

**DEVELOPMENT REVIEW BOARD MEETING
NOVEMBER 8, 2021
6:30 PM**

VI. Public Hearing:

A. Resolution No. 396. Meridian United Church of Christ (Frog Pond Church): Ben Altman, Pacific Community Design Inc. – Representative for Meridian United Church of Christ – Owner/Applicant. The applicant is requesting approval of a Zone Map Amendment from Residential Agricultural-Holding (RA-H) to Planned Development Residential – 4 (PDR-4), and adopting findings and conditions approving a Stage I Master Plan, Stage II Final Plan, Tentative Partition Plat, and Setback Waiver for Meridian United Church of Christ (Frog Pond Church). The subject site is located at 6750 SW Boeckman Road on Tax Lot 5500, Section 13AA, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files:	DB21-0029	Zone Map Amendment
	DB21-0030	Stage I Master Plan
	DB21-0031	Stage II Final Plan
	DB21-0032	Tentative Partition Plat
	DB21-0033	Waiver – Setback/Zero Lot Line

The DRB action on the Zone Map Amendment is a recommendation to the City Council.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 396**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURAL-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL-4 (PDR-4) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, TENTATIVE PARTITION PLAT, AND SETBACK WAIVER FOR MERIDIAN UNITED CHURCH OF CHRIST (FROG POND CHURCH). THE SUBJECT SITE IS LOCATED AT 6750 SW BOECKMAN ROAD ON TAX LOT 5500, SECTION 13AA, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. BEN ALTMAN, PIONEER DESIGN GROUP INC. – REPRESENTATIVE FOR MERIDIAN UNITED CHURCH OF CHRIST – OWNER/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 report on the above-captioned subject dated November 1, 2021, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 8, 2021, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 1, 2021, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to approval of the Zone Map Amendment Request (DB21-0029) on properties proposed for rezoning, for:

DB21-0030 through DB21-0033, Stage I Master Plan, Stage II Final Plan, Tentative Partition Plat, and Setback Waiver a three-parcel partition and associated site improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of November 2021 and filed with the Planning Administrative Assistant on _____. 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)*.

Daniel McKay, Chair, Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



Exhibit A1
Staff Report Wilsonville Planning Division

Meridian United Church of Christ (Frog Pond Church)
Three-parcel Partition and Zone Map Amendment

Development Review Board Panel 'A'
Quasi-Judicial Public Hearing

Hearing Date:	November 8, 2021
Date of Report:	November 1, 2021

Application Nos.: DB21-0029 – Zone Map Amendment
DB21-0030 – Stage I Master Plan
DB21-0031 – Stage II Final Plan
DB21-0032 – Tentative Partition Plat
DB21-0033 – Setback Waiver

Request/Summary: The requests before the Development Review Board include a Zone Map Amendment, Stage I Master Plan, Stage II Final Plan, Tentative Partition Plat, and Setback Waiver.

Location: 6750 SW Boeckman Road. The property is specifically known as Tax Lot 5500, Section 13AA, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

Owner/Applicant: Meridian United Church of Christ (Contact: Marsia Gunter)

Applicant's Rep.: Pioneer Design Group (Contact: Ben Altman)

Comprehensive Plan Designation: Residential 6-7 dwelling units per acre (du/ac)

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

Zone Map Classification (Proposed): PDR-4 (Planned Development Residential-4)

Staff Reviewers: Cindy Luxhoj AICP, Associate Planner
Matt Palmer, PE, Associate Engineer
Kerry Rappold, Natural Resources Program Manager

Staff Recommendation: Based on relevant review criteria, recommend approval to the City Council of the Zone Map Amendment; and approve with conditions the Stage I Master Plan, Stage II Final Plan, Tentative Partition Plat, and Setback Waiver contingent on City Council approval of the Zone Map Amendment.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.120	RA-H Residential Agricultural – Holding Zone
Section 4.124	Standards Applying to All Planned Development Residential Zones
Section 4.124.4	PDR-4 Zone
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.184	Conditional Use Permits - Authorization
Section 4.197	Zone Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
<u>Other City Planning Documents:</u>	
Wilsonville Comprehensive Plan	
Previous Land Use Approvals	

As described by the applicant, they propose to partition the property in order to sell the unused southern part of the site for residential development and to potentially sell the larger sanctuary in the future. The partitioning is proposed in two phases, as described in more detail later in this Staff Report (see Requests C and D).

Summary:

Zone Map Amendment (DB21-0029)

The proposed Zone Map Amendment is to rezone the subject 2.39-acre property from Residential Agricultural-Holding (RA-H) to Planned Development Residential-4 (PDR-4). The rezone is required to allow partition of the church property as proposed by the applicant.

Stage I Master Plan (DB21-0030)

The Stage I Master Plan generally establishes the location of the proposed parcels and tracts on the site, which are reviewed in more detail with the Stage II Final Plan. The applicant proposes to partition the 2.39-acre property maintaining the existing church or community uses at the front (north side) and enabling future residential use at the back (south side) of the site.

Stage II Final Plan (DB21-0031)

The Stage II Final Plan addresses the general development pattern within the subject property and whether it demonstrates consistency with development standards of the proposed PDR-4 zone. Other aspects of site development, including parking, transportation, pedestrian access and circulation, utilities, and land division phasing, are described in more detail in the Discussion Points and Findings later in this Staff Report.

Tentative Partition Plat (DB21-0032)

The applicant proposes to partition the subject property into three parcels and one tract in two phases. Phase 1 would include Parcel 1 (1.44 acres), Parcel 2 (0.66 acre), and Tract A (0.29 acre). Phase 2 would further divide Parcel 1 into Parcel 1 (0.44 acre) and Parcel 3 (1.00 acre), with no change to the configuration of Parcel 2 and Tract A. The tentative partition plat demonstrates consistency with the Stage II Final Plan for dividing the property in a manner to allow continued operation of the existing church use and future development of Parcel 2 for residential use.

Staff notes that boundaries and acreages of the partition parcels as shown on the tentative partition plat (see Request D) are based on a revision of the plans submitted by the applicant on October 20, 2021.

Setback Waiver (DB21-0033)

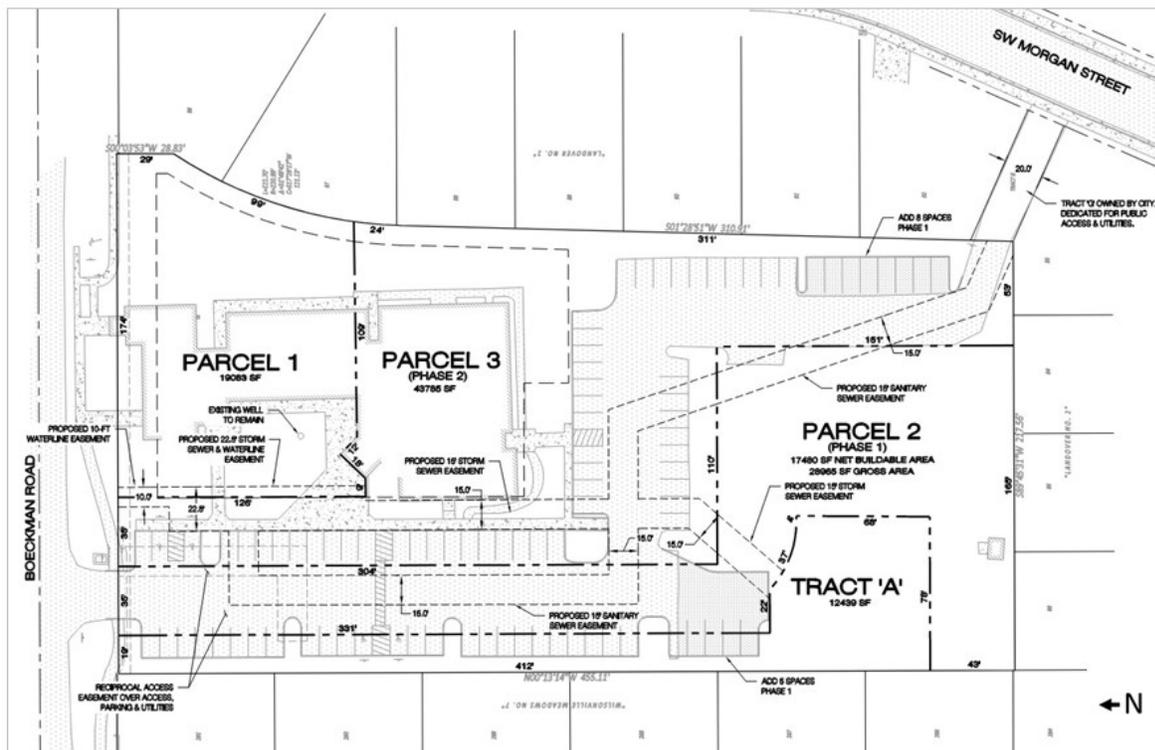
Phase 2 of the partition proposes to divide Parcel 1, containing the church building and grounds, into two, Parcels 1 and 3, separating the newer sanctuary from the remainder of the building. The

applicant is requesting a setback waiver to allow a zero lot line between the resulting buildings on Parcels 1 and 3. See Request E.

