrastructure provided for herein, plans for the construction of the infrastructure, including parks, must be provided to and approved by the City. In constructing the infrastructure, the approved plans must be followed and, to ensure the cost for providing the infrastructure is reasonable, and thus any credit entitlement is reasonable, Polygon shall provide the construction contract costs to the City as the final estimate for the City's review and approval, which approval shall not be unreasonably withheld. The final cost and SDC credits shall be based on actual costs trued up from the construction contract costs; provided, however, that for any such true-up change cost, the parties must mutually agree they are reasonable.

8.4. Insurance and Bonds. As a precedent to receiving SDC credits and prior to commencement of construction of the infrastructure set forth in this Addendum 5, Polygon shall provide to the City performance and payment bonds satisfactory to the City to provide for the respective infrastructure set forth in this Addendum. Polygon shall cause the City to be an additional endorsee on the applicable contractor's insurance policy for the construction of the respective infrastructure provided for in this Addendum in amounts and coverage satisfactory to the City.

9. **Recitals Incorporated.** The recitals set forth above, inclusive of exhibits, are incorporated by reference as general terms of this agreement to provide for the intent of the parties in developing and constructing the specific provisions of the Terms and Conditions of this Addendum No. 4 Agreement.

10. **Miscellaneous.** This Addendum 5 amends the Matrix Development Agreement as specifically set forth herein in Addendum 5. Except as set forth in Addendum 5, the Matrix Development Agreement remains in full force and effect as to the parties to this Addendum 5.

11. **Assignment.** Polygon shall have the right to assign, without release, this Addendum 5 to an affiliate of Polygon including Polygon at Villebois, L.L.C. An affiliate of

Polygon is defined as any entity that is managed or controlled by the same people who manage Polygon.

12. **Notices.** All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: Michael E. Kohlhoff, City Attorney
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville OR 97070

To Polygon: Fred Gast, President
Polygon Northwest Company
109 E. 13th Street
Vancouver WA 98660

With a copy to: Radler White Parks & Alexander LLP
Attn: Barbara Radler
111 SW Columbia Street, Suite 1100
Portland, OR 97201

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first written above.

CITY OF WILSONVILLE

POLYGON NORTHWEST COMPANY, L.L.C.

By: _____
Bryan Cosgrove
As Its: City Manager

By: _____

THE URBAN RENEWAL AGENCY
OF THE CITY OF WILSONVILLE

By: _____
Bryan Cosgrove
As Its: Executive Director

EXHIBIT 1

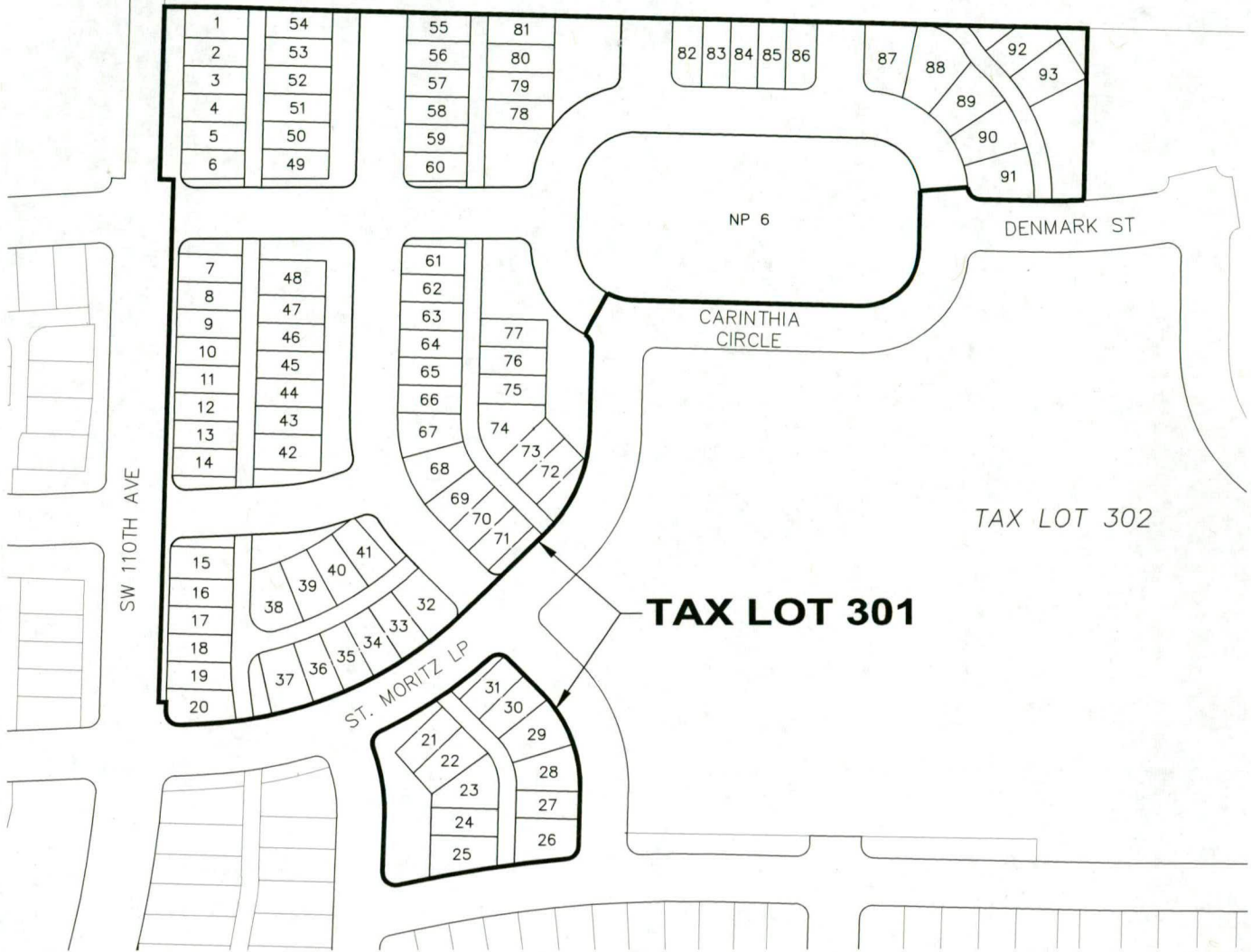
LEGAL DESCRIPTION OF FASANO/DeARMOND PROPERTY

Parcel 1, PARTITION PLAT NO. 2011-005, recorded February 1, 2011 at Fee No. 2011-007578, in the City of Wilsonville, County of Clackamas and State of Oregon.

and

Tract "DD" and Tract "EE" LEGEND AT VILLEBOIS, recorded January 19, 2007 as Plat No. 4101, City of Wilsonville, County of Clackamas, and State of Oregon.

TAX LOT 180



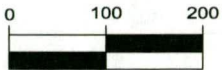
TAX LOT 301

TAX LOT 302

EXHIBIT 2 - SITE PLAN



SCALE



1 INCH = 200 FEET

DRAWN BY: PRE DATE: 10/26/12
 REVIEWED BY: JBL DATE: 10/26/12
 PROJECT NO.: 395-011
 SCALE: 1" = 200'



[T] 503-941-9484
 [F] 503-941-9485

Supplemental I-5/Wilsonville Road Fee

pay supplemental fee for 93 lots at \$690/DU (\$64K).

Fee	Rate	Units	Cost
I-5/Willsonville Rd	93	690	64,170
Total			64,170

Coffee Lake Drive Sewer Improvement - 2077

Polygon to pay reimbursement district fee (22K).

	Project Cost	Percent	Cost
Total Reimb.	597,143	3.718%	22,199.67

Master Plan Fee

Pay fee amount (\$96K)

Fee	Units	Rate	Cost
MP Fee (Costa)	93	787.00	73,191
MP Fee (City)	93	240.00	22,320
Total	93	1,029	95,511

South Portion Regional Park 8 and Neighborhood Park 6

Polygon to build park(\$428K max), pay supplemental park fee (\$99K), take credit of construction cost (\$428K max) against standard park fees (\$428K)

Item	Area (ac)	price per ac	Cost
NP 6	1.64	260,967	427,986
Total			427,986

\$481,715 per parks master plan

School Reimbursement District

Polygon to pay its portion of reimbursement district (\$237K)

Item	Cost	quant.	Cost
por. Reimb. District	291,657.25	1	291,657.25
Total			291,657

Misc. Linear Greens (LG-11 & 12) and Pocket Parks (PP-11)

Polygon to build those portions with the project limits, no SDC credits

Storm Quality SDC Fee

Polygon to build onsite/offsite facilities, pay no storm Quality SDC Fee

Storm Quantity SDC Fee

Polygon to pay fee (\$72k)

SDC Fees

Fee	Amount	Fasano		comments
		Units	Cost	
Sewer	4,153	93	386,229.00	
Coffee Lake Sewer Reimbursement	22,199.67	1	22,199.67	
School Reimbursement District	291,657.25	1	291,657.25	
Water	4,736	93	440,448.00	
Storm Quality	0	93	0.00	
Storm Quantity	780	93	72,540.00	
Roads	6,340	93	589,620.00	
I-5/Wilsonville road	690	93	64,170.00	
Parks	4,602	93	427,986.00	
Supplemental Park Fee	1,071	93	99,603.00	
Master Plan	1,027	93	95,511.00	
Total	337,256	93	2,489,963.92	

not including:

school construction Excise tax

Metro Excise tax

all fees expected to raise annually in July. These are current as of 7/1/12

Development Review Board – Panel A
Minutes–October 8, 2012 6:30 PM

I. Call to Order

Chair Douglas King called the meeting to order at 6:30 p.m.

II. Chair's Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Douglas King, Bob Alexander, John Schenk, Mary Fierros Bower, and Lenka Keith. Councilor Liaison Scott Starr was absent.

Staff present: Chris Neamtzu, Blaise Edmonds, Barbara Jacobson, Steve Adams

IV. Citizens' Input This is an opportunity for visitors to address the Development Review Board (DRB) on items not on the agenda. There were no comments.

V. City Council Liaison Report

No report was given due to Councilor Starr's absence.

VI. Consent Agenda:

A. Approval of minutes of August 13, 2012 meeting

John Schenk moved to approve the August 13, 2012 DRB Panel A meeting minutes as presented. Bob Alexander seconded the motion, which passed unanimously.

VII. Public Hearings:

A. Resolution No. 235. Wilsonville Road Business Park: Pacific Northwest Properties – Applicant SSI Shredding Systems: Lans Stout, T.M. Rippey Consulting Engineers– Representative for Jerry Dettwiler, Our Associates LLC – Applicant and Owner.

The applicant is requesting approval of a modification to Condition of Approval PDA1 of Development Review Board Resolution No. 194

for Wilsonville Road Business Park. Wilsonville Road Business Park is located on Tax Lots 100 and 101, Section 23B, T3S-R1W, Clackamas County, Oregon. Staff: Blaise Edmonds.

Case Files: DB12-0041 – Modify condition of approval PDA1 of DRB Resolution No. 194.

Chair King called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Blaise Edmonds, Manager of Current Planning, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Edmonds presented the Staff report via PowerPoint with these comments:

- Displaying the Site Plan, he noted the Wilsonville Business Park's location south of the Fred Meyer service station, with recent construction highlighted yellow-blue.
 - When the project was approved a couple years ago, Condition PDA1 was applied to the zone change and limited Phase 1 to 70,731 sq. ft. of industrial, with 10,290 sq. ft. of office and 8,814 sq. ft. of commercial. The condition also regulated commercial use to the specific areas shown in yellow on the Site Plan. Approved in Phase II, which has not yet been constructed, was 21,700 sq ft of office.
- The economy has remained sluggish since opening the facility and the Applicant would like to capitalize on the full Code provision which allows him to have more commercial and more office.
 - The PDI zoning allows up to 30 percent for office use. The total square footage of the facility for both phases is 111,353 sq ft, allowing the Applicant 21,700 sq. ft. for the two-story office building, and he could capture another 1,470 sq ft for Phase I. By applying the Code provision, up to 20,000 sq ft would be allowed for multiple building use in an industrial campus. The Applicant would add another 11,186 sq ft of additional commercial space.
 - Staff did not propose any limitations on where the commercial/office/industrial should be divided within the campus. The commercial would most likely be along the frontage of Wilsonville Rd because that was the most attractive storefront. The back two buildings were not conducive to commercial due to truck loading and unloading and they were not visible.
- For clarification, he proposed changing revised Condition PDA1 on Page 3 of 17 to state, "...this action approves the following maximum **building** square footage." This addition clarified that the Applicant could not use additional space between the buildings, for example, only space within the building footprint.
- He noted a revised traffic report was prepared by DKS Associates, which was included as Exhibit B2. The site is about six or seven parking spaces above the minimum parking specified by the Code, so worst case scenario, if all the proposed commercial space was maxed out, including the additional 11,186 sq ft and 1,470 sq ft, parking would be tight.
- Currently, there was one commercial tenant. The site is not designed for a drive-through type business. If such a proposal came forward, the application would go to public hearing. The site was designed for walk-in, retail or commercial type businesses. As each tenant came in, Staff would review the Tenant Improvement Permit to ensure each tenant is meeting the quota. Staff would contact Mr. Stern to inform him if allowed commercial space was available.

John Schenk stated the suggested verbiage did not limit the building to the existing building footprint. He suggested the City Attorney decide the best way to word the amendment to make the meaning legally clear.

Barbara Jacobson, Assistant City Attorney, stated the motion amending the Staff report with the clarification suggested by Mr. Edmonds should state the resolution be approved subject to clarifying the language that the allowed square footage was within the current building footprint.

Chair King called for the Applicant's presentation.

Tom Stern, Pacific Northwest Properties, 6600 SW 105th, Beaverton, OR stated Pacific Northwest was the developer/owner of the project. He believed the Staff report summarized the reasons well regarding the request. When asked about the expected outcome of the retail locations in light of the traffic report and unfinished interchange, the Applicant replied realistically and conservatively, but assumed the zoning would prevail and they would be able to build whatever the zone stated. The Applicant did not know they were limiting themselves and simply wanted to do what the PDI allowed; they should have caught this earlier, but they did not.

Chair King called for public testimony in favor of, opposed, and neutral to the application. Seeing none, he confirmed the Applicant had no rebuttal and closed the public hearing at 6:48 p.m.

John Schenk moved that the language of revised Condition PDA1 on Page 3 of 17 in the Staff report be clarified to reflect that the square footage increases are limited to the existing building footprint. **Chair King** seconded the motion, which passed unanimously.

Chair King moved to adopt Resolution No. 235. The motion was seconded by **Bob Alexander** and passed unanimously.

Chair King read the rules of appeals into the record.

B. Resolution No. 234. Fox Center Townhomes: Seema, LLC – Applicant. The Applicant is requesting approval of a Comprehensive Plan Map Amendment from Commercial to Residential 10-12 du/ac, Zone Map Amendment from PDC to PDR-5, Revised Stage I Preliminary Development Plan for Fox Chase, Stage II Final Plan, Type ‘C’ Tree Plan and waivers to front yards to enable development of sixteen (16) townhome units for Fox Center Townhomes. The subject 1.14-acre property is located Tax Lot 100 of Section 22AC, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds.

This item was continued to this date and time certain at the August 13, 2012 DRB Panel A meeting.

The DRB action on the Comp. Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.

Case Files: DB12-0033 – Comp. Plan Map Amendment
 DB12-0034 – Zone Map Amendment
 DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
 DB12-0036 – Stage II Final Plan
 DB12-0039 – Waiver to front yard setback
 TR12-0067 – Type ‘C’ Tree Plan

Chair King called the continued public hearing to order at 6:51 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Blaise Edmonds, Manager of Current Planning, noted the criteria applicable to the application were read into the record at the August hearing. He presented the Staff report via PowerPoint recapping the details of the application with these key comments:

- The Applicant was proposing to amend the Fox Chase Master Plan from commercial to residential and had modified their proposal according to public testimony and the Board’s feedback received at the August 13 meeting. The Applicant had eliminated all but one of the waivers previously requested. The remaining waiver regarded the trellis at the northeast corner of the site which projected into the front yard setback near the garden area.
- A new slide was displayed, which was not included in the Staff report, regarding elements not on the project site that Interim City Engineer Steve Adams would discuss further.
 - In the proposed design, which was discussed with the Applicant, the existing 6-ft sidewalk along the east side of the site would be widened along Willamette Way East to connect to the Tonquin Trail.