Discussion Points:

Tentative Partition Plat Revisions

Since submittal of their materials for review, the applicant has continued to revise the configuration of the proposed partition. The most recent version of their proposal is shown below and included in the applicant's materials as Exhibit B3.



Partition Phasing Plan

The applicant proposes to implement the proposed partition in two Phases as follows:

- Proposed Phase 1, anticipated to occur within two years of Development Review Board decision on the project:
 - Create Parcel 1, including 62,868 square feet (1.44 acres), containing the entire church building, landscaping, parking, and other site improvements
 - Create Parcel 2, including 17,480 square feet (0.40 acre) of developable area, on the south side of the property with a 35-foot-wide extension north along the existing drive aisle, containing 11,485 square feet (0.26 acre), to provide

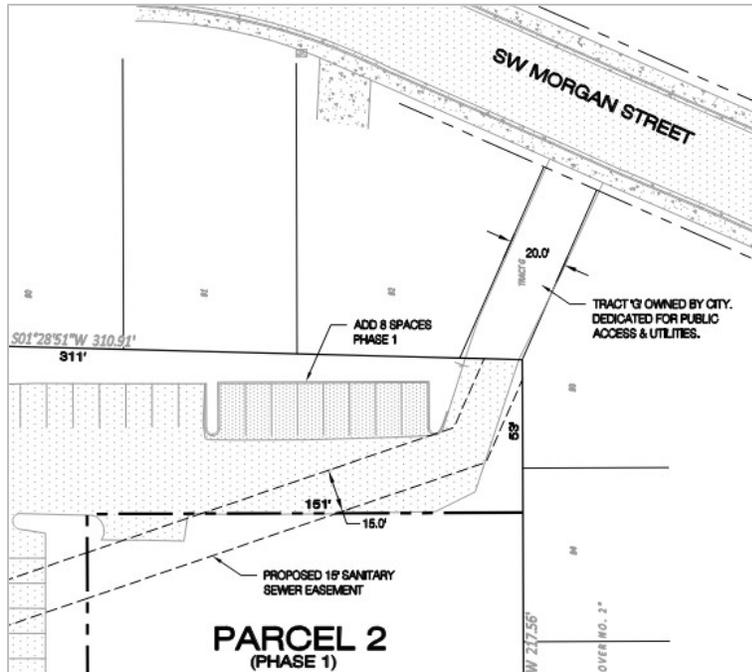
access from SW Boeckman Road as well as required street frontage for the parcel

- Create Tract A, including 12,439 square feet (0.29 acre), containing the existing stormwater facility, landscaping and parking along the west property boundary
 - Provide reciprocal access, parking, and utility easements for the benefit of the church for continued use of the existing drive aisle (in Parcel 2), parking and stormwater facility (in Tract A), and utilities throughout the site
 - Create 13 new parking spaces for the church
- Proposed Phase 2, with uncertain timing according to the applicant:
 - Reduce Parcel 1 by 43,785 square feet (1.00 acre) to create Parcel 3
 - Create Parcel 3, including 43,785 square feet (1.00 acre), containing the sanctuary building at the south end of the church building, as well as parking and landscaping, with a 35-foot-wide extension north on the east side of the drive aisle to provide required street frontage for the parcel on SW Boeckman Road
 - Build an ownership partition party wall to separate the sanctuary from the remainder of the church building; this requires a Setback Waiver to allow a zero lot line between the sanctuary and rest of the church building

In their application material the applicant does not indicate a timeline for Phase 2 of the partition to divide the existing building on two parcels. Staff recommends a Condition of Approval imposing a two-year timeline, as this is the typical valid timeline for land division and other land use approvals. The applicant has not provided any specific rationale or request to extend the timeline more than is typical.

Tract G

As illustrated below, Tract G is an existing 20-foot-wide public access and utilities easement that provides a connection between the southeast corner of the subject property and SW Morgan Street in the Landover subdivision. Per the recorded Landover No. 2 plat, Tract G was dedicated to the City of Wilsonville for public access and utilities (Note 4). There is an existing private sanitary sewer line located in Tract G that serves the church. Per the applicant's narrative, Tract G is to remain as is with continued use for the dedicated purposes of public access and utilities.



Modification of Conditional Use

As described in the applicant’s code response, the church is an approved Conditional Use as modified (98DB35) under the RA-H zoning, and will continue as a Conditional Use under the PDR-4 zoning. If Phase 2 of the proposed partition occurs as proposed, it is anticipated that a second church, or other similar semi-public use, will acquire Parcel 3. As described by the applicant, continuation of church use will maintain existing conditions relative to the character of the site and surrounding neighborhood and the applicant anticipates that future residential use will be compatible with the surrounding residential neighborhood, consistent with the PDR-4 zoning.

Comments Received and Responses:

Comments were received from the following individuals during the public comment period and are included in Exhibits D1 through D3 of this Staff Report:

- Exhibit D1. D. B. Lamm Comment, dated October 26, 2021
- Exhibit D2. M. Hubel Comment, dated October 29, 2021
- Exhibit D3. C. Brau Comment, dated October 29, 2021

Comments expressed concern about placement, height, location and other characteristics of homes that may be developed on Parcel 2; maintenance of the shared drive aisle; possible change in ownership of the existing building; overall maintenance of the existing site; and long-term impacts on the subject and surrounding properties. Another concern is that proposed Tract A remain a stormwater facility and landscaped parking area under church ownership and, as such, undevelopable for home sites, thus providing a buffer to surrounding properties. Other

comments include concern about the premature/changing boundaries of the proposed parcels and questions about what is being proposed, configuration of Parcel 2, changing State guidelines related to middle housing and their effect on possible residential development on the site, and sufficient parking for the church.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. The Staff Report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed applications (DB21-0029 through DB21-0033) with the following conditions:

Planning Division Conditions:

Request A: DB21-0029 Zone Map Amendment

This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. Case files DB21-0030, DB21-0031, DB21-0032, and DB21-0033 are contingent upon City Council’s action on the Zone Map Amendment request.
No conditions for this request.

Request B: DB21-0030 Stage I Master Plan

Approval of DB21-0030 (Stage I Master Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0029).
No conditions for this request.

Request C: DB21-0031 Stage II Final Plan

Approval of DB21-0031 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0029).
PDC 1. <u>General:</u> The approved Stage II Final Plan (Final Plan) shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. The Planning Director through the Class I Administrative Review Process may approve minor changes to the Final Plan if such changes are consistent with the purposes and general character of the Final Plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding C7.
PDC 2. <u>General:</u> The following requirements for planting of shrubs and ground cover shall be met: <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.

<ul style="list-style-type: none"> • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. <p>Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding C39.</p>
<p>PDC 3. <u>General:</u> All trees shall be balled and burlapped and conform in size and grade to "American Standards for Nursery Stock" current edition. See Finding C39.</p>
<p>PDC 4. <u>General:</u> Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. The applicant shall provide specific details on the proposed irrigation method prior to installation of street trees. See Finding C39.</p>
<p>PDC 5. <u>General:</u> Responsible parties shall keep the access/circulation drives clear and unobstructed. While the applicant is not required to make any changes to the existing access drive, any expansion of the drive area or any future redevelopment of the drive area shall require verification by responsible parties of its capacity to carry a 23-ton load. See Finding C44.</p>

Request D: DB21-0032 Tentative Partition Plat

<p>Approval of DB21-0032 (Tentative Partition Plat) is contingent on City Council approval of the Zone Map Amendment request (DB21-0029).</p>
<p>PDD 1. <u>Prior to Final Plat Approval:</u> Any necessary easements or dedications shall be identified on the final partition plat.</p>
<p>PDD 2. <u>Prior to Final Plat Approval:</u> The final partition plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Partition Plat.</p>
<p>PDD 3. <u>Prior to Final Plat Approval:</u> To ensure safe, convenient, direct pedestrian access to Parcel 2, a pedestrian easement shall be provided on the existing church sidewalk.</p>

PDD 4.	General: A waiver of remonstrance against formation of a local improvement district shall be recorded in the County Recorder’s Office as well as the City’s Lien Docket as part of the recordation of the final partition plat.
PDD 5.	Prior to Final Plat Approval: Prior to the recording of the final partition plat, the applicant/owner shall submit for review and approval by the City Attorney CC&R’s, bylaws, etc. related to the maintenance of tracts. Such documents shall assure the long-term protection and maintenance of the tracts.
PDD 6.	Prior to Final Plat Approval: For all public pipeline easements, public access easements, and other easements, as required by the City, shown on the final partition plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County.
PDD 7.	General: The applicant shall record the Final Plats for both Phase 1 and Phase 2 of the Tentative Partition Plat within two (2) years or the tentative plat approval, as it applies to any unrecorded phases, will expire.

Request E: DB21-0033 Setback Waiver

Approval of DB21-0033 (Setback Waiver) is contingent on City Council approval of the Zone Map Amendment request (DB21-0029).
No conditions for this request.

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

Engineering Division Conditions:

All Requests

PFA 1.	Prior to Issuance of Public Works Permit, Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
PFA 2.	Prior to Phase 1 Final Plat Approval, applicant shall construct public sanitary sewer manholes and mainline within SW Morgan Street, Tract G, Parcel 1, and Parcel 2 as

	necessary to serve both Parcel 1 and 2. Record minimum 15-foot wide sanitary sewer pipeline easement as part of Final Plat recordation.
PFA 3.	Prior to Phase 1 Final Plat Approval, applicant shall connect existing Parcel 1 building to City water system.
PFA 4.	Prior to Phase 1 Final Plat Approval, applicant shall disconnect all existing domestic well water lines from Parcel 1 building.
PFA 5.	Prior to Phase 1 Final Plat Approval, applicant shall install water service on SW Morgan Street to serve Parcel 2. Water meter shall be placed along SW Morgan Street near the entrance to Tract G.
PFA 6.	Applicant shall confirm as part of Phase 1 work the size of Tract A is adequate for a water quality facility that accommodates the increase in impervious area from the proposed additional parking spaces.
PFA 7.	Prior to Phase 2 Final Plat Approval, applicant shall extend the public sanitary sewer mainline to the west and north within the parking lot drive aisle to serve the newly partitioned Parcel 1. Record minimum 15-foot wide sanitary sewer pipeline easement as part of Final Plat recordation.
PFA 8.	Prior to Phase 2 Final Plat Approval, applicant shall connect Parcel 3 building to City water system.
PFA 9.	All public sanitary sewer constructed shall be a minimum of 100 feet offset from the existing well.
PFA 10.	Record a minimum 15-foot wide easement for existing public water pipelines on private property as part of Phase 1 and 2 Final Plat recordations.
PFA 11.	Prior to Issuance of Final Building Certificate of Occupancy for Parcel 2, applicant must execute a Stormwater Access Easement with the City and record said easement at the County.

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB21-0029 through DB21-0033. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant

B1. Applicant's Narrative and Materials

- Response to Notice of Incomplete Application
- City Response to Applicant's Questions Concerning Lot Frontage
- Notice of Incomplete Application
- Application Form
- Request for Traffic Impact Study
- Lien's and Assessments Verification
- Fact Sheet
- Project Summary
- Code Response Narrative
- Pre-Application Meeting Follow-up Email
- Pre-Application Meeting Summary Materials
- Prior Land Use Approval 98DB35 Documents
- Architect's Statement and Drawings Regarding Partition of Church Building
- TVF&R Permit
- Title Report and Ownership Information
- Zone Map Amendment Exhibit and Legal Description

B2. Applicant's Drawings and Plans

- P1.0 Preliminary Plat, Stage I Master Plan
- P2.0 Existing Conditions and Demolition Plan
- P3.0 Zone Change Exhibit
- P3.1 Phase I Preliminary Plat, Stage II Development Plan
- P3.2 Phase II Preliminary Plat, Stage II Development Plan
- P4.0 Utilities Master Plan
- P4.1 Phase I Utility Plan

P5.0 TVF&R FS1 Plan
P6.0 Aerial Circulation Plan
L1.0 Existing and Proposed Landscape Plan

B3. Applicant's Memorandum and Revised Partition Plan, Dated October 20, 2021

Development Review Team Correspondence

C1. Engineering Requirements

Other Correspondence

D1. D. B. Lamm Comment, Dated October 26, 2021

D2. M. Hubel Comment, Dated October 29, 2021

D3. C. Brau Comment, Dated October 29, 2021

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on May 20, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on June 18, 2021. The applicant submitted additional material on July 29 and August 10, 2021. Planning Staff conducted a second completeness review within the statutorily allowed 30-day review period and deemed the application complete on September 9, 2021. The City must render a final decision for the request, including any appeals, by January 7, 2022.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RN	Residential
East:	PDR-3	Residential
South:	PDR-3 and PDR-4	Residential
West:	PDR-4	Residential

3. Previous City Planning Approvals:

85DR09 – Frog Pond Church – Final Architectural and Site Plan
85PC14 – Frog Pond Church – Conditional Use Permit
95PC05 – Landover Subdivision Zone Change, Stage I and II, Preliminary Plat
95DR14 – Landover Subdivision Landscape and Signage
98DB35 – Meridian United Church of Christ (UCC) – Conditional Use Permit
00DB05 – Meridian UCC – Modify Condition of Approval #15 from Case File 98DB35
01AR13 – Meridian UCC – Modify Approved Site Design Review

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

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

General Information

Application Procedures-In General Section 4.008

The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The application has been submitted on behalf of the property owner, Meridian United Church of Christ, and is signed by an authorized representative, Marsia Gunter.

Pre-Application Conference Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on January 28, 2021 (PA20-0017) in accordance with this subsection.

Lien Payment before Approval Subsection 4.011 (.02) B.

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

General Submission Requirements Subsection 4.035 (.04) A.

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

Zoning-Generally Section 4.110

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

Request A: DB21-0029 Zone Map Amendment

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Comprehensive Plan

Diversity of Housing Types

Implementation Measure 4.1.4.b. and d.

- A1.** Based on data used for the City of Wilsonville 2020 Annual Housing Report, the City has 11,275 housing units in the following mix:
- 45.2% Apartments
 - 40.7% Single-Unit Dwellings
 - 7.8% Middle Housing (including duplexes, attached single-family homes, ADUs and cottage-style homes)
 - 4.6% Condominiums
 - 1.3% Mobile Homes

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

Safe, Convenient, Healthful, and Attractive Places to Live

Implementation Measure 4.1.4.c.

- A2.** The proposed Planned Development Residential-4 (PDR-4) zoning allows the use of planned development to enable development of safe, convenient, healthful, and attractive places to live.

Residential Density

Implementation Measure 4.1.4.u.