- A bulb out and a pedestrian crosswalk would also be constructed at Willamette Way East to help slow traffic for pedestrian safety. This being part of the Tonquin Trail would continue south and connect with the pathway that goes through Morey's Landing.
- Widening the sidewalk an additional 4 ft of sidewalk would be paid for by the City as a capital improvements project and constructed when the sanitary sewer line is reconstructed through the Autumn Park Apartments, likely next spring or summer.
- He reviewed the Applicant's proposed revised changes, which he also indicated on a displayed site map with these comments:
 - One dwelling unit had been eliminated, bringing the total from 16 to 15 units.
 - All buildings were repositioned to meet the 20-ft front yard setback requirements at all locations, eliminating the need for the waivers, except for the trellis or arbor structure.
 - The south driveway was eliminated as the fire district confirmed it was not needed. The property would have an internal hammerhead to provide for fire truck access.
 - One community garden was moved to the southwest corner of the site to provide the best access to sunlight.
 - Parking was increased to a total of 44 off-street parking spaces for fifteen dwelling units, making the ratio almost three spaces per unit, essentially one space less than two times the minimum requirement.
 - A condition still required that garages be used for parking and not for personal storage. This requirement would be managed and enforced by the Applicant; if the City received a complaint, the condition would be enforced through Code enforcement.
 - The proposed plantings exceeded all applicable landscape open space requirements, and the tree plan provided for new tree plantings in excess of the basic mitigation requirement.
 - He presented images comparing the Applicant's initial proposal to that presented to the Board this evening, noting the changes in building setbacks, which provided for more parking; the modifications after eliminating the south access, and the widened sidewalk, providing a safe access route to the schools to the north and a connection to the Tonquin Trail.
- He believed the proposal was a substantial improvement and that the Applicant successfully addressed the concerns expressed. The only difference was the Applicant was requesting one additional unit over the Comprehensive Plan density allowance, not the 6.32 units over the maximum Comprehensive Plan density allowed by the maximum zone density.
 - To get the additional 1.32 units, the Applicant asked that the Board consider Implementation Measure 4.1.4.v, which states, "Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped)." It was previously presented that the property would be age-restricted to age 55 years and older, but technically, the Comprehensive Plan was not saying that; the one additional housing unit would be for senior housing.
 - Staff proposed a condition that prior to occupancy, the Applicant must designate a specific senior housing unit to meet that test under Implementation Measure 4.1.4.v. The Applicant could also rent all age-restricted units or have the flexibility to have market rate rental for the units mixed with age-restricted housing. He did not believe the Comprehensive Plan required that all housing be age-restricted, only 10 percent.
- The Board's recommendations for the Comprehensive Plan and Zone Map amendments would be heard at City Council in a public hearing scheduled for November 5, 2012. The Board's decision was final for the companion applications, which would not be approved unless the City Council approved the Comprehensive Plan and Zone Map amendment.

Chair King called for the Applicant's presentation.

Lee Leighton, AICP, Westlake Consultants, Inc., representing the Applicant, stated he talked with Interim City Engineer Steve Adams and believed it would be best for Mr. Adams to brief the Board on the specific engineering proposal before Mr. Leighton covers the Applicant's comments.

Steve Adams, Interim City Engineer, stated the Tonquin Trail was always intended to go down Willamette Way East, and this project was an opportunity to install part of it along the site's frontage. The City would follow up with the owners on the east side of Willamette Way East to carry on down to the Morey's Landing 10-ft asphalt path, though some gaps would need to be addressed.

- The project stemmed from a citizen concern the City received about needing a sidewalk crossing on Willamette Way East because of the number of children that cross at this corner from the apartments and housing further south because the sidewalk at Wilsonville Rd into the school is on the west side of the driveway. Rather than having children cross at Wilsonville Rd, it would be safer for them to cross a block south due to less traffic. So, the project would not only provide a connector to the Tonquin Trail, but also address a Safe Routes to School issue. The developers agree with installing the project, which would be extra capacity, so it would be system development charge (SDC) credible from the City's streets fund and would be no cost to the Applicant.
- The bulb out at the south end would project about 6-ft into the 29-ft street, leaving 23 ft of clear travel on the east side of the street. A minimum of 20 ft is needed to meet fire access lane requirements from Tualatin Valley Fire and Rescue.
- Previously, there was concern about how people would park to access the mailbox located on the east side of the street. When he visited the site, he observed the mailbox does not meet current ADA requirements because it blocks too much of the sidewalk. He suggested that the City contact the post office to have the mailbox moved to south of the Autumn Park Apartments driveway. The extension of the Tonquin Trail south from the east side would provide the required 6-ft of sidewalk behind the mailbox to make it ADA compliant. This would also ease the concern about where parking would go on the north stretch toward Wilsonville Rd.
- Overall, these changes would result in a much better product for citizens, children and the flow of the neighborhood. The main purpose of the bulbout was to make the crosswalk safer for children going east and west and to address numerous reports about speeding traffic by providing a visual narrowing of the road to signal drivers to slow down through the area.

Mr. Leighton stated Mr. Edmonds did a good job of covering the substance of the revisions made in the current proposal, which responded to the Board's direction in August. He noted that shortly after submitting the modified plans for review by Staff, the Applicant sent a full set of the plans to Mr. Meyer, who testified in August and expressed concerns. He hoped that Mr. Meyer's concerns had been addressed in the work the Applicant had done. He invited questions from the Board.

Mary Fierros Bower asked for clarification about whether the housing would be residents age 55 and over.

Mr. Leighton noted comments at the last meeting that at a location so close to the school, allowing families to also live in the development would make sense. The age 55 and over demographic was the marketing niche the project focused on because of the gardening spaces and style of the residences. He believed the Applicant was willing to make the entire housing project age-restricted. However, if the City's requirement as a condition of approval was that only one unit needed to be devoted to senior housing, then from a management standpoint it opened options for every other units, and the Applicant could manage to whatever objective they wanted. The Applicant was fine with the condition as proposed but also fine with the Applicant's initial proposal if the Board deemed it necessary.

John Schenk suggested that if the Applicant were to promise closer to four units for age 55 and older residents, the Applicant might sway City Council more. He did not believe it was the Board's place to

make the suggestion to City Council, but if the Applicant were to do it, they might be more inclined to vote in the Applicant's favor.

Mr. Leighton replied if talking to City Council next foreshadowed a recommendation from the Board, he would be happy to keep it in mind.

Chair King called for public testimony in favor of, opposed and neutral to the application.

Michael Cook, 11299 SW Chantilly, Wilsonville, OR, testified in favor of the application. He commended the Applicant for addressing the concerns raised during testimony at the prior meeting; however, there were two points that he wanted to mention.

- To his knowledge, parking on Willamette Way East was not addressed in the application. The Chantilly neighborhood had an informal meeting and the parking issue along Willamette Way East was a major concern. He asked that the parking issues be addressed somehow.
- Regarding the mailbox, he noted most people come down Willamette Way East from Wilsonville Road to stop and get their mail. Moving the mailbox past the driveway would result in most people having to drive past the one way street to get their mail, and then drive around again to get back home. Most people would no longer have a direct route to stop and get their mail on the way home without having to backtrack, which would become irksome. He was concerned about extra traffic on Churchill from people looping back to Chantilly and people backing up to get to where they need to go home.
 - He believed the Tonquin Trail connector and crosswalk were positive additions; however, the mailbox issue should be addressed before the application was approved because it could become a real traffic and safety issue.
 - He applauded the Applicant addressing the child pedestrian safety issue.
- He believed enforcement of the age-restricted housing and garage usage policies were management issues that would be beyond the City's control.
- He added that he spoke to Mr. Meyer, who seemed fairly pleased with the plans he had received.
- He was certain if the neighborhood had concerns, Mr. Edmonds would hear from them.

Chair King called for the Applicant's rebuttal.

Mr. Leighton stated that even though Mr. Cook did not speak in opposition, he raised issues that should be discussed.

- He invited Mr. Adams to address the parking issue on Willamette Way East, which would be within the street right-of-way.
 - He explained that 44 parking spaces were proposed for the 15-unit project, 15 spaces in garages, and 29 spaces on the site. The project was only one space shy of two times the parking requirement. The Board and City Engineer could decide what to do with on street parking because the Applicant was not relying on it at all.
- The Applicants made it clear that as a management objective for the quality of the environment, they intend to enforce people using their garages properly and parking their cars in them.
- He explained the Applicant was not directly involved in the mailbox relocation, which related to the City's project for Safe Routes to School and those related improvements. The City would have to work with the post office and parties involved to find a suitable location because it was a right-of-way issue, and it did not involve the Applicant.

Chair King called for Board discussion before closing the public hearing.

Mr. Schenk stated he was delighted with how everything had gone. He asked if Mr. Adams could guarantee no overnight parking on Willamette Way as it would address any residual fear that people

would use the street as car storage. He was sympathetic to the mailbox relocation, but agreed the mailbox issue was outside the Board's purview.

Mr. Adams responded that by Code and by law, parking is only allowed on one side of streets that are 29-ft wide. While the City has never identified which side of the street is no parking, prohibiting parking on both sides of the street would be against the Code.

- He viewed this project as an opportunity to resolve the issue by identifying the east side of the street as no parking because he believed traffic flows better if there is no parking on the east of the street. Parking would be available on the west side if people chose to park on the street.
- By including that condition in the packet, he was attempting to save the City money by requesting that the Applicant cover the costs of the no parking signs and painting for enforcement. Currently, people park on the west side of the street and walk across to get their mail, so there is parking now. The City cannot make parking legal for those picking up their mail but illegal for the condo residents.
- He was under the impression that the mailbox location was a problem, but he was fine leaving the mailbox where it is located. The ADA requirements could be met by leaving the mailbox where it is and acquiring an easement from the property owner and expanding the concrete to make the mailbox was ADA compliant.

Mr. Edmonds recalled DKS had a concern about parking along the west side for approximately 150 ft south of the intersection, which would take out a large amount of parking because of traffic safety.

Mr. Adams stated he emailed Scott Mansur of DKS about the issue and Mr. Masur replied that the 150-ft buffer extending down Willamette Way East from Wilsonville Rd could be reduced to 100 ft because the impacts would go away once the City identified on which side of the street parking would be allowed. A parked car is typically 7 ft from the curb, which still allows a 22-ft clear difference, which is plenty of room for two-way traffic on a 29-ft wide street.

Lenka Keith noted the parking ratio of 2.93 per unit was more than most apartment complexes have and should be more than adequate.

Chair King added that vehicles parking overnight on the street might could be a possible target for the heavy bicycle, scooter and other traffic traveling on the street, which might be a natural deterrent.

Mr. Cook added that installing the crossing and allowing parking would limit drivers' visibility of people crossing the street at that point, creating a hazardous situation. He noted the street also goes downhill, which also limited visibility.

Chair King closed the public hearing at 7:30 p.m.

John Schenk moved to approve Resolution No. 234 as presented by the Applicant this evening. **Lenka Keith** seconded the motion, which passed unanimously.

Chair King read the rules of appeal into the record.

IX. Board Member Communications

A. Results of the July 23, 2012 DRB Panel B meeting
There were none.

X. Staff Communications

Mr. Edmonds stated that Staff has received two Villebois applications for 185 lots on the east side, which would be Phase 3 East, and another 140 lots for Phase 4 East, west of the Lowrie Primary School. The applications would come to either Panel A or Panel B for public hearings.

XI. Adjournment

The meeting adjourned at 7:33 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant

Fall Harvest Fest

On October 13th, approximately 375 individuals joined Parks and Recreation staff for the 4th annual Fall Harvest Fest in the Stein Boozier Barn.

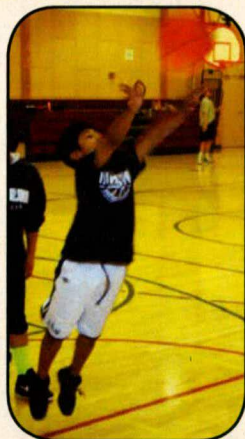
Guests were treated to pumpkin decorating, horse and wagon rides, story time provided by the library and great music played throughout the event that even got a few folks up dancing.

A costume contest and parade highlighted the event with princesses, super heroes, and everything in between marching around Murase Plaza showing off their Halloween spirit.

Family Fun Center and Bullwinkles Restaurant donated coupons for free personal pizzas which were handed out to all children in attendance and 4 staff members from the RiteAid distribution center volunteered their time (and candy!) to help out at the event.



Mini Hoopers Basketball Tips Off!



The 2012 Mini Hooper Basketball season got started this past weekend with the Pre-Season Players and Coach Clinic. The clinic was an opportunity for players to learn basic skills while playing a number of fun and exciting games. 8 volunteer coaches in the Mini Hooper program were on hand learning age appropriate games and practice ideas for the upcoming season.

The Mini Hooper program is open to 1st and 2nd graders and runs from mid-October to mid-December

Registration by the numbers:

1st Grade Boys: 30

2nd Grade Boys: 38

1st and 2nd Grade Girls: 35

Community Services Department

Program Update



Winter classes continue to draw strong registration numbers with youth, adult and adult 55+ classes seeing good turnouts for classes and activities.

Participant Numbers:

- Horse Play (Youth): 4
- Gymnastics (Youth): 8
- School's Out Basketball (Youth): 18
- Spanish (Adult): 16
- Stretch, Strength and Stamina (Adult 55+): 25
- Watercolor (Adult 55+): 16
- When I'm in Charge (Youth): 8
- Yoga (Adult 55 +): 34

In addition to classes showing strong registration numbers, Personal Trainer Brad Moore's schedule is completely booked and he has a wait list of clients wishing to benefit from his services.

Annual Medicare Check-Up

On Wednesday, October 12th, 24 seniors attended a presentation on changes and updates to Medicare plans for 2013. Senior Health Insurance Benefits Assistance (SHIBA) Volunteers were on hand to provide information and answer questions.

On November 1st, six SHIBA volunteers will be at the Community Center to assist individuals who would like 1 on 1 assistance updating their Medicare plans. Currently 16 individuals have signed up for appointments, and there are still openings on the schedule.

Ongoing Kitchen Remodel

The Community Center kitchen remodel project continues to make progress. Contractors have made it through the demolition phase and have now begun to add exterior walls and frame interior walls.



COMMUNITY DEVELOPMENT DEPARTMENT

October 2012

MESSAGE FROM DIRECTOR

My first three months as Community Development Director have been very rewarding as I learn about the Wilsonville community and get to know the staff at City Hall. The department has been very busy in October as many of our capital construction projects neared completion, new development applications came in, and building permit activity remained steady. The annual storm-water report was completed, several Villebois development plans were reviewed, and the I-5/Wilsonville Road interchange became fully operational. The art at the interchange truly enhances travel through this important connection. As the wastewater treatment plant construction proceeds, I want to assure the City Council that the CD staff will continue to work with the City's wastewater treatment plant contractors to trouble shoot odors as the construction phases evolve. Have a great November! -Nancy Kraushaar, PE

BUILDING DIVISION

Major Development under construction:

Mentor Graphics Data Center—Temporary C of O (picture)

Villebois Single Family

Cross Creek Single Family

City Fleet Building

O'Reily's Auto Parts Store Tenant Improvement

Brenchley Estates Phase 1 North Community Clubhouse (picture)



Villebois Clubhouse



Brenchley Clubhouse

COMMUNITY DEVELOPMENT DEPARTMENT

October 2012

BUILDING—Continued: Mentor Graphics
Data Center—Temporary C of O



ENGINEERING DIVISION

CAPITAL PROJECT UPDATE

WWTP DBO 2082): Aeration Basin #3 is complete; Primary Clarifier demolition is complete. Concrete work for the new Stabilization Basin and Dewatering/Drying Building is underway. Underground piping continues.



COMMUNITY DEVELOPMENT DEPARTMENT

October 2012

95th-Boones Ferry Road (4041): Construction is nearing completion.



I-5/Wilsonville Rd (4002): Construction nearing completion. Sidewalks, handrails, landscaping and bark dust have been installed.



Boeckman Road Reconstruction (4177): Roadway to be replaced has been demolished: The first 6 feet (of 13 total feet) of surcharge embankment rock has been placed.