- A3.** The subject property is proposed to be zoned PDR-4, consistent with the existing Comprehensive Plan designation of Residential 6-7 du/ac.

Development Code

Zoning Consistent with Comprehensive Plan

Section 4.029

- A4.** The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of PDR-4 is consistent with the existing Comprehensive Plan designation of Residential 6-7 du/ac. The Zone Map Amendment is contingent on City Council approval.

List of Base Zones
Subsection 4.110 (.01)

A5. The requested zoning designation of PDR-4 is among the base zones identified in this Subsection.

Standards for All Planned Development Residential Zones

Typically Permitted Uses
Subsection 4.124 (.01)

A6. The list of typically permitted uses includes residential building lots for development of allowed residential uses, open space, and churches (subject to a Conditional Use Permit), covering all existing and proposed uses on the subject property.

Appropriate PDR Zone
Subsection 4.124 (.05)

A7. PDR-4 is the appropriate PDR designation based on the Comprehensive Plan designation of Residential 6-7 du/ac.

Zone Change Procedures
Subsection 4.197 (.02) A.

A8. The applicant submitted the request for a Zone Map Amendment as set forth in the applicable code sections.

Conformance with Comprehensive Plan Map, etc.
Subsection 4.197 (.02) B.

A9. The proposed Zone Map Amendment is consistent with the Comprehensive Plan designation of Residential 6-7 du/ac. As shown in Findings A1 through A3, the request complies with applicable Comprehensive Plan text.

Specific Comprehensive Plan Findings for Residential Designated Lands
Subsection 4.197 (.02) C.

A10. Findings A1 through A3 under this request provide the required specific findings for Implementation Measures 4.1.4.b, d, e, q, and x.

Public Facility Concurrency
Subsection 4.197 (.02) D.

A11. The applicant's materials and plan set demonstrate the existing primary public facilities are available or can be provided in conjunction with the project.

Impact on SROZ Areas
Subsection 4.197 (.02) E.

A12. There is no SROZ area on the property; therefore, this standard does not apply.

Development within 2 Years
Subsection 4.197 (.02) F.

A13. Related land use approvals will expire after 2 years, therefore, requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years, thus allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval
Subsection 4.197 (.02) G.

A14. As can be found in the Findings for the accompanying requests, the proposal meets the applicable development standards either as proposed or through a condition of approval.

Request B: DB21-0030 Stage I Master Plan

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Comprehensive Plan

City Support Development of Land Within City Consistent with Land Use Designation
Goal 2.1, Policy 2.1.1., Implementation Measure 2.1.1.a.

B1. The City's Comprehensive Plan designates the subject property for residential use.

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance
Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

B2. The proposal provides for urbanization of an area planned for residential use to provide additional housing within the City available to workers employed within the City. However, no special provisions or programs target the units to workers employed within the City.

City Obligated to do its Fair Share to Increase Development Capacity within UGB
Implementation Measure 2.2.1.b.

B3. The property is within the urban growth boundary and available for use consistent with its residential designation. Allowing development of the property for additional residential

units supports the further urbanization and increased capacity of residential land within the Urban Growth Boundary.

Urban Development Only Where Necessary Facilities can be Provided Implementation Measure 3.1.2.a.

- B4.** As can be found in the findings for the Stage II Final plan, the proposed development either provides, proposes, or is required to extend all necessary facilities and services.

Provision of Usable Open Space Implementation Measures 3.1.11.p, 4.1.5.kk

- B5.** Findings related to Section 4.113 of the Development Code offer additional details related to provision of usable open space.

Wide Range of Housing Choices, Planning for a Variety of Housing Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

- B6.** As discussed under Request A, above, based on data used for the City of Wilsonville 2020 Annual Housing Report, the City has 11,275 housing units in the following mix:
- 45.2% Apartments
 - 40.7% Single-Unit Dwellings
 - 7.8% Middle Housing (including duplexes, attached single-family homes, ADUs and cottage-style homes)
 - 4.6% Condominiums
 - 1.3% Mobile Homes

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

Accommodating Housing Needs of Existing Residents Implementation Measure 4.1.4.f.

- B7.** Once partitioned, the applicant intends to sell Parcel 2 to a developer for residential use. It is anticipated, but not guarantee, that the purchaser would provide a housing product attractive to existing residents of the City as a whole including current homeowners and current renters looking to purchase in a price range similar to other nearby homes. There is no additional action the City can take under applicable standards to control the type of housing and price point developed.

Planned Development Regulations

Planned Development Lot Qualifications

Subsection 4.140 (.02)

- B8.** The planned partition will accommodate residential development on Parcel 2 with frontage on a public street consistent with the purpose of Section 4.140.

Ownership Requirements

Subsection 4.140 (.03)

- B9.** The application has been submitted on behalf of the property owner, Meridian United Church of Christ, and is signed by an authorized representative, Marsia Gunter.

Professional Design Team

Subsection 4.140 (.04)

- B10.** Ben Altman with Pioneer Design Group, Inc., is the coordinator of a professional design team with all the necessary disciplines including an engineer, a surveyor, and a planner among other professionals.

Planned Development Permit Process

Subsection 4.140 (.05)

- B11.** The subject property is greater than 2 acres, is designated for residential development in the Comprehensive Plan, and is proposed to be zoned PDR-4. The property is being planned and developed as a planned development.

Comprehensive Plan Consistency

Subsection 4.140 (.06)

- B12.** The proposed partition, as found elsewhere in this Staff Report, complies with the proposed PDR-4 zoning designation, which implements the existing Comprehensive Plan designation of Residential 6-7 du/ac.

Planned Development Application Requirements

Subsection 4.140 (.07)

- B13.** Review of the proposed Stage I Master Plan has been scheduled for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:
- The property affected by the Stage I Master Plan is under an application by the property owner.
 - The applicant submitted a Stage I Master Plan request on a form prescribed by the City.
 - The applicant identified a professional design team and coordinator. See Finding B10.

- The applicant has stated the uses involved in the Master Plan and their locations.
- The applicant provided the boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant proposes a single phase of development.
- Any necessary performance bonds will be required.

Request C: DB21-0031 Stage II Final Plan

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Planned Development Regulations

Planned Developments Lot Qualifications
Subsection 4.140 (.02)

- C1.** The subject property is 2.39 acres in size and is suitable for a planned unit development. The planned partition will accommodate residential development on Parcel 2 with frontage on a public street consistent with the purpose of Section 4.140. Concurrent with the request for a Stage II Final Plan, the applicant proposes to rezone the property to PDR-4.

Ownership Requirements
Subsection 4.140 (.03)

- C2.** The owner of the subject property signed an application form included with the application.

Professional Design Team
Subsection 4.140 (.04)

- C3.** Ben Altman with Pioneer Design Group, Inc., is the coordinator of a professional design team with all the necessary disciplines including an engineer, a surveyor, and a planner among other professionals.

Stage II Final Plan Submission Requirements and Process

Consistency with Comprehensive Plan and Other Plans
Subsection 4.140 (.09) J. 1.

- C4.** The project is consistent with the Comprehensive Plan and other applicable plans of which staff is aware.

Traffic Concurrency
Subsection 4.140 (.09) J. 2.

- C5.** Per the applicant's code response, Phase 1, which would create Parcels 1 and 2, will not significantly alter existing trip generation from the historic operation of the church, as

addressed in the previous land use approval 98DB35. No change to existing impacts are anticipated until Parcel 2 is developed. A separate traffic study may be required at the time of application for development of Parcel 2 based on the number of trips likely to be generated. Therefore, the applicant requested and was granted a Waiver of the traffic report requirement (see Exhibit B2).

Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

- C6. The applicant's materials and plan set demonstrate the existing primary public facilities are available to serve the church. Future impacts of development of Parcel 2 will be evaluated at the time of proposed development.

Adherence to Approved Plans

Subsection 4.140 (.09) L.

- C7. A Condition of Approval ensures adherence to approved plans except for minor revisions approved by the Planning Director.