COMMUNITY DEVELOPMENT DEPARTMENT

October 2012

PRIVATE DEVELOPMENT UPDATE

Villebois North PDP 1 Phase 1 – Polygon NW:

82-lot subdivision on the west side of Villebois; all underground pipework and curbs have been installed; 4-acre regional park is nearing completion.



Grahams Ferry Road:

Construction is nearing completion.



COMMUNITY DEVELOPMENT DEPARTMENT

October 2012

NATURAL RESOURCES

Engelman Park

The construction work at the park will be completed in the next couple weeks. The only remaining item is installing all of the landscaping. A dedication ceremony is scheduled for Sunday, November 4th from 2-3 pm.

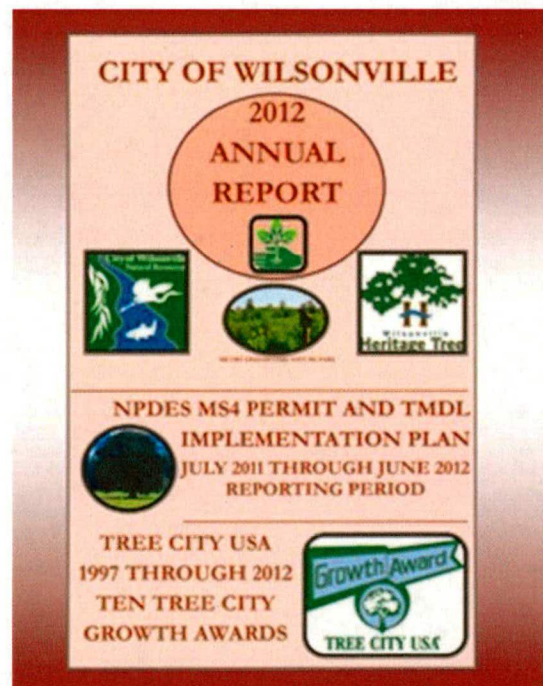


NPDES MS4 Annual Stormwater Report

In accordance with the City of Wilsonville's NPDES MS4 stormwater permit, the Natural Resources Division has completed our annual report for a November 1, 2012 submission to the Oregon Department of Environmental Quality (DEQ).

The report documents the City's permit compliance and July 2011—June 2012 activities pertaining to stormwater best management practices, water quality monitoring, and the implementation of the City's TMDL.

<http://www.ci.wilsonville.or.us/index.aspx?recordid=1290&page=10>



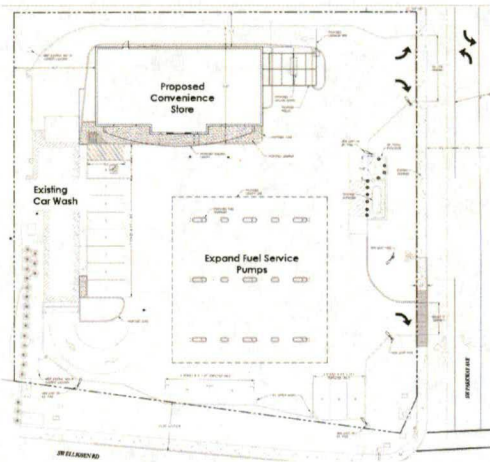
COMMUNITY DEVELOPMENT DEPARTMENT

October 2012

PLANNING DIVISION

DEVELOPMENT REVIEW BOARD (DRB) UPDATE:

On September 24th the DRB approved a request from **RB Petroleum LLC DBA Pacific Petroleum** to rebuild and enlarge the existing fuel island and relocate and rebuild an existing convenience store for **Wilsonville '76' North**. Staff: Mike Wheeler

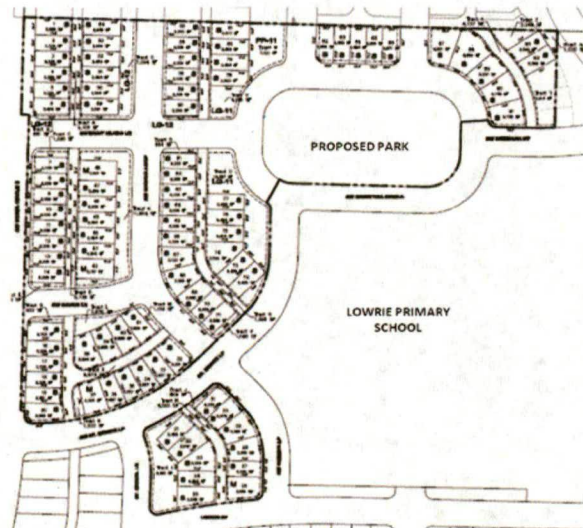
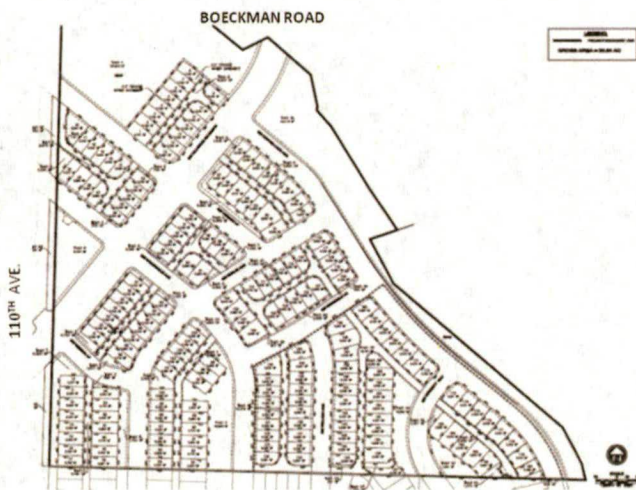


October 8, 2012 the DRB approved a request from **Pacific Northwest Properties** to increase the permitted amount of commercial and office uses in the **Wilsonville Road Business Park** to 20,000 SF. Staff: Blaise Edmonds

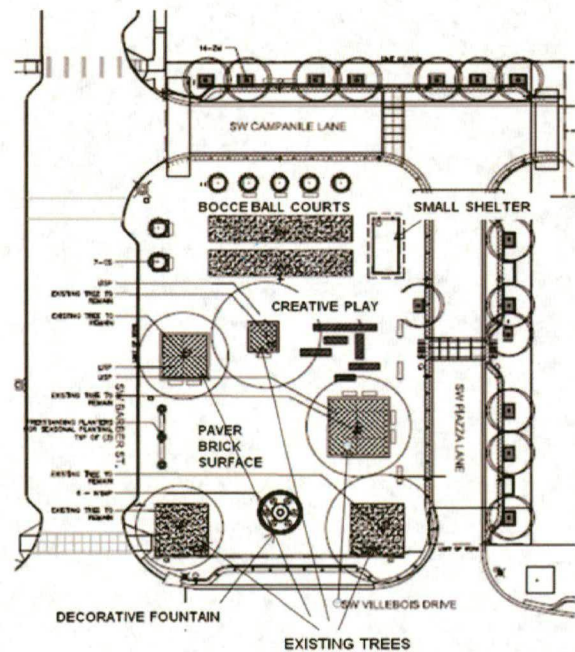
The Board also approved **Fox Center Townhomes, Seema, LLC** applicant for a Comprehensive Plan Map amendment from commercial to residential and a Zoning Map amendment from Planned Development Commercial to Planned Development Residential-5 for 15 townhomes, some of which will be reserved for senior citizens. This item was continued from the August 13, 2012 DRB meeting. The applicant's revised site plan reduced the total number of units by one, added on-site parking and made other plan adjustments in response to citizen and DRB input. The City Council will conduct a public hearing on the map amendments at their November 5th meeting. Staff: Blaise Edmonds

COMMUNITY DEVELOPMENT DEPARTMENT

October 2012



Costa Pacific Communities has submitted a Preliminary Development Plan (PDP) and a Final Development Plan for the .52 acre Piazza which is located in the heart of the Villebois community. This project is scheduled for DRB review on October 22, 2012. A Zone Map amendment from Public Facilities to Village will be reviewed by the City Council on November 19, 2012. Staff: Blaise Edmonds and Amanda Hoffman.



COMMUNITY DEVELOPMENT DEPARTMENT

October 2012

Brad Tonkin and LRS Architects have submitted plans for DRB review to locate **Gran Turismo** in the old Grand Prix Auto building on the north end of Parkway Avenue. Gran Turismo is a Ferrari and Maserati dealership. Architectural upgrades and signs are proposed for the existing building. Staff: Mike Wheeler



PLANNING COMMISSION UPDATE:

Staff has been working with the consultant team to draft the proposed **Transportation System Plan** financially constrained project list. The project team will present the slate of planned projects to City Council and the Planning Commission in November. As part of the roll out, the City will host a **Virtual Open House** in late November to allow citizens to review the information from their computer and provide input.

At its October 10, 2012 meeting the Planning Commission received a presentation on the **Regional Industrial Site Readiness Project**. The City has partnered with Metro, Business Oregon, NAIOP, Portland Business Alliance and the Port of Portland on a multi-year two phase analysis of the regions large lot industrial land supply. The availability of large lot (25+ ac.) industrial parcels is one of the Portland region's greatest weaknesses to economic growth. The purpose of the study was to establish a strategy to attract and maintain large industrial firms on the available sites to generate jobs. Within Wilsonville, the Elligsen site and the Coffee Creek area fall into the category of desirable large lot industrial land. Staff: Katie Mangle.

At the PC meeting, the Commission also discussed revisions to the **Decorative Banner Policy**. The City recently received a request from Oregon Tech staff to install banners on the light poles along Parkway Avenue in the vicinity of the campus to promote the opening of the University. Staff has accommodated that request on a temporary trial basis while the existing policy for banners was visited to determine interest in expanding the geographic areas where banners could be installed. Staff sought direction from the Commission on the draft revisions in preparation for future discussions with the City Council. Staff: Dan Pauly

And the new Villebois park name is...? After surveying the community via Survey Monkey, the results are in for the new Villebois Park that is now under construction (Regional Park 3) north of the community center/swimming pool in the west part of Villebois. With over 150 votes cast, 26.9% voted for **Piccadilly Park** as the new park name. Coming in as a close second was Camden Park with 21.8% of the votes and third was Torino Park with 16.7%. There were many alternate suggestions offered that will be considered for future park names. Staff appreciates all of the people who took the time to cast their votes to name this exciting new park. Staff: Amanda Hoffman

**Wilsonville Planning Division
2012 Third Quarter Report
July through September**

City Council Activities July through September 2012			
Permit Number	Permit Description	Applicant	Meeting Date(s) / Actions
	Appointment of Jhuma Chaudhuri to the Development Review Board Panel B		July 2
Joint Work Session with Planning Commission	Economic Development Strategy and Analysis	OTTENAD/LASHBROOK/ RETFERFORD	August 6
Resolution No. 2376	Economic Development Strategy	OTTENAD/LASHBROOK/ RETFERFORD	Resolution No. 2376 Adopted
LP12-0002	Water System Master Plan update	MENDE	<u>Work Session</u> August 20 <u>Public Hearings</u> August 20 September 6 Ord. No. 707 adopted
Work Session	Basalt Creek Transportation Planning	NEAMTZU	September 6
Work Session	Economic Development Strategy Work Plan	OTTENAD/LASHBROOK/ RETFERFORD	September 17

Planning Commission Activities July through September 2012			
Permit Number	Permit Description	Applicant/Staff	Meeting Date(s) / Actions
LP12-0002	Water System Master Plan update	MENDE	<u>Public Hearing</u> July 11 Recommendation to City Council
Joint Work Session with City Council	Economic Development Strategy and Analysis	OTTENAD/LASHBROOK/ RETFERFORD	August 6
Work Sessions	<ul style="list-style-type: none"> • Transportation System Plan Policies • Virtual Open House discussion for the next round of TSP public input 	NEAMTZU MANGLE	August 8
Work Sessions	<ul style="list-style-type: none"> • Basalt Creek Transportation Planning • Transportation System Plan Policies 	NEAMTZU MANGLE	September 12

Committee for Citizen Involvement Activities July through September 2012		
Discussion Topics	Staff	Meeting Date(s) / Actions
Continued discussion of the role of the CCI	NEAMTZU	July 11

**Wilsonville Planning Division
2012 Third Quarter Report
July through September**

Development Review Board Panel A Activities July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB12-0025	MEMORIAL PARK/3-BAY FACILITY Class 3 Temporary Use Permit-DRB Review 5-year Temporary Use Permit for Mobile Office Unit TR12-0050 – Type B Tree Permit 7934 SW MEMORIAL DR	CITY OF WILSONVILLE	July 9 Approved (for 2 years)
DB12-0026	SHREDDING SYSTEMS Class 3 Planned Development Stage 1 DB12-0027 - Class 3 Planned Development Stage 2 DB12-0028 - Class 3 Site Design Review DB12-0029 - Class 3 Tentative Plat Review DB12-0030 - Class 3 Tree Removal Plan DB12-0031 - Class 3 Master Sign Plan DB12-0037 - Class 3 Waiver 9760 SW FREEMAN DR	OUR ASSOCIATES Jerry Dettwiler Architect: MILDREN DESIGN GROUP	August 13 Approved
DB12-0033	FOX CENTER TOWNHOMES Quasijudicial-Comp Plan Map Amendment: DB12-0034 - Quasijudicial-Zone Map Amendment - Zone Change from Commercial to Residential DB12-0035 - Class 3 Planned Development Stage 1 DB12-0036 - Class 3 Planned Development Stage 2 DB12-0039 - Class 3 Waiver Proposal for a 15-unit residential plan 30625 SW WILLAMETTE WAY E	WESTLAKE CONSULTANTS INC	August 13 Continued to October 8

Development Review Board Panel B Activities July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB12-0032	RAM BREWHOUSE Class 3 Master Sign Plan Amendment to existing Master Sign Plan 29800 SW BOONES FERRY RD	CULBERTSON SIGNS	July 23 Approved
DB12-0023	NORTH WILSONVILLE 76 STATION Class 3 Planned Development Stage 2 Modification DB12-0024 - Class 3 Site Design Review DB12-0049 – Master Sign Plan Modification 8605 SW ELLIGSEN RD	AJK, INC.	September 24 Approved

**Wilsonville Planning Division
2012 Third Quarter Report
July through September**

Pending City Council Activities Planning Projects Scheduled for Hearings / Work Sessions after September 30, 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB12-0056	VILLEBOIS VILLAGE CENTER PIAZZA Quasijudicial-Zone Map Amendment: Zone Change DB12-0057 - Villebois PDP AND PDP Modification: Preliminary Development Plan DB12-0058 - Villebois Final Development Plan (FDP) DB12-0059 - Class 3 Tentative Plat Review: Partition	VILLEBOIS VILLAGE CENTER LLC	<u>DRB</u> October 22 <u>City Council</u> November 19
DB12-0033	FOX CENTER TOWNHOMES Quasijudicial-Comp Plan Map Amendment: DB12-0034 - Quasijudicial-Zone Map Amendment - Zone Change from Commercial to Residential DB12-0035 - Class 3 Planned Development Stage 1 DB12-0036 - Class 3 Planned Development Stage 2 DB12-0039 - Class 3 Waiver Proposal for a 16-unit residential plan 30625 SW WILLAMETTE WAY E	WESTLAKE CONSULTANTS INC	<u>DRB</u> October 8 <u>City Council</u> November 5
DB12-0042	VILLEBOIS SAP EAST PDP 3 Villebois PDP AND PDP Modification "Tonquin Meadows": Preliminary Development Plan DB12-0043 - Villebois SAP and SAP Amendment: SAP Modification (Refinements) DB12-0044 - Villebois SAP and SAP Amendment: SAP Modification (Amendments) DB12-0045 - Quasijudicial-Zone Map Amendment: Residential Agriculture-Holding (RA-H) to Village (V). DB12-0046 - Class 3 Tentative Plat Review DB12-0047 - Class 3 Tree Removal Plan DB12-0048 - Villebois Final Development Plan (FDP): Parks and Open Space 28400 SW 110TH AVE	PNW HOME BUILDERS, LLC	<u>Tentative DRB date:</u> November 15 <u>City Council</u> TBD
DB12-0050	VILLEBOIS SAP EAST PDP 4 EAST Villebois PDP-4 East "Tonquin Meadows No. 2" Quasijudicial-Zone Map Amendment: Zone Change DB12-0051 - Villebois SAP and SAP Amendment: SAP Modification (Amendment) DB12-0052 - Villebois SAP and SAP Amendment: SAP Modification (Refinement) DB12-0053 - Villebois PDP AND PDP Modification: Preliminary Development Plan DB12-0054 - Villebois Final Development Plan (FDP) DB12-0055 - Class 3 Tentative Plat Review (Residential Subdivision) 29092 SW 110TH AVE	POLYGON PAYMASTER, LLC Owner: Fasano Family LLC Applicant: Polygon NW Company Rep: Stacy Connery, Pacific Community Design, Inc.	<u>Tentative DRB date:</u> November 15 <u>City Council</u> TBD

**Wilsonville Planning Division
2012 Third Quarter Report
July through September**

Pending Planning Commission/CCI Activities Planning Projects Scheduled for Hearings/Work Sessions during 2012 4th Quarter			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
2012 Work Program	<ul style="list-style-type: none"> • TSP Update • Banner Policy Revisions • Regional Industrial Site Readiness Project • Old Town Code Amendments • Goal 10 Housing Plan 	NEAMTZU MANGLE	July - December

Pending Development Review Board Activities Planning Projects Scheduled for Hearings / Work Sessions after September 30, 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB12-0041	WILSONVILLE ROAD BUSINESS PARK Class 3 Modify Condition of Approval Wilsonville Road Business Park - Modify Condition of Approval PDA1 9760 SW WILSONVILLE RD	PACIFIC NW PROPERTIES	October 8
DB12-0042	VILLEBOIS SAP EAST PDP 3 Villebois PDP AND PDP Modification "Tonquin Meadows": Preliminary Development Plan DB12-0043 - Villebois SAP and SAP Amendment: SAP Modification (Refinements) DB12-0044 - Villebois SAP and SAP Amendment: SAP Modification (Amendments) DB12-0045 - Quasijudicial-Zone Map Amendment: Residential Agriculture-Holding (RA-H) to Village (V). DB12-0046 - Class 3 Tentative Plat Review DB12-0047 - Class 3 Tree Removal Plan DB12-0048 - Villebois Final Development Plan (FDP): Parks and Open Space 28400 SW 110TH AVE	PNW HOME BUILDERS, LLC	<u>Tentative DRB date:</u> November 15 <u>City Council</u> TBD
DB12-0050	VILLEBOIS SAP EAST PDP 4 EAST Villebois PDP-4 East "Tonquin Meadows No. 2" Quasijudicial-Zone Map Amendment: Zone Change DB12-0051 - Villebois SAP and SAP Amendment: SAP Modification (Amendment) DB12-0052 - Villebois SAP and SAP Amendment: SAP Modification (Refinement) DB12-0053 - Villebois PDP AND PDP Modification: Preliminary Development Plan DB12-0054 - Villebois Final Development Plan (FDP) DB12-0055 - Class 3 Tentative Plat Review (Residential Subdivision) 29092 SW 110TH AVE	POLYGON PAYMASTER, LLC Owner: Fasano Family LLC Applicant: Polygon NW Company Rep: Stacy Connery, Pacific Community Design, Inc.	<u>Tentative DRB date:</u> November 15 <u>City Council</u> TBD
DB12-0056	VILLEBOIS VILLAGE CENTER PIAZZA Quasijudicial-Zone Map Amendment: Zone Change DB12-0057 - Villebois PDP AND PDP Modification: Preliminary Development Plan DB12-0058 - Villebois Final Development Plan (FDP) DB12-0059 - Class 3 Tentative Plat Review: Partition	VILLEBOIS VILLAGE CENTER LLC	<u>DRB</u> October 22 <u>City Council</u> November 19

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Pending Development Review Board Activities Planning Projects Scheduled for Hearings / Work Sessions after September 30, 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
DB12-0060	RON TONKIN GRAN TURISMO Ron Tonkin Gran Turismo Dealership Class 3 Planned Development Stage 2: Final Plan DB12-0061 - Class 3 Site Design Review DB12-0062 - Class 3 Signs - not MSP DB12-0063 - Class 3 Tree Removal Plan 25300 SW PARKWAY AVE	RON TONKIN MANAGEMENT	TBD

Scheduled Pre-Application Meetings July through September 2012	
Number	Description
PA12-0008	Tonkin Gran Turismo
PA12-0009	Placement of digital price signs within face of existing billboard. Request Withdrawn
PA12-0010	Information on costs to put in Single Family dwelling
PA12-0011	Villebois PDP 4 East
PA12-0012	FDP for new architecture Les Bois Row Homes at Villebois Village Center
PA12-0013	FDP for new architecture and Tentative Plat Replat villebois Village Center
PA12-0014	Zone change to PDR-4 and lot line adjustment

Administrative Reviews July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
AR11-0072	VILLEBOIS PDP-6 SOUTH - POLYGON NW COMPANY Planning Class I Review Parks Plan Review	POLYGON NORTHWEST/PAYMASTER	Pending
AR12-0023	TONQUIN WOODS AT VILLEBOIS/VILLEBOIS SAP 55 Planning Class I Review Issued Subdivision Plat Review	POLYGON NORTHWEST/PAYMASTER	Pending
AR12-0026	TONQUIN WOODS NO. 2/VILLEBOIS SAP 1N Planning Class I Review Issued Plat Review	POLYGON NORTHWEST/PAYMASTER	Pending
AR12-0029	BRENCHLEY ESTATES NORTH Planning Class I Review Zoning Letter Request 28155 SW PUEBLO TER	HOLLAND PARTNERS BRENCHLEY ESTATES PARTNERS LP	Issued
AR12-0030	WILSONVILLE ROAD BUSINESS PARK	PACIFIC NW PROPERTIES	Issued

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Administrative Reviews July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
	Planning Class I Review Modify Plan Sheet A.1.1 12/16/09 of DRB and CC approvals to allow quantitative sq ft of commercial (8,814 SF) to be dispersed at discretion for Buildings 1 & 2. 9900 SW WILSONVILLE RD		
AR12-0031	BRENCHLEY ESTATES Planning Class I Review Re-Plat or Property Line Adjustment to adjust the common property boundary between TL 104 of CCTM, 31W 14A & TL 200. The adjustment adds 73,676 sq. ft. to TL 200 & take away a similar amount from TL 104. 28255 SW PARKWAY AVE	HOLLAND PARTNERS BRENCHLEY ESTATES PARTNERS LP	Issued
AR12-0032	BRENCHLEY ESTATES NORTH Planning Class II Review Modifications to the orientation of the recreation building and impacted areas within the plan 8890 SW ASH MEADOWS CIR	HOLLAND PARTNERS BRENCHLEY ESTATES PARTNERS LP	Issued
AR12-0033	PIONEER PACIFIC COLLEGE Planning Class I Review Building Color Change 27501 SW PARKWAY AVE	PACIFIC EDUCATION CORPORATION	Issued
AR12-0034	BERKSHIRE COURT APARTMENTS Planning Class I Review Zoning Verification 29252 SW TAMI LOOP	PLANNING & ZONING RESOURCE COR	Issued
AR12-0035	"THE WILSONVILLE" Planning Class I Review Zoning Verification 7600 SW VLAHOS DR	PLANNING & ZONING RESOURCE COR	Issued
AR12-0036	WILSONVILLE COMMUNITY CENTER Planning Class II Review 350 SF addition and kitchen remodel. 7965 SW WILSONVILLE RD	CITY OF WILSONVILLE City contact: Martin Brown	issued
AR12-0037	CAMPING WORLD Planning Class I Review Temporary Use Permit 7th Annual Outdoor Expo Event (08/16/12-08/19/12) 26875 SW BOONES FERRY RD	CAMPING WORLD	Issued
AR12-0038	BRENCHLEY ESTATES - NORTH Planning Class I Review Minor design changes 28255 SW PARKWAY AVE	HOLLAND PARTNERS BRENCHLEY ESTATES PARTNERS LP	Issued
AR12-0039	WASTEWATER TREATMENT PLANT Planning Class I Review Modifications to WWTP facility (bldg 78) and request to retain quonset hut 9275 SW TAUCHMAN	CITY OF WILSONVILLE	Issued
AR12-0040	BELL TOWNER APARTMENT BUILDING Planning Class I Review Minor changes to the plaza, BBQ, landscaping and fencing at the south side of building. 30480 SW BOONES FERRY RD	MARATHON MANAGEMENT	Issued
AR12-0041	3-BAY PUBLIC WORKS FACILITY Planning Class I Review	CITY OF WILSONVILLE	Issued

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Administrative Reviews July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
	Modify 2-year Temporary Use Permit for 3-Bay Public Works facility at Memorial Park. 29799 SW TOWN CENTER LOOP E	URBAN RENEWAL	
AR12-0042	ZONING VERIFICATION Planning Class I Review 10965 SW Commerce & 9125 SW Ridder Road	PLANNING & ZONING RESOURCE COR	Issued
AR12-0043	WILSONVILLE CHEVROLET Planning Class I Review Add additional metal panels to the facade of the "covered new car delivery" on the north side of the building. 26051 SW BOONES FERRY RD	AXIS DESIGN GROUP ARCHITECTURE	Issued
AR12-0044	9126 RIDDER LLC Planning Class I Review Class I Review for minor improvements to the site 9126 SW RIDDER RD	9126 RIDDER LLC	Issued
AR12-0045	COPPER CREEK SUBDIVISION Planning Class I Review Final Plat Review - 21-lot Planned Development 27490 SW CANYON CREEK RD N	MISSION HOMES NORTHWEST LLC	Pending
AR12-0046	WILLAMETTE LANDING/ABELE/RENAISSANCE Planning Class II Review One-year Time Extension to development approvals (Third Extension) (Application lists site address as 8455 SW Metolius Lane) 8375 SW METOLIUS LN	RENAISSANCE DEVELOPMENT CORPOR	Pending
AR12-0047	MENTOR GRAPHICS Planning Class I Review Exterior Lighting 8005 SW BOECKMAN RD	TWICE THE LIGHT, INC.	Issued
AR12-0048	BLUE STAR GAS Planning Class II Review 2 propane tanks 27150 SW KINSMAN RD	BLUE STAR GAS	Issued
AR12-0049	JORY TRAIL AT THE GROVE Planning Class II Review Final plat review for 30 lot subdivision 28255 SW PARKWAY AVE	SF 30 PARTNERS, L.P.	Pending
AR12-0050	AVIATRIX PROPERTIES LLC Planning Class I Review Replace existing siding and new color 30240 SW PARKWAY AVE	KEN HOSTELER CONSTRUCTION	Issued

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Sign Reviews July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
SR12-0039	OREGON INSTITUTE OF TECHNOLOGY Planning Class 1 Sign Review 2 new wall signs for Oregon Tech 27500 SW PARKWAY AVE	YESCO, LLC	Withdrawn
SR12-0040	MATTRESS WORLD Planning Class 1 Sign Review Grand Opening Banner- 29660 SW TOWN CENTER LOOP W	FURNITURE SHOWCASE, INC.	Issued
SR12-0041	BOULDER CREEK APTS Planning Class 1 Sign Review 1 temporary rental banner-24 sq ft Expires 8/13/12 6600 SW WILSONVILLE RD	BOULDER CREEK LLC	Issued
SR12-0042	BRIDGE CREEK LLC Planning Class 1 Sign Review Temporary Rental Banner expires 8/13/12 29697 SW ROSE LN	BRIDGE CREEK LLC	Issued
SR12-0043	BEST WESTERN Planning Class 1 Sign Review Sign addition 29769 SW BOONES FERRY RD	VANCOUVER SIGN COMPANY INC	Issued
SR12-0044	JIMMY JOHNS Class II Sign Permit Master Sign Plan - Major Adjustment 30050 SW TOWN CENTER LOOP W	SECURITY SIGNS INC	Issued
SR12-0045	OREGON TECH Class II Sign Permit New signage 27500 SW PARKWAY AVE	YESCO, LLC	Issued
SR12-0046	O'REILLY'S AUTO PARTS Planning Class 1 Sign Review Temporary Banner for Grand Opening 9760 SW WILSONVILLE RD	PACIFIC NW PROPERTIES	Issued
SR12-0047	VAN GORDON DENTISTRY Planning Class 1 Sign Review Implements Class III Sign Plan Review - DB12-0022. 30045 SW PARKWAY AVE	INTEGRITY SIGNS OREGON	Issued
SR12-0048	TOWN & COUNTRY DODGE DEALERSHIP/LEADTEK Planning Class 1 Sign Review New building signs and face changes to freestanding and directional signs. 27490 SW 95TH AVE	STEIN SIGN	Issued
SR12-0049	OREGON TECH Planning Class 1 Sign Review 27500 SW PARKWAY AVE	YESCO, LLC	Issued
SR12-0050	alliance nw Planning Class 1 Sign Review Install one (1) sign to replace existing. Existing: PACIFIC NW C&MA; New: alliance nw (Lower Case Intended). Master Sign Plan (VIPS Industries) is in effect. 29757 SW BOONES FERRY RO	MEYER SIGN COMPANY OF OREGON	Issued

**Wilsonville Planning Division
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Sign Reviews July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
SR12-0051	RAM Planning Class 1 Sign Review 29800 SW BOONES FERRY RD	SALEM SIGN CO INC	Issued
SR12-0052	JIMMY JOHNS Planning Class 1 Sign Review Temporary Banner 8403 SW MAIN ST	GLENNON KRISTOPHER	Issued
SR12-0053	ELEMENTS THERAPEUTIC MASSAGE Planning Class 1 Sign Review Tenant Sign-Argyle Square 8695 SW JACK BURNS	HANNAH SIGN COMPANY	Issued

Tree Reviews July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR11-0077	BRENCHLEY ESTATES Type C or Type D Class 1 Tree Removal Permit Remove 70 trees approved as part of Type 'C' Tree Removal Plan (DB11-0033).	RECAP/HOLLAND BRENCHLEY ESTATE	Partially Issued ½ of trees remaining
TR12-0012	Type B Class II Tree Removal Permit Removal of 16 trees 10475 SW WILSONVILLE RD	CITY WIDE TREE SERVICE	Issued
TR12-0024	Type A Class 1 Tree Removal Permit For one tree damaged in snow storm. 10660 SW WILSONVILLE RD	OAKLEAF PARK	Issued
TR12-0063	Type A Class 1 Tree Removal Permit 2 trees 29411 SW CAMELOT ST	KEMNITZ STEVEN J & NANCY M	Issued
TR12-0064	Type A Class 1 Tree Removal Permit 3 trees 29730 SW LANCELOT LN	MCCANN ELIZABETH C R	Issued
TR12-0065	Type A Class 1 Tree Removal Permit 2 trees 28141 SW MORGAN ST	RAMAKRISHNAN BHASKAR & S	Issued
TR12-0066	Type A Class 1 Tree Removal Permit One tree 10810 SW MOREY CT	MYERS' STEVEN L & LAURA K	Issued
TR12-0067	FOX CENTER TOWNHOMES Type C or Type D Class 1 Tree Removal Permit 30625 SW WILLAMETTE WAY E	SEEMA LLC	Pending
TR12-0068	MENTOR GRAPHICS DATA CENTER Type C or Type D Class 1 Tree Removal Permit Minor Addendum to Type C Tree Removal Plan Permit for Trees 555 (19" Scotch Pine), 557 (14.5" Scotch Pine), 559(18" Scotch Pine), 575 (10" Birch), 576 (three leader [10", 9", 9"] Scotch Pine) 8005 SW BOECKMAN RD	TEREGAN & ASSOCIATES	Issued