General Residential Development Standards

Outdoor Recreational Area and Open Space Land Area Requirements

Subsections 4.113 (.01)

- C8. Per the applicant's narrative, the Phase 1 tentative partition plat provides approximately 17,480 square feet (0.40 acre) of developable land in proposed Parcel 2, not including land in the extension along the drive aisle to SW Boeckman Road. Based on the developable area of Parcel 2, it could accommodate housing units within the limits allowed by the City and any required open space (25%). Open space requirements for Parcel 2 will be reviewed when a development application is received.

Building Setbacks – Lots Over 10,000 Square Feet

Subsection 4.113 (.02) A.

- C9. The proposed partition parcels exceed 10,000 square feet in size. Required setbacks include front yard setback of 20 feet, garage door setback of 20 feet, side yard setback of 10 feet, and rear yard setback of 20 feet. Special setbacks for certain housing types such as townhouses or cottage clusters adopted with Ordinance No. 851 and going into effect on November 18, 2021 may apply. The applicant has requested a waiver to reduce the setback to zero (0) feet at the east/west property boundary between Parcels 1 and 3 in Phase 2; see Request E (DB21-0033). This is because the partition line in this location would divide the existing church building into two and it would not be possible to comply with the setback requirement. All other setbacks will meet existing standards.

Building Setbacks – Lots Not Exceeding 10,000 Square Feet
Subsection 4.113 (.02) B.

C10. All proposed parcels exceed 10,000 square feet in size; therefore, this subsection is not applicable.

Effects of Compliance Requirements and Conditions on Cost of Needed Housing
Subsection 4.113 (.13)

C11. No parties have presented evidence nor has staff discovered evidence that provisions of this section are in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

Underground Utilities Required
Subsection 4.118 (.02) and Sections 4.300 to 4.320

C12. The developer of Parcel 2, when development occurs, will be required to install all utilities underground as required by the Code.

Habitat Friendly Development Practices to be Used to the Extent Practicable
Subsection 4.118 (.09)

C13. The subject property does not contain any wildlife corridors or fish passages or SROZ. Any grading that may occur on proposed Parcels 1 and 3 to construct additional parking or make utility improvements will minimize grading to only what is required to install site improvements. Proposed practices of future development on Parcel 2 will be evaluated when an application is received.

Permitted Uses
Subsections 4.124 (.01) and (.02)

C14. The applicant proposes to continue the church use, with associated improvements, on Parcels 1, Parcel 3, and Tract A, which is a conditional use in the PDR-4 zone. Residential development of Parcel 2 is an allowed use in the PDR-4 zone. While no allowed accessory uses are specifically mentioned in the applicant's materials, they will continue to be allowed.

Block and Access Standards in PDR Zones

Maximum Block Perimeter: 1800 Feet
Subsection 4.124 (.09) 1.

C15. No new blocks will be created as part of the proposed partition, and the existing block lengths in the neighborhood will not be compromised with the proposed development.

Maximum Spacing Between Streets for Local Access: 530 Feet
Subsection 4.124 (.09) 2.

C16. No new streets are proposed as part of the current application and street spacing standards will continue to be met.

Maximum Block Length Without Bicycle or Pedestrian Crossing: 330 Feet
Subsection 4.124 (.09) 3.

C17. No changes to existing access to the subject property are proposed and no new blocks will be created; therefore, the standard will continue to be met.

PDR-4 Zone Standards

Minimum (4,500 sf) Lot Size
Subsections 4.124 (.07)

C18. The Tentative Partition Plan shows all proposed parcels exceeding the minimum lot size of 3,000 square feet for the PDR-4 zone.

Minimum Density and Maximum Density
Subsection 4.124 (.05)

C19. Minimum density is 6 du/ac and maximum density is 7.5 du/ac in the PDR-4 zone with a Comprehensive Plan Map designation of Residential 6-7 du/ac. The Comprehensive Plan density range is understood to be the controlling standard for density as historically applied elsewhere with Planned Development Residential zoning. Parcel 2 as proposed includes 17,480 square feet (0.40 acre) of developable land and 11,485 square feet (0.26 acre) of drive aisle, which is not developable in residential use as it serves as access for all existing and proposed structures on the subject site. Multiplying the 0.40 acre in proposed Parcel 2 by the minimum density of 6 du/ac and maximum density of 7.5 du/ac for the PDR-4 zone, results in a range of 2.4 to 3 dwelling units subject to density maximums. Staff notes the site would be subject to the allowance of ADUs or middle housing not subject to density maximums in the zone under Ordinance No. 851 going into effect November 18, 2021.

Minimum Lot Width: 35 Feet
Subsection 4.124(.07)

C20. The Tentative Partition Plan shows all proposed parcels with more than a 35-foot width.

Minimum Street Frontage: 35 Feet, 24 Feet on Cul-de-sac
Subsection 4.124(.07)

C21. The Tentative Partition Plat shows all proposed parcels with frontage of at least 35 feet.

Minimum Lot Depth: 60 Feet
Subsection 4.124 (.07)

C22. The Tentative Partition Plat shows the minimum lot depth for all lots exceeds 60 feet.

Maximum Height: 35 Feet
Subsection 4.124 (.07)

C23. Existing structures on the site are in compliance with the height standard. The height of homes that may be developed on Parcel 2 will be evaluated at time of development and will not be approved for construction with a height greater than 35 feet.

Maximum Lot Coverage
Subsection 4.124 (.07)

C24. Future residential development on Parcel 2 will be required to meet lot coverage requirements.

SROZ Regulations

Prohibited Activities
Section 4.139.04

C25. There is no SROZ area on the property; therefore, this standard does not apply.

On-site Pedestrian Access and Circulation

Continuous Pathway System
Section 4.154 (.01) B. 1.

C26. The subject property fronts on SW Boeckman Road. According to the applicant's narrative, there currently is not a full standard sidewalk along the frontage. There is a standard 5-foot sidewalk up to the east property line, then an offset 3-foot sidewalk up to the front door of the church. A sidewalk easement was granted to the West Linn/Wilsonville School District to allow a sidewalk to be extended across the front of the site. There is an internal pathway system of concrete walkways and painted crosswalks providing access to the church and parking area, but not Parcel 2. No changes are proposed to the pathway system with the current application; therefore, a Condition of Approval has been added to require a pedestrian easement on the existing church sidewalk to ensure pedestrian access to Parcel 2. The design of a pathway system within Parcel 2 will be reviewed when development of that site occurs.

The applicant notes that, as part of the approvals for the new sanctuary (98DB35), the Church executed an agreement with the City to pay their proportional share of future street improvements for SW Boeckman Road. This agreement has been fully executed and paid in full.

Safe, Direct, and Convenient
Section 4.154 (.01) B. 2.

C27. The submitted plans show sidewalk and pathways providing safe, direct, and convenient access to existing buildings on the site. As discussed under Finding C26, above, a Condition of Approval ensures similar access to Parcel 2.

Vehicle/Pathway Separation
Section 4.154 (.01) B. 3.

C28. The existing pathway vertically and or horizontally separate sidewalks and pathways from vehicle travel lanes except for the driveway and parking area crosswalks. The design of a pathway system within Parcel 2 will be reviewed when development of that site occurs.

Crosswalks Delineation
Section 4.154 (.01) B. 4.

C29. All existing pathways are clearly marked with contrasting paint or constructed of contrasting materials. The design of pathways within Parcel 2 will be reviewed when development of that site occurs.

Pathway Width and Surface
Section 4.154 (.01) B. 5.

C30. All existing pathways, except through the parking area, are concrete or asphalt and meet or exceed the 5-foot required width.

Parking Area Design Standards

Minimum and Maximum Parking
Subsection 4.155 (.03) G.

C31. According to the applicant's narrative and plans, the existing parking provides 78 paved spaces, with additional graveled area for auxiliary parking for about 30 cars. Under conditions of approval of previous land use approval 98DB35, a minimum of 91 parking spaces is required for church operations. Since the unimproved, auxiliary parking area will be eliminated with development of Parcel 2, an additional 13 spaces are needed to meet the required 91-space minimum. The applicant proposes to construct these 13 spaces in two southern part of the paved parking area to maintain compliance with the previous approval. Anticipated future residential development on Parcel 2 will be addressed under a separate application, and will be required to provide parking consistent with Code standards.