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Tree Reviews July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR12-0069	Type A Class 1 Tree Removal Permit One pine tree 10283 SW EVERGREEN CT	KATAFIAS JAN H	Issued
TR12-0070	Type A Class 1 Tree Removal Permit 1 SWEET CHERRY TREE 29382 SW GLACIER WAY	YEZNACH ANTHONY	Issued
TR12-0071	Type A Class 1 Tree Removal Permit One dead pine tree 29790 SW TOWN CENTER LOOP	CITY OF WILSONVILLE	Issued
TR12-0072	COPPER CREEK SUBDIVISION - CANYON CREEK RD Type C or Type D Class 1 Tree Removal Permit Remove one (1) tree, to enable grading of retaining wall on the east side of Tract C. 27490 SW CANYON CREEK RD N	WESTLAKE CONSULTANTS INC	Issued
TR12-0073	Type A Class 1 Tree Removal Permit One pine tree 29898 SW CAMELOT ST	WICKIZER DIANA	Pending
TR12-0074	Type A Class 1 Tree Removal Permit Two trees 28549 SW ASH MEADOWS BLVD	LORETTA KNOBEL	Pending
TR12-0075	Type A Class 1 Tree Removal Permit One (1) tree in side yard. 7859 SW LOVE CT	STATES WILLIAM G & JULEEN S	Issued
TR12-0076	Type A Class 1 Tree Removal Permit 3 trees in backyard 11267 SW CHANTILLY	HUGHES THOMAS W & DEBORAH R	Issued
TR12-0077	Type A Class 1 Tree Removal Permit One Oak Tree 28560 SW CASCADE LOOP	WOLVERT TERRY DOUGLAS &	Issued
TR12-0078	Type B Class II Tree Removal Permit Removal of Dead Street Tree and Mitigation 28184 SW WILLOW CREEK DR	DENNIS J HUBEL	Issued
TR12-0079	Type B Class II Tree Removal Permit Mature maple tree 28468 SW WAGNER ST	FLAHERTY JAMES	Issued
TR12-0080	Type A Class 1 Tree Removal Permit 3 birch trees near front door 10864 SW HUNT CT	VEILLET RAYMOND G	Issued
TR12-0081	SHREDDING SYSTEMS Type C or Type D Class 1 Tree Removal Permit Phase 1: 43 Trees 9760 SW FREEMAN DR	MILDREN DESIGN GROUP	Pending
TR12-0082	Type B Class II Tree Removal Permit Remove and Replace 11 Trees. 27490 SW 95TH AVE	GARRON GROUNDS MANAGEMENT INC.	Issued
TR12-0083	Type A Class 1 Tree Removal Permit Dead parking lot tree 29890 SW TOWN CENTER LOOP W	CRYSTAL GREENS LANDSCAPING INC	Issued
TR12-0084	Type A Class 1 Tree Removal Permit Remove one (1) tree.	THOMAS BERNERT	Issued

**Wilsonville Planning Division
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Tree Reviews July through September 2012			
Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR12-0085	Type A Class 1 Tree Removal Permit One fir tree 28989 SW COURTSIDE DR	JOHNSON GARY VALLAE & DEANNA	Issued
TR12-0086	Type B Class II Tree Removal Permit 6 Cherry Trees Behind Community Center. City project 7965 SW WILSONVILLE RD	CITY OF WILSONVILLE	Issued
TR12-0087	Type A Class 1 Tree Removal Permit Remove one (1) tree on west side of house. 7837 SW GRASS CT	GUYETTE BENNETT VIRGINNIA L & THOMAS L	Issued
TR12-0088	Type B Class II Tree Removal Permit One street tree 10526 SW COLEMAN LOOP S	LAVIOLETTE NAOMI & JEFF	Pending
TR12-0089	Type A Class 1 Tree Removal Permit Remove one (1) Deodora Cedar in rear yard 31202 SW METOLIUS CT	PECK YVONNE M	Issued
TR12-0090	Type A Class 1 Tree Removal Permit 1 Curly Willow Tree 31398 SW OLYMPIC DR	DENNIS BRETT T & KRISTIN A	Issued
TR12-0091	Type A Class 1 Tree Removal Permit 2 birch trees 7576 SW VLAHOS DR	NORTHWEST ARBOR- CULTURE INC	Issued
TR12-0092	Type A Class 1 Tree Removal Permit 2 birch trees 11000 SW MOREY CT	NORTHWEST ARBOR- CULTURE INC	Issued
TR12-0093	Type A Class 1 Tree Removal Permit 2 trees. 28130 SW CANYON CREEK RD S	FALCONER ANNIE F & MICHAEL	Issued
TR12-0094	Type B Class II Tree Removal Permit 14 trees 9126 SW RIDDER RD	9126 RIDDER LLC	Issued
TR12-0095	Type A Class 1 Tree Removal Permit One hazard tree in Boeckman Creek 6800 SW WILSONVILLE RD	WEST LINN-WILS SCH DIST #3J	Issued
TR12-0096	Type B Class II Tree Removal Permit 5 Diseased Maples in Public Works/Community Center Parking Lot 30000 SW TOWN CENTER LOOP E	CITY OF WILSONVILLE	Pending
TR12-0097	Type A Class 1 Tree Removal Permit 2 plum trees 7015 SW HIGHLAND CT	PICKETT DANIEL D TRUSTEE	Issued
TR12-0098	Type A Class 1 Tree Removal Permit Removal of Two Dead Trees in Boones Ferry Park 31240 SW BOONES FERRY RD	CITY OF WILSONVILLE	Issued

**Wilsonville Planning Division
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Code Enforcement July through September 2012		
Permit Number	Code Enforcement Description	Action
CE12-0017	Dead trees causing a hazard	Resolved
CE12-0018	Tall Grass-open storage of junk	Resolved
CE12-0019	Trailer stored on the street	Pending

Planning Staff Activities, Projects and Meetings July through September 2012	
Recurring Activities	
Archiving/Purging of Planning Records	Metro meetings
Basalt Creek Planning	Villebois Meetings
Budget meetings	Parks Team Meetings
Community Service Team meetings	Posting of Public Notices on project sites
Conservation and Efficiency meetings	Pre-Construction meetings
Counter – Customer Service	Project Site Visits/inspections
Conditions of Approval Tracking	Safe Routes to School
Development Coordination Meetings	Transportation Systems Plan Update
Eden Permit Tracking	Updating Planning's web pages
French Prairie Bicycle/Pedestrian/Emergency Bridge	Washington County Planning Directors meetings

City of Wilsonville

August 2012



Clackamas County Sheriff's Office
2223 Kaen Rd
Oregon City, OR 97045

www.co.clackamas.or.us/sheriff

Monthly Summary

During August 2012, the Clackamas County Sheriff's Office provided law enforcement service to the City of Wilsonville on a 24 hour a day basis. During this time period the Sheriff's Office answered 518 calls for service, which was an average of 16.7 calls per day.

The monthly average for calls for service during the past three years has been 489.3. The 518 calls in the City during the month of August reflect a 5.9% increase over the average during the last three years.

Below is a chart showing the number of calls for service in the City during the last 5 years.

<u>Year</u>	<u>Number of Calls</u>	<u>Monthly Average</u>	<u>Daily Average</u>
2007	6,508	542.3	17.8
2008	6,271	522.6	17.2
2009	6,273	522.8	17.2
2010	5,803	483.6	15.9
2011	5,539	461.6	15.2

An overall look at the shift activity reflects the following percentages of calls taken, traffic stops made and reports taken for August.

	<u>Percentage of Calls Taken</u>	<u>Percentage of Traffic Stops</u>	<u>Percentage of Reports Taken</u>
Graveyard:	18.9%	31.5%	17.6%
Day Shift:	43.8%	48.4%	52.1%
Swing Shift:	37.3%	20.2%	30.3%

During August 2012, 426 traffic stops were made in the City with the following breakdown for each shift.

	<u>Total</u>		<u>Graveyard</u>		<u>Days</u>		<u>Swing Shift</u>	
Stops Made:	426	=	134	31.5%	206	48.4%	86	20.2%
Citations Issued:	382	=	91	23.8%	216	56.5%	75	19.6%

Included in the above totals are 135 traffic stops (31.7%) and 156 citations (40.8%) issued by the Traffic Unit.

Calls for Service

Number of Calls Per Shift	August 2012		Monthly Average 2011	
	518		461.6	
Graveyard (2100-0700)	98	18.9%	88.3	19.1%
Day Shift (0700-1700)	227	43.8%	211.7	45.9%
Swing Shift (1100-0300)	193	37.3%	161.7	35.0%
Average Number of Calls Per Day	16.7		15.2	

The chart on the following page shows the types of calls for service received during the month. These calls do not reflect actual criminal activity. In some cases the call was dispatched as a particular type of incident, but it was later determined to be of a different nature. For actual criminal activity during the month see the "Reports Taken" chart.

Other Officer Activity

Type of Activity	August 2012	2011 Monthly Average
Follow-Up Contact	69	68.7
Foot Patrol	8	2.1
Premise Check	43	40.9
Subject Stop	27	29.8
Suspect Contact	3	9.8
Suspicious Vehicle Stop	35	28.8
Warrant Service	17	9.5
Total:	202	189.5

Types of Calls

Type of Calls	August 2012	2011 Monthly Average
Abandoned Vehicle	1	0.9
Accidents (All)	25	20.4
Alarms	56	51.8
Animal Complaint	10	7.0
Assault	6	5.3
Assist Outside Agency	20	12.8
Assist Public	41	47.1
Burglary	5	4.8
Criminal Mischief	18	15.0
Death Investigation	1	1.8
Disturbance	21	23.5
Extra Patrol Request	4	3.0
Fire Services	8	5.5
Fraud	12	11.6
Hazard	11	9.8
Juvenile Problem	18	11.6
Kidnap		.0
Mental	4	3.7
Minor In Possession	2	1.4
Missing Person	2	2.0
Noise Complaints	12	8.1
Open Door / Window	3	1.1
Promiscuous Shooting	1	0.9
Property Found / Lost / Recovered	16	9.3
Provide Information	16	14.3
Prowler	1	1.5
Recovered Stolen Vehicle	2	0.8
Robbery		0.5
Runaway Juvenile	4	4.3
Sexual Crime (All)		2.3
Shooting		0.1
Stolen Vehicle / UUMV	2	3.1
Suicide Attempt / Threat	9	6.8
Suspicious Circumstances	12	9.5
Suspicious Person	28	17.3
Suspicious Vehicle	13	10.6
Theft / Shoplift	22	39.5
Threat / Harassment / Menacing	14	16.5
Traffic Complaint	44	22.1
Unknown / Incomplete Call	14	14.6
Unwanted / Trespassing	15	9.1
Vice Complaints (Drugs)	3	7.8
Violation of Restraining Order	1	2.5
Welfare Check	9	12.3
Other Not Listed Above	12	7.8
Total:	518	461.6

Median Response Times to Dispatched Calls

All Dispatched Calls	All Calls	Priority 1 & 2 Calls
Input to dispatch: (Time call was on hold)	3.0 Minutes	2.0 Minutes
Dispatch to Arrival: (Time it took deputy to arrive after being dispatched)	5.0 Minutes	4.0 Minutes

During August, 188 reports were taken. 17.6% were written by the graveyard shift, 52.1% by the dayshift units and 30.3% were written by the swing shift units.

Reports Taken

Type of Report	August 2012	2011 Monthly Average
Accident	10	10.8
Theft	11	29.3
Criminal Mischief	13	12.2
Burglary	9	3.4
Stolen Vehicle	6	2.5
Identity Theft		2.7
Assault	2	3.1
Drug Crimes	3	3.3
Miscellaneous Reports	134	125.7
Report Totals:	188	193.0

Shift Totals	August 2012		2011 Monthly Average	
Graveyard Shift:	33	17.6%	33.8	17.5%
Day Shift:	98	52.1%	105.0	54.4%
Swing Shift:	57	30.3%	54.2	28.1%

Arrests By Age Group

August 2012

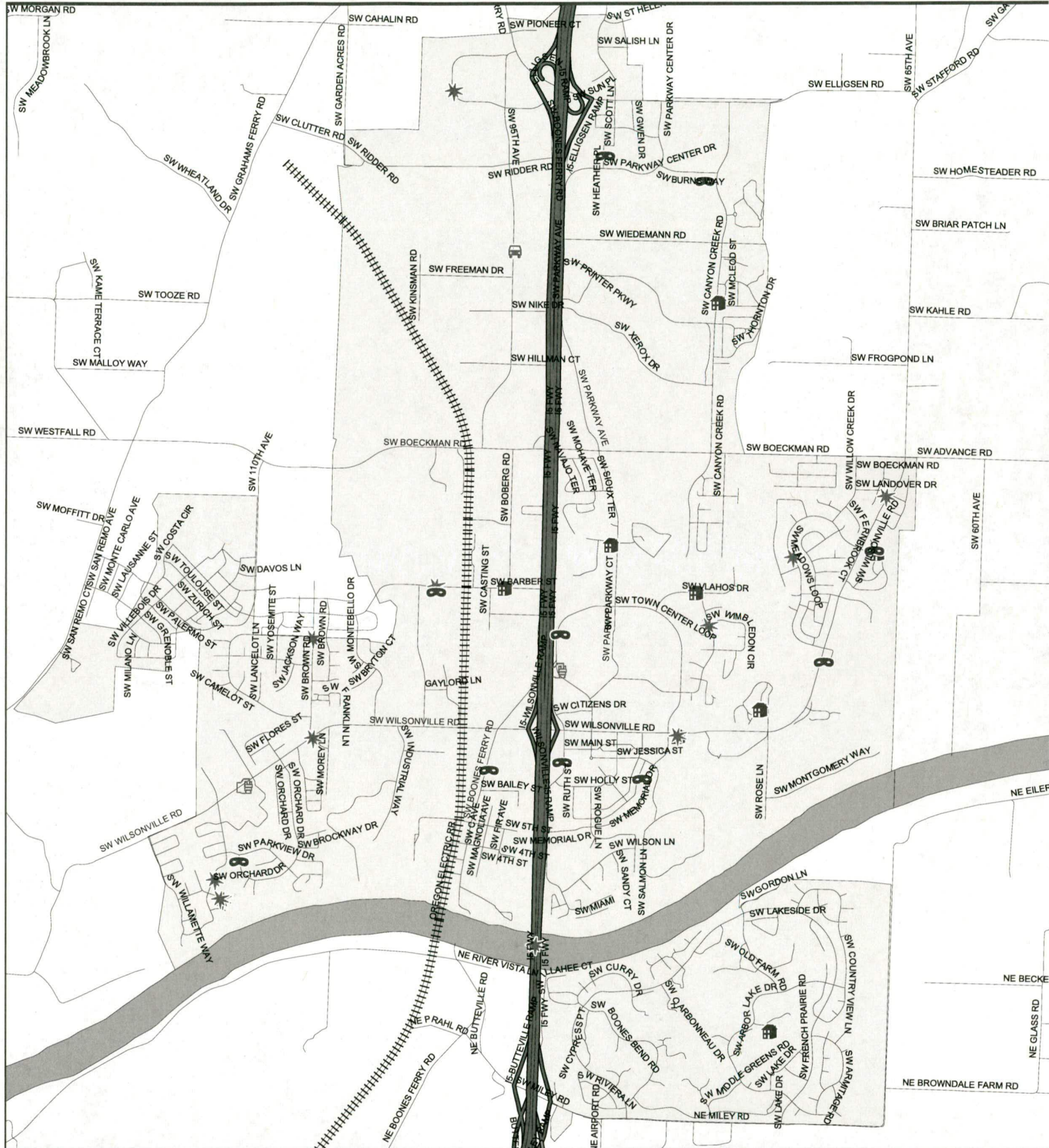
This chart counts the total number of charges. The number of people arrested is totaled at the bottom.

		JUVENILES		ADULTS		
Part I Crimes	Type	Probable Cause	Warrants	Probable Cause	Warrants	Total
Arson	Pr					
Assault, Aggravated	Pe					
Burglary	Pr					
Attempt Murder	Pe					
Murder	Pe					
Rape	Pe					
Robbery	Pe					
Theft (general)	Pr			2	7	9
Stolen Vehicles	Pr			1	3	4
Part I Totals		0	0	3	10	13
Part II / Other Crimes	Type	Probable Cause	Warrants	Probable Cause	Warrants	Total
Assault, Simple	Pe			3	3	6
Child Abuse/Neglect	Pe				1	1
Criminal Mischief	Pr				1	1
Criminal Mistreatment	Pe					
Criminal Trespass	Be			1	1	2
Cruelty to Animals	Be					
Disorderly Conduct	Be					
Drug Charges (all)	Be			3	7	10
Forgery	Pr					
Fraud Use Credit Card	Pr					
Harassment	Pe			2	2	4
Identity Theft	Pr					
Kidnapping	Pe					
Menacing	Pe					
Negotiate a Bad Check	Pr					
Offensive Littering	Be			1	1	2
Public/Private Indecency	Be					
Recklessly Endangering	Pe					
Resisting Arrest	Be					
Sex Crimes (Other)	Pe					
Sexual Abuse	Pe					
Sodomy	Pe					
Strangulation	Pe					
Unlawful Entry into Motor Vehicle	Pr			1		1
Violation of Restraining Order	Pe			1		1
Weapons Violations	Be					
Crimes Not Listed above	Be	4		3	11	18
Part II / Other Totals		4	0	15	27	46
Grand Total:		4	0	18	37	59
Crime Types		Probable Cause	Warrants	Probable Cause	Warrants	Total
Person Crimes		0	0	6	6	12
Property Crimes		0	0	4	11	15
Behavioral Crimes		4	0	8	20	32
Traffic Charges		1		13	1	15
Number of People Arrested on These Charges:		3	0	25	15	



Wilsonville August 2012

	Assault		Stolen Vehicle
	Burglary		Theft
	Criminal Mischief		



City of Wilsonville

September 2012



Clackamas County Sheriff's Office
2223 Kaen Rd
Oregon City, OR 97045

www.co.clackamas.or.us/sheriff

Monthly Summary

During September 2012, the Clackamas County Sheriff's Office provided law enforcement service to the City of Wilsonville on a 24 hour a day basis. During this time period the Sheriff's Office answered 486 calls for service, which was an average of 16.2 calls per day.