Other Parking Area Design Standards
Subsections 4.155 (.02) and (.03)

C32. The applicable standards for Parcels 1 and 3 are met as shown in the following table. Parking standards for Parcel 2 will be addressed under separate application when a development application is received.

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for parking	<input checked="" type="checkbox"/>	All existing and proposed additional parking serving the church is accessible and usable for parking.
I. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	The parking area is surfaced with asphalt or other approved materials.
Drainage meeting City standards	<input checked="" type="checkbox"/>	No changes are proposed to the existing stormwater facility with the current application; however, it will be reassessed for potential shared use with development on Parcel 2 in the future and may be upgraded to City standards at that time.
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	No changes are proposed to the parking area serving the church and access and maneuvering will continue to be adequate.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	Pursuant to Section 4.154 pedestrian circulation in the parking area is separate from vehicle circulation by vertical separation except at driveways and crosswalks.

Other General Regulations

Access, Ingress and Egress
Subsection 4.167 (.01)

C33. Access for Parcels 1 and 3, via the driveway on SW Boeckman Road, will not change as a result of the proposed partition. Proposed access for Parcel 2 is through the drive aisle of the existing church parking area. The driveway is previously approved and meets City requirements.

Protection of Natural Features and Other Resources

General Terrain Preparation Section 4.171 (.02)

C34. There are no natural features or SROZ on the subject property. Any grading of the site for the limited proposed improvements in the parking area or for utilities will require a grading permit issued by the City's Building Division ensuring planned grading conforms with the Uniform Building Code.

Trees and Wooded Areas Section 4.171 (.04)

C35. The applicant proposes to replace trees in the parking area damaged by the 2021 winter ice storm. All other trees on the subject site will not be affected by the current application. Tree removal and preservation for Parcel 2 will be addressed in the future when development is proposed on the site.

Earth Movement and Soil Hazard Areas Subsections 4.171 (.07) and (.08)

C36. The applicant states the subject property does not contain any earth movement or soil hazard areas.

Historic Resources Subsection 4.171 (.09)

C37. Part of the existing church building is a historic chapel (Frog Pond Church). The Bob Weidemann Japanese Maple is located in front of the chapel on the south side of SW Boeckman Road. Neither of these will be affected by the proposed partition or site improvements. Neither the applicant nor the City have identified any other historic, cultural, or archaeological items on the site, nor does any available information on the history of the site compel further investigation.

Public Safety and Crime Prevention

Design for Public Safety, Addressing, Lighting to Discourage Crime Section 4.175

C38. The development will be designed with typical lighting and other design elements and there is no indication that any design element would encourage crime.

Landscaping Standards

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

C39. As shown in the submitted landscape plan, the applicant proposes to replace trees in the parking area damaged by the 2021 winter ice storm, and to replace perimeter landscaping along the west side and in some of the landscape islands in the parking area consistent with the prior land use approval (98DB35). All other trees and landscaping on the subject site will not be affected by the current application. Conditions of Approval ensure that replacement and/or new landscaping will meet the applicable landscaping standards and be installed to using current industry practices.

Street Improvement Standards

Street Improvement Standards Subsection 4.177

C40. No street improvements are required or proposed. Thus there is not a change in the projects conformance with applicable street improvement standards.

Waiver of Remonstrance Required Subsection 4.177 (.02) C. 2.

C41. A Condition of Approval requires a waiver of remonstrance against formation of a local improvement district be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of the recordation of a final plat.

Private Access/Circulation Drives

Definition Subsection 4.001 (230.)

C42. The applicant proposes to provide access to Parcel 2 through the existing drive aisle, which will be included as a 35-foot-wide extension of the parcel north to SW Boeckman Road. This drive area is considered a "Private Access/Circulation Drive" similar to commercial driveway/parking areas in a retail shopping center, industrial development, or apartment complex. It meets this definition as it provides access to a mix of uses.

Residential Private Access Drives Subsection 4.177 (.07)

C43. As explained in Finding C42 above the access driveway on the proposed Parcel 2 is considered a Private Access/Circulation Drive rather than a Residential Private Access Drive. Therefore the standards of this subsection do not apply.

Access Drive Development Standards
Subsection 4.177 (.08)

C44. A Condition of Approval ensures the responsible parties keep the access drives clear. The applicant has not submitted information on the load capacity of the legally existing drive area. To staff's knowledge the drive area is of typical commercial construction which is typically capable of carrying a 23-ton load. While the applicant is not required to make any changes to the existing access drive, a Condition of Approval requires any expansion of the drive area or any future redevelopment of the drive area to verify its capacity to carry a 23-ton load.

Request D: DB21-0032 Tentative Partition Plat

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Land Division Authorization

Plat Review Authority
Subsection 4.202 (.01) through (.03)

D1. The Development Review Board is reviewing the tentative partition according to this subsection. The Planning Division will review the final partition plat under the authority of the Planning Director to ensure compliance with the DRB review of the tentative partition plat.

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

D2. The proposed land division does not divide lots into smaller sizes than allowed by the PDR-4 zone. See Request C.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

D3. The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation
Subsection 4.210 (.01) A.

D4. Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm prepared the tentative partition plat.

Tentative Plat Submission
 Subsection 4.210 (.01) B.

D5. The applicant has submitted a tentative partition plat with all the required information.

Phases to Be Shown
 Subsection 4.210 (.01) D.

D6. As shown in the tentative partition plat and summarized in the table below, Phase 1 of the partition would result in Parcel 1 (1.44 acres), Parcel 2 (0.66 acre), and Tract A (0.29 acre). Phase 2 would further divide Parcel 1 into Parcel 1 (0.44 acre) and Parcel 3 (1.00 acre), with no change to the configuration of Parcel 2 and Tract A. Staff notes that boundaries and acreages of the partition parcels as shown on the tentative partition plat and in the table are based on a revision of the plans submitted by the applicant on October 20, 2021.

Proposed Partition Parcels and Phases				
	Phase 1		Phase 2	
Parcel 1	62,868 sf	1.44 ac	19,083 sf	0.44 ac
Parcel 2	28,965 sf	0.66 ac	28,965 sf	0.66 ac
- <i>Developable Portion</i>	<i>17,480 sf</i>	<i>0.40 ac</i>	<i>17,480 sf</i>	<i>0.40 ac</i>
- <i>Drive Aisle</i>	<i>11,485 sf</i>	<i>0.26 ac</i>	<i>11,485 sf</i>	<i>0.26 ac</i>
Parcel 3	--	--	43,785 sf	1.00 ac
Tract A	12,439 sf	0.29 ac	12,439 sf	0.29 ac
Total	104,272 sf	2.39 ac	104,272 sf	2.39 ac

The applicant proposes to implement the proposed partition in two Phases as follows:

- Proposed Phase 1, anticipated by the applicant to occur within two years of Development Review Board decision on the project:
 - Create Parcel 1, including 62,868 square feet (1.44 acres), containing the entire church building, landscaping, parking, and other site improvements
 - Create Parcel 2, including 17,480 square feet (0.40 acre) of developable area, on the south side of the property with a 35-foot-wide extension north along the existing drive aisle, containing 11,485 square feet (0.26 acre), to provide access from SW Boeckman Road as well as required street frontage for the parcel
 - Create Tract A, including 12,439 square feet (0.29 acre), containing the existing stormwater facility, landscaping and parking along the west property boundary
 - Provide reciprocal access, parking, and utility easements for the benefit of the church for continued use of the existing drive aisle (in Parcel 2), parking and stormwater facility (in Tract A), and utilities throughout the site
 - Create 13 new parking spaces for the church

- Proposed Phase 2, with uncertain timing according to the applicant and only expected to occur if the church decides to sell a portion of the existing building:
 - Reduce Parcel 1 by 43,785 square feet (1.00 acre) to create Parcel 3
 - Create Parcel 3, including 43,785 square feet (1.00 acre), containing the sanctuary building at the south end of the church building, as well as parking and landscaping, with a 35-foot-wide extension north on the east side of the drive aisle to provide required street frontage for the parcel on SW Boeckman Road
 - Build an ownership partition party wall to separate the sanctuary from the remainder of the church building; this requires a Setback Waiver to allow a zero lot line between the sanctuary and rest of the church building

In their application material the applicant does not indicate a timeline for Phase 2 of the partition to divide the existing building on two parcels. Staff recommends a Condition of Approval imposing a two-year timeline, as this is the typical valid timeline for land division and other land use approvals. The applicant has not provided any specific rational or request to extend the timeline more than is typical.

Remainder Tracts

Subsection 4.210 (.01) E.

D7. The tentative partition plat accounts for all land within the plat area as lots, tracts, or right-of-way.

Street Requirements for Land Divisions

Master Plan or Map Conformance

Subsection 4.236 (.01)

D8. As found in other findings in this report, the land division is in harmony with the Transportation Systems Plan and other applicable plans.

Adjoining Streets Relationship

Subsection 4.236 (.02) A.

D9. The new public streets are proposed as part of the proposed partition, therefore, relationship to adjoining streets will continue unchanged.

Planning for Further Land Divisions in Relation to Street System

Subsection 4.236 (.02) C.

D10. The resulting parcels are of a size that could allow further division. However, there are not existing street plans or requirements identified that would trigger specific requirements for future divisions related to layout or streets.

Streets Standards Conformance
Subsection 4.236 (.03)

D11. As discussed in the Request C, Stage II Final Plan, Findings, no new streets are proposed with the current application and existing streets and block sizes conform with the standards.

Topography
Subsection 4.236 (.05)

D12. No significant topography exists affecting street layout decisions.

Reserve Strips
Subsection 4.236 (.06)

D13. No reserve strips are proposed as part of this partition, therefore, this criteria is not applicable.

Future Street Expansion
Subsection 4.236 (.07)

D14. The future street expansion is proposed as part of this partition, therefore, this criteria does not apply.

Additional Right-of-Way
Subsection 4.236 (.08)

D15. No additional right-of-way is required for the proposed partition plat.

Street Names
Subsection 4.236 (.09)

D16. No street names are proposed with this application.

General Land Division Requirements-Blocks

Blocks for Adequate Building Sites in Conformance with Zoning
Subsection 4.237 (.01)

D17. Streets and block size for Planned Development Residential zones are addressed in the Stage II Final Plan. See Request C. The tentative partition plat provides adequate residential building sites, and safe and convenient access and circulation are already provided by the project for vehicles, pedestrians, and bicycles in compliance with applicable requirements in the Wilsonville Development Code and Transportation System Plan.

General Land Division Requirements-Easements

Utility Line Easements Subsection 4.237 (.02) A.

D18. As will be further verified during the Public Works Permit review and final partition plat review, the applicant will install all utility lines in right-of-way or dedicated easements. Franchise utility providers will install their lines within public utility easements established on the plat.

Water Courses Subsection 4.237 (.02) B.

D19. This standard does not apply as there are no water courses or SROZ on the subject site.

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement Subsection 4.237 (.03)

D20. No mid-block pathways are proposed or required.

General Land Division Requirements-Tree Planting

Tree Planting Plan Review and Street Tree Easements Subsection 4.237 (.03)

D21. No new public streets and no street trees are required or proposed with this application, therefore, this standard does not apply.

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate Subsection 4.237 (.05)

D22. The proposed lot sizes, widths, shapes and orientations are appropriate for the proposed uses on the site and meet standards for the PDR-4 zone.

General Land Division Requirements-Access

Minimum Street Frontage Subsection 4.237 (.06)

D23. The full width of the front lot line of each lot fronts a public street or private drive. Each lot meets or exceeds the minimum lot width at the front lot line. See Request C.

General Land Division Requirements-Other

Lot Side Lines

Subsection 4.237 (.08)

D24. Side lot lines run at or near a 90-degree angle to the front line to the extent feasible.

Corner Lots

Subsection 4.237 (.13)

D25. No corner lots are proposed with this application.

Lots of Record

Lots of Record

Section 4.250

D26. The applicant provided documentation all subject lots are lots of record.

Request E: DB21-0033 Setback Waiver

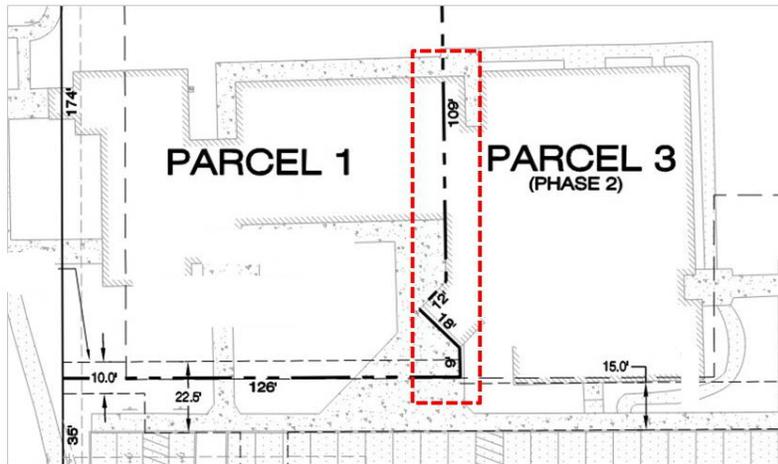
As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Waivers: Waive Minimum Side Yard Setback

Waiver of Typical Development Standards

Subsection 4.118 (.03) A.

E1. Phase 2 of the partition proposes to divide Parcel 1, containing the church building and grounds, into two, Parcels 1 and 3, separating the newer sanctuary from the remainder of the building. The current application requests rezoning of the property from RA-H to PDR-4. Required minimum setbacks in the PDR-4 zone for lots exceeding 10,000 square feet in size are: 15 feet front; 5 feet side for one story and 7 feet side for two or more stories; and 15 feet rear for one story and 20 feet rear for two or more stories. The applicant is requesting a setback waiver to allow a zero lot line between the resulting buildings on Parcels 1 and 3, as highlighted in the illustration below, as it is not possible to meet the required setbacks.



Purpose and Objectives of Planned Development Regulations
 Subsection 4.140 (.01) B.

- E2.** Pursuant to Subsection 4.118 (.03) A. waivers must implement or better implement the purpose and objectives listed in this Subsection, including, but not limited to, to take advantage of functional land use design, to produce development equal to or better than that resulting from traditional lot land use development, and to permit flexibility of design.

Per the 2019 Oregon Structural Specialty Code Section 706.1.1 and Section 706.8, any wall located on a lot line between adjacent buildings, which is used, or adapted for joint service between two buildings, must be constructed as a fire wall. Further, party walls must create separate buildings. Therefore, as stated in the applicant’s narrative, they specifically requested the setback waiver to allow construction of a partition wall to physically separate the two sections of the existing church building by creating a fire rated common wall between proposed Parcels 1 and 3.

Other than responding to this compliance requirement, which is necessary to accomplish the partition of the existing building on two parcels, the applicant’s narrative and code response has not provided any evidence that the setback waiver better implements the purposes and objectives of this Subsection.

Exhibit C1
Public Works Plan Submittal Requirements
and Other Engineering Requirements

1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2017
2. Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

Coverage (<i>Aggregate, except where noted</i>)	Limit
<u>Commercial General Liability:</u>	
▪ General Aggregate (per project)	\$3,000,000
▪ General Aggregate (per occurrence)	\$2,000,000
▪ Fire Damage (any one fire)	\$50,000
▪ Medical Expense (any one person)	\$10,000
<u>Business Automobile Liability Insurance:</u>	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
<u>Workers Compensation Insurance</u>	\$500,000

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.
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.
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 Public Works 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 Code and the Public Works Standards.
 - j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
 - k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
 - l. All plans submitted for review shall be in sets of a digitally-signed PDF and three printed sets.
6. Submit plans in the following general 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 invert elevations at all utility crossings; include laterals in profile view or provide table with invert elevations at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
 - j. Street Plans.
 - 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 stormwater management facilities (both plan and profile views), including water quality orifice diameter, manhole and beehive rim elevations, growing medium, and a summary table with planting area, types and quantities. Provide details of inlet structure, energy dissipation device, drain inlets, structures, and piping for outfall

structure. Note that although stormwater facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.