The monthly average for calls for service during the past three years has been 489.3. The 486 calls in the City during the month of September reflect a 0.7% decrease over the average during the last three years.

Below is a chart showing the number of calls for service in the City during the last 5 years.

<u>Year</u>	<u>Number of Calls</u>	<u>Monthly Average</u>	<u>Daily Average</u>
2007	6,508	542.3	17.8
2008	6,271	522.6	17.2
2009	6,273	522.8	17.2
2010	5,803	483.6	15.9
2011	5,539	461.6	15.2

An overall look at the shift activity reflects the following percentages of calls taken, traffic stops made and reports taken for September.

	<u>Percentage of Calls Taken</u>	<u>Percentage of Traffic Stops</u>	<u>Percentage of Reports Taken</u>
Graveyard:	17.1%	31.5%	13.7%
Day Shift:	43.6%	48.7%	62.1%
Swing Shift:	39.3%	19.7%	24.2%

During September 2012, 314 traffic stops were made in the City with the following breakdown for each shift.

	<u>Total</u>		<u>Graveyard</u>		<u>Days</u>		<u>Swing Shift</u>	
Stops Made:	314	=	99	31.5%	153	48.7%	62	19.7%
Citations Issued:	252	=	56	22.2%	156	61.9%	40	15.9%

Included in the above totals are 98 traffic stops (31.2%) and 119 citations (47.2%) issued by the Traffic Unit.

Calls for Service

Number of Calls Per Shift	September 2012		Monthly Average 2011	
	486		461.6	
Graveyard (2100-0700)	83	17.1%	88.3	19.1%
Day Shift (0700-1700)	212	43.6%	211.7	45.9%
Swing Shift (1100-0300)	191	39.3%	161.7	35.0%
Average Number of Calls Per Day	16.2		15.2	

The chart on the following page shows the types of calls for service received during the month. These calls do not reflect actual criminal activity. In some cases the call was dispatched as a particular type of incident, but it was later determined to be of a different nature. For actual criminal activity during the month see the "Reports Taken" chart.

Other Officer Activity

Type of Activity	September 2012	2011 Monthly Average
Follow-Up Contact	53	68.7
Foot Patrol	5	2.1
Premise Check	39	40.9
Subject Stop	28	29.8
Suspect Contact	5	9.8
Suspicious Vehicle Stop	31	28.8
Warrant Service	16	9.5
Total:	177	189.5

Types of Calls

Type of Calls	September 2012	2011 Monthly Average
Abandoned Vehicle	2	0.9
Accidents (All)	29	20.4
Alarms	56	51.8
Animal Complaint	9	7.0
Assault	7	5.3
Assist Outside Agency	10	12.8
Assist Public	26	47.1
Burglary	5	4.8
Criminal Mischief	14	15.0
Death Investigation	1	1.8
Disturbance	25	23.5
Extra Patrol Request	3	3.0
Fire Services	5	5.5
Fraud	10	11.6
Hazard	15	9.8
Juvenile Problem	12	11.6
Kidnap		.0
Mental	4	3.7
Minor In Possession	1	1.4
Missing Person	3	2.0
Noise Complaints	11	8.1
Open Door / Window	2	1.1
Promiscuous Shooting	1	0.9
Property Found / Lost / Recovered	8	9.3
Provide Information	12	14.3
Prowler	1	1.5
Recovered Stolen Vehicle		0.8
Robbery		0.5
Runaway Juvenile	7	4.3
Sexual Crime (All)	1	2.3
Shooting		0.1
Stolen Vehicle / UUMV	6	3.1
Suicide Attempt / Threat	3	6.8
Suspicious Circumstances	9	9.5
Suspicious Person	26	17.3
Suspicious Vehicle	11	10.6
Theft / Shoplift	45	39.5
Threat / Harassment / Menacing	15	16.5
Traffic Complaint	28	22.1
Unknown / Incomplete Call	9	14.6
Unwanted / Trespassing	19	9.1
Vice Complaints (Drugs)	13	7.8
Violation of Restraining Order	1	2.5
Welfare Check	13	12.3
Other Not Listed Above	8	7.8
Total:	486	461.6

Median Response Times to Dispatched Calls

All Dispatched Calls	All Calls	Priority 1 & 2 Calls
Input to dispatch: (Time call was on hold)	3.0 Minutes	2.0 Minutes
Dispatch to Arrival: (Time it took deputy to arrive after being dispatched)	5.0 Minutes	4.0 Minutes

During September, 182 reports were taken. 13.7% were written by the graveyard shift, 62.1% by the dayshift units and 24.2% were written by the swing shift units.

Reports Taken

Type of Report	September 2012	2011 Monthly Average
Accident	13	10.8
Theft	23	29.3
Criminal Mischief	13	12.2
Burglary	4	3.4
Stolen Vehicle	4	2.5
Identity Theft		2.7
Assault	2	3.1
Drug Crimes	3	3.3
Miscellaneous Reports	120	125.7
Report Totals:	182	193.0

Shift Totals	September 2012		2011 Monthly Average	
Graveyard Shift:	25	13.7%	33.8	17.5%
Day Shift:	113	62.1%	105.0	54.4%
Swing Shift:	44	24.2%	54.2	28.1%

Arrests By Age Group

September 2012

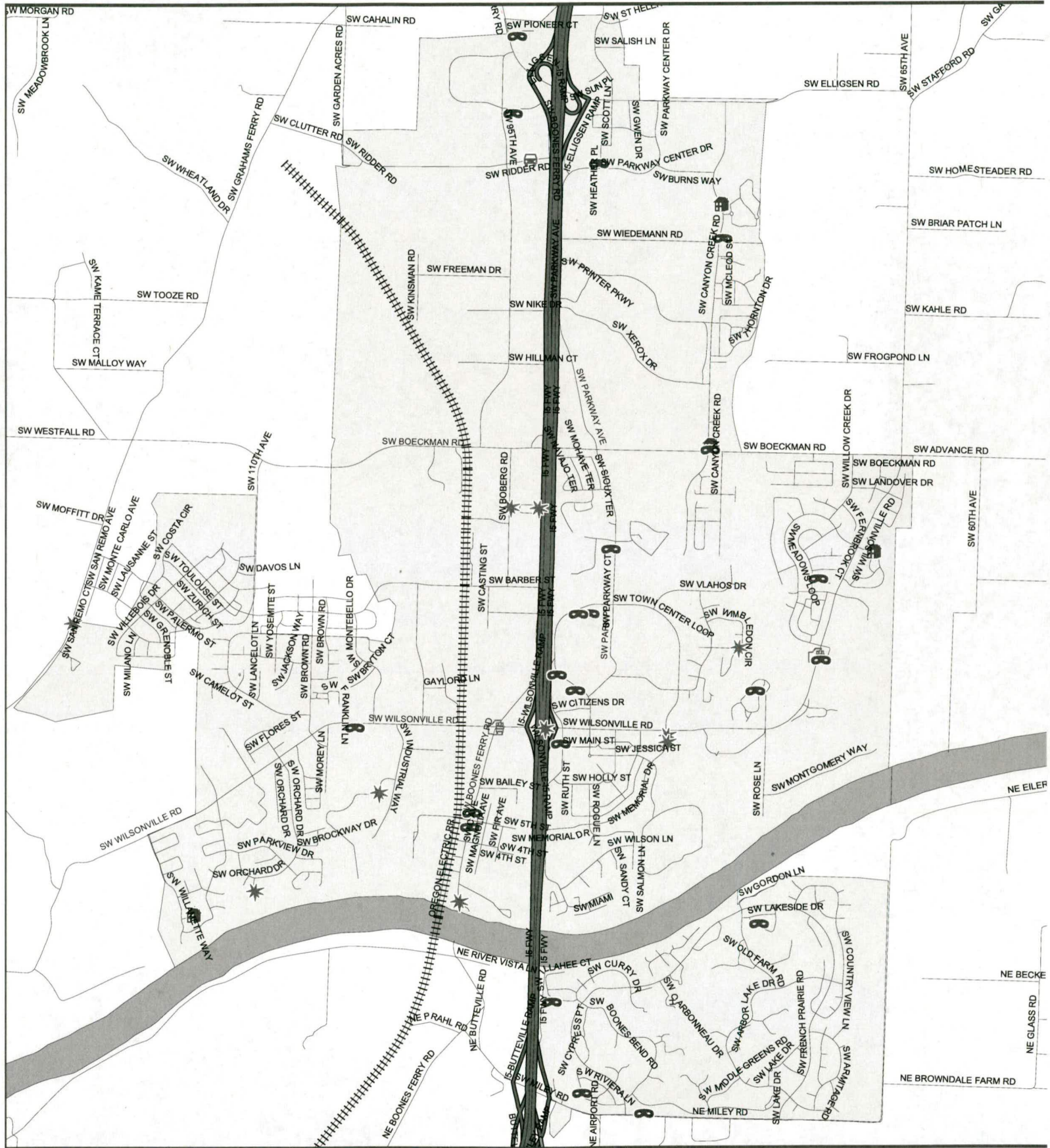
This chart counts the total number of charges. The number of people arrested is totaled at the bottom.

		JUVENILES		ADULTS		
Part I Crimes	Type	Probable Cause	Warrants	Probable Cause	Warrants	Total
Arson	Pr					
Assault, Aggravated	Pe					
Burglary	Pr	1		1		2
Attempt Murder	Pe					
Murder	Pe					
Rape	Pe					
Robbery	Pe					
Theft (general)	Pr	1		3	4	8
Stolen Vehicles	Pr				1	1
Part I Totals		2	0	4	5	11
Part II / Other Crimes	Type	Probable Cause	Warrants	Probable Cause	Warrants	Total
Assault, Simple	Pe			1	2	3
Child Abuse/Neglect	Pe					
Criminal Mischief	Pr			1		1
Criminal Mistreatment	Pe					
Criminal Trespass	Be					
Cruelty to Animals	Be					
Disorderly Conduct	Be			2		2
Drug Charges (all)	Be	5		1	4	10
Forgery	Pr					
Fraud Use Credit Card	Pr					
Harassment	Pe	1		1	1	3
Identity Theft	Pr			1	2	3
Kidnapping	Pe					
Menacing	Pe			1	2	3
Negotiate a Bad Check	Pr					
Offensive Littering	Be			2	1	3
Public/Private Indecency	Be					
Recklessly Endangering	Pe					
Resisting Arrest	Be			1		1
Sex Crimes (Other)	Pe					
Sexual Abuse	Pe					
Sodomy	Pe					
Strangulation	Pe			1	2	3
Unlawful Entry into Motor Vehicle	Pr					
Violation of Restraining Order	Pe			1	1	2
Weapons Violations	Be			1		1
Crimes Not Listed above	Be			3	6	9
Part II / Other Totals		6	0	17	21	44
Grand Total:		8	0	21	26	55
Crime Types		Probable Cause	Warrants	Probable Cause	Warrants	Total
Person Crimes		1	0	5	8	14
Property Crimes		2	0	6	7	15
Behavioral Crimes		5	0	10	11	26
Traffic Charges		0	0	6	3	9
Number of People Arrested on These Charges:		5	0	20	11	



Wilsonville September 2012

	Assault		Stolen Vehicle
	Burglary		Theft
	Criminal Mischief		



Councilor Concerns / Follow Up Items

Last Updated October 5, 2012

Meeting Date	Concern / Request	Staff Member /Department	Date Completed
October 1	Begin thinking about Goals, what does staff need the Council to look at? WES Contract renewal date WWTP Odors continue Lighting under the I-5 Overpass for Pedestrians	BC	Addressed 10/2/12 Staff will investigate
September 17	Contact Metro on Elligsen Property zone change Contact Cabela's on interest in locating in Wilsonville.	Bryan C.	
September 6	None.		
August 20	Survey results for aquatic/rec center what is possible considering the funding that was acceptable, feasibility study	BC	
July 16	1. Permanent location for Public Works Shops 2. Move forward on Community Center	1. Delora K	
June 18	Schedule time to discuss Vision and big picture issues	BC	Council Retreat 2013
April 16	Joint meeting with West Linn-Wilsonville School Board Also with Tualatin Council to follow up on transportation	BC to Pin down in 2013	After new year & new Council
March 5	Tutorial about legal aspects of land use, what Council can and cannot do Review of the Comprehensive Plan	Chris N.	10/1/12 joint WS w/PC/CCI Staff can provide training

King, Sandy

From: Edmonds, Blaise
Sent: Tuesday, July 17, 2012 12:18 PM
To: King, Sandy
Cc: Neamtzu, Chris
Subject: Fox Center Townhomes

Hi Sandy, I would like to add to the CC September 17th meeting. Fox Center Townhomes; Comprehensive Plan Map Amendment and Zone Map Amendment. This will also require a work session on the same night of the 1st reading (17th).

Thank you,

Blaise Edmonds

Manager of Current Planning
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

503-682-4960 Business
503-682-7025 Fax
edmonds@ci.wilsonville.or.us

DISCLOSURE NOTICE: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

King, Sandy

From: Edmonds, Blaise
Sent: Wednesday, August 15, 2012 9:01 AM
To: King, Sandy
Cc: Kohlhoff, Mike
Subject: RE: Updated Council Calendar

Hi Sandy, yes keep Fox Center Townhomes on the September 17th CC date. However, the DRB continued the review of Fox Center Townhomes to October 8th. So I request a November 5th Council date. Public Hearing Notice has already been sent for the September 17th so on September 17th CC needs to reschedule Fox Center to the tentative date of November 5th. I will send out a revised public hearing notice for CC for the November 5th hearing. I will also send a revised DLCD notice: Mike K, is this correct?

Thank you,
Blaise Edmonds
Manager of Current Planning
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

503-682-4960 Business
503-682-7025 Fax
edmonds@ci.wilsonville.or.us

DISCLOSURE NOTICE: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

From: King, Sandy
Sent: Wednesday, August 15, 2012 8:46 AM
To: Managers
Subject: Updated Council Calendar

An updated calendar is attached. Please let me know what changes need to be made. Thanks.

Should the Fox Center Townhome Comp Plan Map Amendment and Zone Change items be removed from the September 17th meeting and placed on the October 15 Council agenda? I noticed that it had been continued on the DRB.

Sandra C. King, MMC
City Recorder
City of Wilsonville
503-570-1506

PUBLIC RECORDS LAW DISCLOSURE: Messages to and from this e-mail address is a public record of the City of Wilsonville and may be subject to public disclosure. This e-mail is subject to the State Retention Schedule.

**NOTICE OF PUBLIC HEARING
CITY OF WILSONVILLE
DEVELOPMENT REVIEW BOARD, PANEL A
CITY COUNCIL**

Notice is hereby given that the **WILSONVILLE DEVELOPMENT REVIEW BOARD PANEL A** will hold a **PUBLIC HEARING** on **MONDAY, August 13, 2012, AT 6:30 P.M.**, at **CITY HALL, 29799 TOWN CENTER LOOP EAST**, Wilsonville, Oregon.

Notice is hereby given that the **WILSONVILLE CITY COUNCIL** will hold a **PUBLIC HEARING** on **MONDAY, September 17, 2012, AT 7:00 P.M.**, at **CITY HALL, 29799 TOWN CENTER LOOP EAST**, Wilsonville, Oregon.