- n. Composite Franchise Utility Plan.
 - o. City of Wilsonville detail drawings.
 - p. Illumination Plan.
 - q. Striping and Signage Plan.
 - r. Landscape Plan.
7. Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
 8. The applicant shall install, operate and maintain adequate erosion control measures in conformance with City Code and the Public Works Standards during construction and until such time as approved permanent vegetative materials have been installed.
 9. Applicant shall notify City 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 of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
 10. The applicant shall be in conformance with all stormwater treatment and flow control requirements for the proposed development per the Public Works Standards. Unless the City approves the use of an Engineered Method, the City's BMP Sizing Tool shall be used to design and size stormwater facilities.
 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.
 12. Proprietary stormwater management facilities are only allowed where conditions limit the use of infiltration (e.g., steep slopes, high groundwater table, well-head protection areas, or contaminated soils). If a proprietary stormwater management facility is approved by the City, 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.
 13. Stormwater management facilities shall have approved landscape planted and approved by the City of Wilsonville prior to paving.
 14. 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.

15. 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.
16. Sidewalks, crosswalks and pedestrian linkages shall be in compliance with the requirements of the U.S. Access Board.
17. No surcharging of sanitary or storm water manholes is allowed.
18. 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.
19. 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.
20. The applicant shall provide adequate sight distance at all project street intersections, alley intersections and commercial driveways by properly designing intersection alignments, establishing set-backs, driveway placement and/or vegetation control. Coordinate and align proposed streets, alleys and commercial driveways with existing streets, alleys and commercial driveways located on the opposite side of the proposed project site existing roadways. Specific designs shall be approved by a Professional Engineer registered in the State of Oregon. As part of project acceptance by the City the Applicant shall have the sight distance at all project intersections, alley intersections and commercial driveways verified and approved by a Professional Engineer registered in the State of Oregon, with the approval(s) submitted to the City (on City-approved forms).
21. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
22. Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Republic Services for access and use of their vehicles.

23. The applicant shall provide the City with a Stormwater Maintenance Easement Agreement (on City-approved forms) for City inspection of those portions of the storm system to be privately maintained.
24. Stormwater management facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all stormwater management facilities.
25. The applicant shall “loop” proposed waterlines by connecting to the existing City waterlines where applicable.
26. Mylar Record Drawings:

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, and a digitally signed PDF.

From: [Dean Lamm](#)
To: [Luxhoj, Cindy](#)
Subject: Meridian United Church
Date: Tuesday, October 26, 2021 4:45:24 PM

[This email originated outside of the City of Wilsonville]

The application to rezone and partition the Meridian Church, leaves a lot of questions unanswered. How tall will the houses be and how many are going to be built? How close are they going to be to present homes? The new owners of the houses that will be built, might not think much of taking care of a driveway that's a couple of 100 feet long. Who is going to acquire ownership of the present buildings? All this affects the home owners that surround these lots. With the present information, we are opposed to this site being partitioned into smaller lots.

It would be more of an asset to the community for it to be left in its present development, and maintained in better condition than it is now. When the time comes for the city council to make their decisions on the property, I hope they will think of the long term effects it will have on that property and the homeowners that surround it.

We oppose any changes to this property.

Dean and Beverly Lamm
28094 SW Willow Creek Dr.



Good Morning Cindy,

Please accept my revised version of my opinions and understanding of the project.

Sincerely,

Marcia Hubel

Marcia Hubel

RECEIVED
OCT 29 2021

BY: _____



Three Parcel Partition & Zone Map Amendment
Meridian United Church of Christ (Frog Pond)

Attention: Cindy Luxhoj

Dear Cindy

I appreciate the time and in-depth conversation on we had on Wednesday October 27th regarding the Meridian United Church of Christ Proposed land development. As I explained during our conversation my family and I has lived at 28184 SW Willow creek since 1999. My property backs up the the church property at the areas of Tract 'A' and Parcel #2.

It is my understanding that the parcel labeled, Tract 'A' is considered a LID, Low Impact Drain, designed to accommodate storm water run off within this property. This particular LID may not meet the current standards for LID storm water management at this time. It is possible that this parcel will need to be studied and updated for a more robust storm drain system. The changes to the storm drain system should not alter the current plan for this parcel of land which is slated to remain an undeveloped piece of parcel associated with the Meridian United Church of Christ land development proposal. In the case that the church does not remain a viable entity, during this proposed division of land or in future years to come; a statute should be proposed to ensure this land, Tract 'A', will remain a permanent LID site and not a viable parcel to be developed or considered for future homes sites. This statute would protect the current values the neighborhood homes and serve as a buffer to keep the integrity of the homes that line the Willow Creek Drive neighborhood.

Next I would like to address the development of Parcel #2. The proposed plan for this parcel, as I understand, is a maximum of three homes, most likely a grouping of row houses located at the East most portion of this Parcel.

In Phase 3 a setback/zero lot line will enable the church to separate and preserve the historic portion of the Meridian United Church of Christ built in 1878 from the new section of the building. This separation allows for two groups to benefit from the use of the building structure. In this land development proposal, Parcel #3 is the only parcel to use the "setback /zero lot line" .

As I understand, the first phase of this project pertains to applications process for partition of the Meridian United Church of Christ Land Development.

The second phase will be the review of the project, submission of the final plat, assessment by the city engineering department and the county, followed by the process of recording the actions decided upon by the City of Wilsonville.

It is important that the City of Wilsonville take great care to keep in mind the objectives for project;

The church wishes to remain a vital place of worship for its members, especially with its historic value to the community. The church and the neighbors will continue to share a common property line that is in the best interest of both parties. Finally, the parcels of land are small which provides the potential to create a difficult situation going forward unless a reasonable plan for the property considered for development.

I appreciate your consideration of my thoughts.

Marcia Hubel

From: [Charles Brau](#)
To: [Luxhoj, Cindy](#)
Subject: Public Hearing Notice
Date: Friday, October 29, 2021 7:04:12 AM

[This email originated outside of the City of Wilsonville]

Subject: Public Hearing Notice

Dear Cindy,

Thank you again for speaking with me Tuesday regarding the zone map amendment proposed by the Meridian United Church of Christ. My wife and I live on Willow Creek Drive and our home backs up to Tract 'A' as well as 'Parcel 2'. We understand the Church's desire to divide the current lot into three parcels. However, we are quite concerned about the proposal in its current form.

Below are some of our main concerns:

- we only received the public notice Monday (October 25th) which gives us very little time to prepare for the Monday (November 8th) meeting.
- the proposal is not complete. It seems premature to decide on this before the boundaries of the parcels are still being adjusted. We would like to see a final proposal to review prior to the Review Board's recommendation.
- the configuration of 'Parcel 2' seems odd. It appears to be a flag lot with a long driveway. The main body surrounds three sides of Tract 'A'. We are concerned that the quality of the homes surrounding the parcels would be maintained with any future development. This odd configuration therefore concerns us.
- we understand that Tract 'A' will remain where it is. We agree with this.
- we understand that overall state zoning guidelines could change in the next month or so. Does it make sense to delay a decision on this proposal until future guidelines are better known?
- the proposal cuts out a significant amount of parking spaces. Pre-pandemic parking spaces were frequently filled and should the church resume in person services it is quite possible that parking could encroach on the surrounding neighborhoods including 'Parcels 2 and 3'.

Again, we certainly understand the Church's desire to split the current lot but feel that this proposal has too many unknowns that need to be resolved before a final decision is made.



Thanks for your consideration,

Charlie Brau
28128 SW Willow Creek Drive
Wilsonville, OR. 97070