Fox Center Townhomes, Case Files: DB12-0033 Comprehensive Plan Map Amendment from Commercial to Residential 10 – 12 du/acre, DB12-0034 Zone Map Amendment to change the Planned Development Commercial (PDC) Zone to the Planned Development Residential – 5 (PDR-5) Zone; DB12-0035 modify the Fox Chase Master Plan, approve; DB12-0036 Stage II Final Plan, TR12-0067 Type ‘C’ Tree Plan and DB12-0039 waiver to the front yard setback.

APPLICANT: Seema LLC

LOCATION: The subject site is 1.14 acres at the southwest corner of SW Wilsonville Road and SW Willamette Way East within the Fox Chase subdivision. The subject property is more particularly described as being Tax Lot 100 in Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon.

REVIEW CRITERIA: Planning and Land Development Ordinance: Sections 4.008-4.015; 4.100; 4.113 (as applicable); 4.118 (as applicable); 4.120; 4.124.4; 4.124.5; 4.131; 4.139.00 – 4.139.10; 4.140; 4.140(.07); 4.140(.09); 4.155; 4.167; 4.171; 4.175; 4.176 (as applicable); 4.177 (as applicable); 4.178; 4.179; Section 4.197.02(A through G); Section 4.198.01(A through D); 4.199; 4.210 – 4.270; 4.300 – 4.320; 4.600 – 4.600.50; 4.620.00 – 4.620.10; 4.197; 4.171.09. Other Planning Documents: Fox Chase Master Plan; Storm Water Master Plan, Transportation Systems Plan, Bicycle and Pedestrian Master Plan, and Comprehensive Plan: Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x. Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development. 10) Housing, 11) Public Facilities, and 12) Transportation.

PROJECT SUMMARY: Mr. Lee Leighton of Westlake Consultants, Inc., acting as agent for the Applicant, Seema, LLC, proposes a Comprehensive Plan Map Amendment, Zone Map Amendment, modify the Fox Chase Master Plan, approve Stage II Final Plan, Site Design Plans, Type C Tree Plan and a waiver for development of 16 units (market rate rental townhomes) for people, 55 years and over.

CONTACT PERSON: Blaise Edmonds, Manager of Current Planning; (503) 682-4960.

Copies of the approval criteria are available from the Wilsonville Planning Division, located at the City Hall at 29799 Town Center Loop East, and may be purchased at the cost of 25 cents per page. A complete copy of the relevant file information, including the staff report and recommendations, will be available for

inspection seven days prior to the public hearing. Copies will also be available for review at the Wilsonville Public Library.

Any interested party may testify at the public hearing or submit written testimony at or prior to the hearing. **Written comments must be received at Wilsonville City Hall, Planning Division by July 30, 2012**, to be included in the staff report. **Mail written statements to the City of Wilsonville Planning Division at 29799 Town Center Loop E., Wilsonville, OR 97070.** The procedures that govern the hearing will be stated at the meeting and are found in Chapter 2.560 of the Wilsonville Code and ORS 197.763.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Development Review Board hearing, in person or by letter, with sufficient specificity to afford the Development Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Development Review Board may be appealed to the City Council by parties with standing.

Assistive Listening Devices (ALD) is available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide qualified sign language interpreters and/or qualified bilingual interpreters, without cost, if requested at least 48 hours prior to the meeting. To obtain such services, please call Shelley White, Planning Administrative Assistant, at (503) 682-4960.

VICINITY MAP



EXPLANATION OF PUBLIC HEARING NOTICE
FOX CENTER TOWNHOMES
Proposed Planned Residential Development

WHAT: Case Files;

DB12-0033 Comp. Plan Map Amendment
DB12-0034 Zone Map Amendment
DB12-0035 Revised Fox Chase, Stage I Preliminary Plan
DB12-0036 Stage II Final Plan
DB12-0039 Waiver to front yard setback
TR12-0067 Type 'C' Tree Plan

WHERE (Subject property): See vicinity map on last page of this public hearing notice

WHERE (Public Hearing): City Hall Council Chambers, 29799 SW Town Center Loop East, Wilsonville, OR 97070

WHEN: Development Review Board August 13, 2012, at 6:30 p.m.
City Council September 17, 2012, at 7:00 p.m.

WHO: City of Wilsonville Development Review Board, Panel A; the City Council, the Applicant; Interested Parties.

WHY: Mr. Lee Leighton AICP, of Westlake Consultants acting as agent for Seema, LLC., Applicant, proposes a 16 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase Subdivision.

The Applicant is proposing to modify the Fox Chase, Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres planned for commercial into a multi-family residential use (townhomes, age restricted for people, 55 and older).

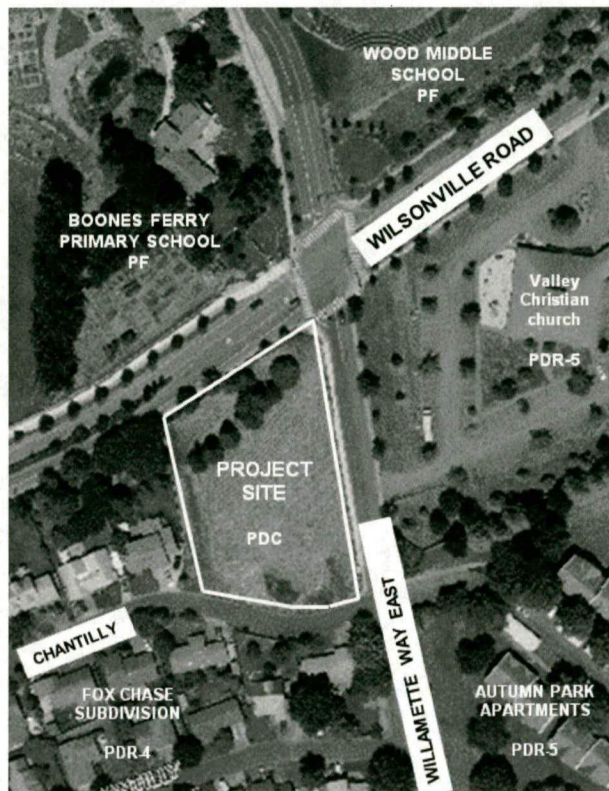
Property Owner: Seema, LLC.

Applicant: Westlake Consultants, Inc.

REQUEST: The Applicant, Seema, LLC, proposes a Comprehensive Plan Map Amendment from the Commercial designation to Residential 10 – 12 dwelling units per acre, a Zone Map Amendment from Planned Development Commercial (PDC) Zone to Planned Development Residential – 5 (PDR-5), modify the Fox Chase Master Plan, approve Stage II Final Plan, Type C Tree Plan and a waiver to the front yard setback which would enable development of 16 market rate rent townhomes on 1.14 acres for people, 55 years and over.

Project Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon.

SITE MAP



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CONTACT PERSON: Blaise Edmonds, Manager of Current Planning; (503) 682-4960.

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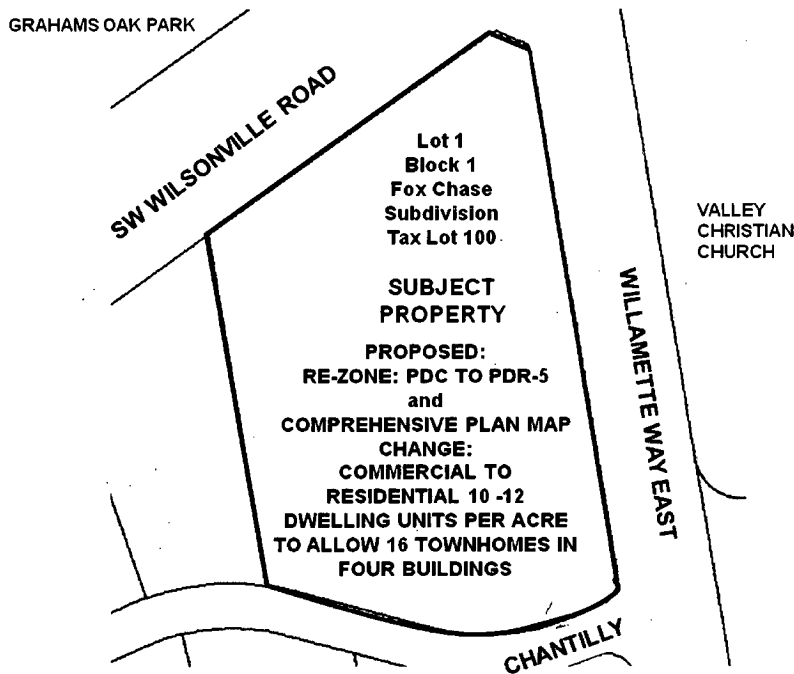
inspection seven days prior to the public hearing. Copies will also be available for review at the Wilsonville Public Library.

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VICINITY MAP



King, Sandy

From: White, Shelley
Sent: Tuesday, July 24, 2012 12:44 PM
To: Creason, Mary Ann; Erickson, Andrea
Cc: Straessle, Linda; King, Sandy
Subject: Please Post: Public Hearing Notices for August 13 DRB (1 is also for Sept. 17 CC)
Attachments: PHN - Shredding Systems.docx; PHN - Fox Ctr.doc

Hi Ladies,

Would you please post the attached public hearing notices for the August 13 DRB panel A meeting?

Please note that the PHN for Fox Center doubles as a notice for the Sept. 17 City Council meeting – please leave it up until after the City Council Hearing.

DB12-0026 et al – Shredding Systems
DB12-0033 et al – Fox Center Townhomes

Linda – Please post to the web and publish in the paper.
Sandy – Just FYI on the Fox Center PHN.

Thanks!

Shelley White

Administrative Assistant
City of Wilsonville
Ph: 503 570-1575
swhite@ci.wilsonville.or.us

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BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

September 4, 2012

Tualatin Historical Society
c/o Yvonne Addington
8700 SW Sweek Drive
PO Box 1055
Tualatin, Oregon 97062

Re: Ice Age Tonquin Trail

Dear Ms. Addington:

Thank you for the letter regarding the proposal to add "Ice Age" to the name of the "Tonquin Trail" which is planned to travel through Clackamas County and become part of the existing Tonquin Geological Area.

We are very fortunate to have this significant natural resource in our community. The request from the Tualatin Historical Society to have the name of the trail reflect the origins of this geological treasure seems very strategic and well thought-out. It would provide visitors and County residents with a greater awareness of the opportunity to hike the trail and witness the fascinating history and unique geological features associated with the ice age floods.

The Clackamas County Board of Commissioners is in full support of this effort to attract visitors and positive attention to the region and highlight yet another reason why people should visit Clackamas County. This will be a productive and meaningful partnership of the communities, the National Parks Service, Metro and Oregon Tourism.

~~We support naming the trail the "Ice Age Tonquin Trail" and thank you for your efforts.~~

Sincerely,

Charlotte Lehan, Chair
On behalf of the Clackamas County Board of Commissioners

INSERT VERBAGE in my e-mail here



TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Paul Hennon, Community Services Director
DATE: 08/27/2012
SUBJECT: Resolution of Support for Changing the Name of the Tonquin Trail to Ice Age Tonquin Trail

ISSUE BEFORE THE COUNCIL:

The Council will consider a resolution supporting changing the name of the Tonquin Trail to the Ice Age Tonquin Trail to promote public awareness, and enhance funding opportunities and economic development through tourism and scientific research.

Renaming the conceptual Tonquin Trail to Ice Age Tonquin Trail would require consensus from the partner jurisdictions. The partner organizations are Metro, Clackamas and Washington counties, and the cities of Sherwood, Tualatin, and Wilsonville.

RECOMMENDATION:

The staff respectfully recommends that Council adopt the attached resolution.

EXECUTIVE SUMMARY:

Toward the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods representing the greatest floods on earth, occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the states of Montana, Idaho, Washington and Oregon, including the Willamette Valley.

The Ice Age Floods story covers the last few thousand years of the Pleistocene Ice Age when a lobe of the Cordilleran ice sheet crept southward into the Idaho Panhandle, blocking the Clark Fork River and forming a 2,000 foot ice dam, creating Glacial Lake Missoula that stretched 200 miles long and contained more than 500 cubic miles of water. Periodically, the ice dam would fail and when Glacial Lake Missoula burst through the ice dam and exploded downstream, it did so at a rate of 10 times the combined flow of all the rivers of the world. This towering mass of water, ice, and debris thundered across the landscape down the Columbia River drainage, across northern Idaho and eastern and central Washington, through the Columbia River Gorge, back up into Oregon's Willamette Valley, and finally poured into the Pacific Ocean at the mouth of the Columbia River.

In 2009 Congress established the Ice Age Floods National Geologic Trail in the states of Montana, Idaho, Washington, and Oregon enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

The national geologic trail is in its earliest stages of planning through the leadership of the National Park Service and the Ice Age Floods Interagency Coordination Committee to collaborate and oversee the activities that will enhance interpretation of the Ice Age Floods story and features along the flood pathways of the Ice Age Floods National Geologic Trail pursuant to the Foundation Document for the Ice Age Floods National Geologic Trail that is attached to the resolution.

The national geologic trail will consist of a network of marked touring routes with interpretive opportunities distributed across this vast area and existing roadways will link many of the region's superb geologic resources by way of a long, central pathway and designated loops and spurs, and where in places foot and bicycle trails that enable access and provide interpretive opportunities of fundamental and other important resources and values will also be a part of this network.

Metro, in partnership with Clackamas and Washington counties, and the cities of Sherwood, Tualatin, and Wilsonville are now in the process of completing the Tonquin Trail Master Plan and will fund and operate the proposed 22-mile regional trail that will travel through landscape and unique geological features that were formed by the Ice Age Floods within and near the Tonquin Geologic Area in order to interpret the natural resources and tell the incredible story of the Ice Age Floods.

There may be funding opportunities by tying the regional trail to the national trail, and linking the two trails may result in economic development by bringing more tourists and scientific research to the communities the regional trail will serve.

FINANCIAL IMPLICATIONS:

There is no cost to adopting the attached resolution of support of renaming the Tonquin Trail to Ice Age Tonquin Trail since the trail is in the Master Plan stage. Trail funding opportunities and economic development may occur as a result.

Attachments: A - Resolution w/attachment

RESOLUTION NO. 5120-12

RESOLUTION OF SUPPORT OF CHANGING THE NAME OF THE TONQUIN TRAIL TO ICE AGE TONQUIN TRAIL TO PROMOTE PUBLIC AWARENESS, AND ENHANCE FUNDING OPPORTUNITIES AND ECONOMIC DEVELOPMENT THROUGH TOURISM AND SCIENTIFIC RESEARCH

WHEREAS toward the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods representing the greatest floods on earth, occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the states of Montana, Idaho, Washington and Oregon, including the Willamette Valley; and

WHEREAS in 2009 Congress established the Ice Age Floods National Geologic Trail in the states of Montana, Idaho, Washington, and Oregon enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities; and

WHEREAS the national geologic trail is in its earliest stages of planning through the leadership of the National Park Service and the Ice Age Floods Interagency Coordination Committee to collaborate and oversee the activities that will enhance interpretation of the Ice Age Floods story and features along the flood pathways of the Ice Age Floods National Geologic Trail pursuant to the attached Foundation Document for the Ice Age Floods National Geologic Trail; and

WHEREAS the national geologic trail will consist of a network of marked touring routes with interpretive opportunities distributed across this vast area and existing roadways will link many of the region's superb geologic resources by way of a long, central pathway and designated loops and spurs, and where in places foot and bicycle trails that enable access and provide interpretive opportunities of fundamental and other important resources and values will also be a part of this network; and

WHEREAS Metro, in partnership with Clackamas and Washington counties, and the cities of Sherwood, Tualatin, and Wilsonville are now in the process of completing the Tonquin Trail Master Plan and will fund and operated the proposed 22-mile regional trail that will travel through landscape and unique geological features that were formed by the Ice Age Floods within and near the Tonquin Geologic Area in order to interpret the natural resources and tell the incredible story of the Ice Age Floods; and

*Ried 9/17/12
ack.*

WHEREAS there may be funding opportunities by tying the regional trail to the national trail, and linking the two trails may result in economic development by bringing more tourists and scientific research to the communities the regional trail will serve; and

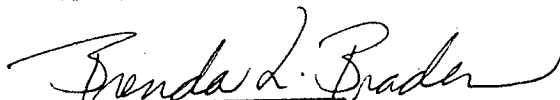
WHEREAS renaming the conceptual Tonquin Trail to Ice Age Tonquin Trail would require consensus from the partner jurisdictions.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

A. The City of Tualatin supports renaming the Tonquin Trail to Ice Age Tonquin Trail.

INTRODUCED AND ADOPTED this 27th day of August, 2012.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, OREGON

BY


Mayor

ATTEST:

BY


City Recorder

**LETTERS SUPPORTING THE ADDITION OF "ICE AGE" TO THE TONQUIN TRAIL
NAME FROM THE FOLLOWING ORGANIZATIONS:**

1. Clackamas County Board of Commissioners
2. Washington County Board of Commissioners
3. Washington County Visitors Association
4. Tualatin Historical Society
5. Tualatin Chamber of Commerce
6. Wilsonville Chamber of Commerce
7. Sherwood Chamber of Commerce



BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

September 4, 2012

Tualatin Historical Society
c/o Yvonne Addington
8700 SW Sweek Drive
PO Box 1055
Tualatin, Oregon 97062

Re: Ice Age Tonquin Trail

Dear Ms. Addington:

Thank you for the letter regarding the proposal to add "Ice Age" to the name of the "Tonquin Trail" which is planned to travel through Clackamas County and become part of the existing Tonquin Geological Area.

We are very fortunate to have this significant natural resource in our community. The request from the Tualatin Historical Society to have the name of the trail reflect the origins of this geological treasure seems very strategic and well thought-out. It would provide visitors and County residents with a greater awareness of the opportunity to hike the trail and witness the fascinating history and unique geological features associated with the ice age floods.

The Clackamas County Board of Commissioners is in full support of this effort to attract visitors and positive attention to the region and highlight yet another reason why people should visit Clackamas County. This will be a productive and meaningful partnership of the communities, the National Parks Service, Metro and Oregon Tourism.

We support naming the trail the "Ice Age Tonquin Trail" and thank you for your efforts.

Sincerely,

Charlotte Lehan, Chair
On behalf of the Clackamas County Board of Commissioners



August 10, 2012

Tualatin Historical Society
P. O. Box 1055, 8700 S. W. Sweek Drive
Tualatin, Oregon 97062

Re: Ice Age Tonquin Trail

Dear Ms. Addington,

Thank you for the letter regarding the proposal to add "Ice Age" to the name of the "Tonquin Trail" which is planned to travel through Washington County and become part of the existing Tonquin Geological Area.

We are very fortunate to have this significant natural resource in our community. The request from the Tualatin Historical Society to have the name of the trail reflect the origins of this geological treasure seems very strategic and well thought out. It would provide greater awareness to visitors and county residents alike about the opportunity to hike the trail and witness the fascinating history associated with the ice age floods that gave us fertile soil and many of our unique geological features.

The Washington County Board of Commissioners is in full support of this effort to attract visitors and positive attention to the region and highlight yet another reason why people should visit Washington County. We support naming the trail the "Ice Age Tonquin Trail" and thank you for your efforts.

Sincerely,

Andy Duyck, Chairman
Washington County Board of Commissioners



WASHINGTON COUNTY
OREGON
VISITORS ASSOCIATION

REC'D
CITY OF TUALATIN
AUG 09 2012

MAYOR _____ COUNCIL _____ POLICE _____ ADM _____
FINANCE _____ COMM DEV _____ LEGAL _____ OPER _____
COMMSVCS _____ ENG & BLDG _____ LIBRARY _____

August 6, 2012

Metro Regional Government
Metro Council President Tom Hughes and Council Members
600 Northeast Grand Avenue
Portland, OR 97232

Subject: *Ice Age Tonquin Trail*

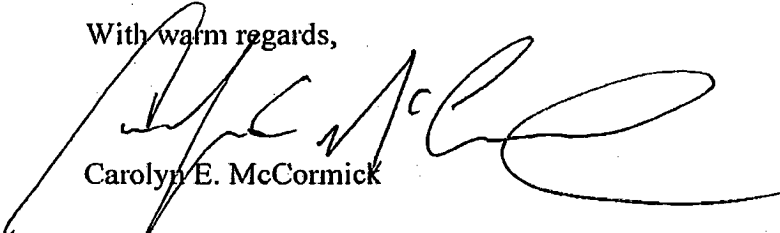
Dear Council President Tom Hughes and Members of the Metro Council:

On behalf of the Washington County Visitors Association, I would like to encourage the Metro Council to consider the addition of *Ice Age* to the **Tonquin Trail** official name. It has come to my attention that there is a small window of opportunity to present the value of the association with the Department of Interior's project to create a national ice age floods trail and the Tonquin Trail. It appears the opportunity is presently upon us.

It is incumbent for us to work together in sustaining the history, culture and social importance of elevating awareness of the geological events that have led to the creation of what makes Oregon a dynamic place to visit and live. The Metro Council has a wonderful opportunity to include our area in the recent federally created Ice Age Floods National Geologic Trail currently planned from Lake Missoula, Montana/Canada border through Idaho, Washington, down to the Columbia River to the Pacific Ocean.

I thank the Metro Board for your sincere consideration. Please do not hesitate to contact me directly at 503-644-5555 ext 103 or via email at Carolyn@wcva.org for any questions or comments you may have pertaining to this very important project.

With warm regards,


Carolyn E. McCormick

cc: Yvonne L. Addington, Past President Tualatin Historical Society
Linda Moholt, CEO Tualatin Chamber of Commerce
Washington County Commissioners
Clackamas County Commissioners
Tualatin, Sherwood, Wilsonville City Council



Tualatin Historical Society

Tualatin Heritage Center

July 28, 2012

Established in 1986 to preserve, promote and interpret the rich and colorful history of Tualatin.

Clackamas County Commission
Washington County Commission

City of Sherwood City Council
City of Tualatin City Council
City of Wilsonville City Council

Re: Proposed "Tonquin Trail" Name

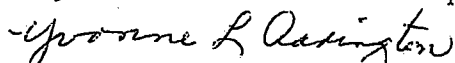
Honorable Officials:

Metro's Regional Government has asked the Tualatin Historical Society to seek the approval of the above Commissions and Councils regarding adding just two words—"Ice Age"—to the proposed name of the "Tonquin Trail". This 22 mile trail is planned to go through the above jurisdictions, all of which were affected by the worldly unique cataclysmic Ice Age floods over 12,000 years ago. Much of the local area was covered up to the 400' elevation with icy flood waters which backed up into the Willamette River and its tributaries. The agriculturally rich valleys, the Tonquin Scablands, Cipole swamps, and local wetlands were created or affected by these floods.

There are many positive possibilities by further identifying this area on international mapping systems with the ice age words. One possibility, already included in Metro's Tonquin Trail plan, would enhance job creating possibilities by visitors and businesses, thus bringing new money into the area. The words "Ice Age" on international satellite mapping, GIS, GPS, visitor information and related media could better guide the public to the area. Many public and private organizations are just becoming aware of the economic possibilities and want to pursue them. The central location along I-5, I-205, highways to the Pacific Ocean, and the rapidly emerging wine industry enhance efforts.

The local area is generally included in maps in the 2009 federal legislation creating the Ice Age Floods National Geologic Trail from Montana, through Idaho, Washington and Oregon to the Pacific Ocean via the Columbia River. (explained further in accompanying documents). However, current planning of the national trail has not yet included our local area for detailed information or enhancements because the national and state planning officials are just learning of our interests. This would definitely show local interest.

Our request to add the words "Ice Age" to the Tonquin Trail name was first submitted to Metro's Tonquin Trail Steering Committee over two years ago, and again to Metro on May 29, 2012, (copy sent to you). However, no formal action has been taken to consider it in their master plan and they now advise they need signed consent of all of the above governments by mid-August in order to incorporate it into the master plan. Therefore, we ask your earliest consideration and cooperation. Thank you so much.


Yvonne Addington, Past President



August 27, 2012

Metro Regional Government
Metro Council Tom Hughes and Council Members
600 Northeast Grand Avenue
Portland, OR. 97232
Subject: Changing the Name of the Tonquin Trail to the "Ice Age" Tonquin Trail

Dear Council President Tom Hughes and Members of the Metro Council:

For the past several years, the Tualatin Chamber of Commerce, the Tualatin Historical Society and the City of Tualatin have been working in conjunction with the Washington County Visitors Association to create a Tourism initiative based on the geologic history of the Missoula Ice Age Floods some 12,000 to 17,000 years ago. As the Ice Age ended, Tualatin was carved by gigantic floods bursting down from today's Montana and Canada. The waters moved icebergs carrying unusual boulders called "glacial erratics". These monoliths were strangers to our region and are still being discovered today. The result makes up our beautiful community parks and trails including the "Ice Age" Tonquin Trail. The bones of giant mastodons, sloths and other mega-fauna have been discovered and are on display now in Tualatin.

In 2009, Congress established the Ice Age Floods National Geologic Trail in the states of Montana, Idaho, Washington and Oregon enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities. The national geologic trail will consist of a network of marked touring routes with interpretive opportunities distributed across this vast area.

The Metro Region has a very time sensitive and unique opportunity to connect itself with the creation of the National Park Service Ice Age Floods National Geologic Trail through a simple but descriptive name change. By adding "Ice Age" to the Tonquin Trail we will then be permanently linked to the master trail system and with the potential economic impact by bringing more tourists and scientific research to the communities that the regional trail will serve.

We want to thank the Metro Council in advance for your consideration to amend the name of the Tonquin Trail to the "Ice Age" Tonquin Trail. If you have further questions or comments, please do not hesitate to give us a call.

Sincerely,

A handwritten signature in black ink that reads "Linda Moholt".

Linda Moholt
CEO

A handwritten signature in black ink that reads "Kevin Ferrasci O'Malley".

Kevin Ferrasci O'Malley
Tualatin Chamber Board Chair

PO Box 701
18791 SW Martinazzi Ave.
Tualatin, OR. 97062

Phone: 503-692-0780
Chamber@tualatinchamber.com
www.TualatinChamber.com

August 27, 2012

Metro Regional Government
Metro Council President Tom Hughes and Council Members
600 Northeast Grand Avenue
Portland, OR 97232

Subject: **Tonquin Trail rebranding**

Dear Council President Tom Hughes and Members of the Metro Council:

On behalf of the Wilsonville Area Chamber of Commerce, I would like to encourage the Metro Council to consider the addition of *Ice Age* to the **Tonquin Trail** official name. It has come to my attention that there is a small window of opportunity to present the value of the association with the Department of Interior's project to create a national ice age floods trail and the Tonquin Trail. I think we should take advantage of that opportunity.

Wilsonville is rich with history, from Boone's Crossing to our agricultural roots, so we understand the importance of celebrating the past. With the Graham Oaks Nature Park having sections of the Tonquin Trail, we would welcome the name change and advocate that information be put in Graham Oaks, if appropriate. We believe that elevating the awareness of geological events will only add to the heritage of the area. The Metro Council has an opportunity to include our area in the recent federally created Ice Age Floods National Geologic Trail currently planned from Lake Missoula, Montana/Canada border through Idaho, Washington, down to the Columbia River to the Pacific Ocean.

I thank the Metro Board for your consideration. Please do not hesitate to contact me at 503-682-0411 or via email at Steve@wilsonvillechamber.com for any questions or comments you may have.

Thank you,

A handwritten signature in cursive script, appearing to read "Steve Gilmore".

Steve Gilmore, CEO
Wilsonville Area Chamber of Commerce

SHERWOOD
CHAMBER OF COMMERCE

Driving Relationships, Business & Community.

August 17, 2012

Mr. Carl Hosticka,
Councilor, Dist. 3
Metro
600 N. E. Grand Ave.
Portland, Oregon 97232-2736

Dear Mr. Hosticka:

As the organization dedicated to Sherwood, Oregon's economic opportunity and to a positive business climate in the region, we encourage adoption and inclusion of the word "Tonquin" to the official description of our geographic area. It would thus become the Tonquin Ice Age National Geologic Trail. The closer identification of the area in the National Park Service designation of the "Ice Age Floods National Geologic Trail" will provide significant local economic impact to educational, scientific and tourism communications regarding this unique resource.

The Sherwood, Tualatin and Wilsonville communities are part of the 21 miles of trails which follow much of the ice age flood trajectory. This will be a productive and meaningful partnership of the communities, the National Park Service, Metro and Oregon tourism.

Thank you for your consideration.



Leanna Knutson,
President
Sherwood Chamber of Commerce

Cc: Jane Hart, Metro Senior Regional Planner

✓

City of Wilsonville
November 5, 2012 City Council Meeting

SPEAKER CARD

NAME: Simon Springall

ADDRESS: 7710 SW ROANOKE DR S.

TELEPHONE: _____ **E-MAIL** simon@springall.com

AGENDA ITEM YOU WANT TO ADDRESS: 705 / 706

Please limit your comments to 3 minutes. Thank you.

✓

City of Wilsonville
November 5, 2012 City Council Meeting

SPEAKER CARD

NAME: Vern Wise

ADDRESS: 3252 SW Juliette Dr 97070

TELEPHONE: ⁵⁰³694-2120 E-MAIL _____

AGENDA ITEM YOU WANT TO ADDRESS: _____

Wilsonville 2 Subjects

- ITEMS: ① Public needs to learn undertaken roles of different public bodies in community. - Not all have internet or newspaper. Council/Planning/DRB/Urban Renewal. Need more distribution of info. **Please limit your comments to 3 minutes. Thank you.**
- ② Beauty + Bridge. - Says stainless panels are safety barrier, but block view from cars unnecessarily. Worries about kids fingers being cut or injured. Worries barrier makes crime or graffiti more likely.

✓

City of Wilsonville
November 5, 2012 City Council Meeting

SPEAKER CARD

NAME: Ken Whitaker

ADDRESS: 29001 Grahams Ferry Rd Wilsonville

TELEPHONE: 803 682-7271 E-MAIL KGWHTAKER@GMAIL.COM

AGENDA ITEM YOU WANT TO ADDRESS: GFR street lighting choice.

Grahams Ferry resident across street from Villebon. New lights are 35' tall, industrial style. Post set too large, light intrusion into houses along Grahams Ferry.

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
November 5, 2012 City Council Meeting

SPEAKER CARD

NAME: Jim LANGE

ADDRESS: 13445 SW 110th AVE TIGARD

TELEPHONE: 503-828-9055 E-MAIL jim@pacific-community.com

AGENDA ITEM YOU WANT TO ADDRESS: _____
RES 2350

Please limit your comments to 3 minutes. Thank you.

**City of Wilsonville
City Council Meeting
November 5, 2012 Sign In Sheet**

Name	Mailing Address
Vern Wise	
Doris Winkler	
Julie Fitzgerald	11812 SW Grenoble, Wilsonville
BENNIE BITZ	11315 SW CHANTILLY
DAN VASQUEZ	29078 SW MONTE CARLO AVE
Ken Whittaker	29001 Grahams Ferry Rd Wilsonville.
LEE LEIGHTON, WESTAKE CONSULTANTS,	15115 SW SEQUOIA PKWY # 150 TIGARD
SUEB COSE	1591 SW Tryon #100 PORTLAND 97205

King, Sandy

From: Neamtzu, Chris
Sent: Wednesday, October 31, 2012 9:59 AM
To: King, Sandy
Subject: FW: tomorrow

Thoughts on Amy's message?

Thanks,

PS. Your slide show looks great and you are going to do great with your presentation. I look forward to hearing all about it!

Chris Neamtzu, AICP
Planning Director
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070
503.570.1574
neamtzu@ci.wilsonville.or.us

Disclosure Notice: Messages to and from this email address may be subject to the Oregon Public Records Law.

From: Amy Dvorak [<mailto:advorak@lclark.edu>]
Sent: Wednesday, October 31, 2012 9:54 AM
To: Neamtzu, Chris
Subject: tomorrow

Hey Chris,

I need to let Sandy know that I am not reapplying to the Planning Commission by tomorrow, correct? Is there anything else I should do in advance? Will this information be public record (or announced) at that point or do we have some time? Thanks! Happy Halloween!!!

Amy Dvorak, Sustainability Manager | [Facilities Services](#) | **Lewis & Clark College** | 0615 SW Palatine Hill Road, MSC 76,
Portland OR 97219 | P 503.768.7794 | advorak@lclark.edu